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SITTING DAYS—2002

<table>
<thead>
<tr>
<th>Month</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>February</td>
<td>12, 13, 14, 18, 19, 20, 21</td>
</tr>
<tr>
<td>March</td>
<td>11, 12, 13, 14, 19, 20, 21</td>
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<tr>
<td>May</td>
<td>14, 15, 16, 27, 28, 29, 30</td>
</tr>
<tr>
<td>June</td>
<td>3, 4, 5, 6, 17, 18, 19, 20, 24, 25, 26, 27</td>
</tr>
<tr>
<td>August</td>
<td>19, 20, 21, 22, 26, 27, 28, 29</td>
</tr>
<tr>
<td>September</td>
<td>16, 17, 18, 19, 23, 24, 25, 26</td>
</tr>
<tr>
<td>October</td>
<td>14, 15, 16, 17, 21, 22, 23, 24</td>
</tr>
<tr>
<td>November</td>
<td>11, 12, 13, 14</td>
</tr>
<tr>
<td>December</td>
<td>2, 3, 4, 5, 9, 10, 11, 12</td>
</tr>
</tbody>
</table>

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- **NEWCASTLE**: 1458 AM
- **BRISBANE**: 936 AM
- **MELBOURNE**: 1026 AM
- **ADELAIDE**: 972 AM
- **PERTH**: 585 AM
- **HOBART**: 729 AM
- **DARWIN**: 102.5 FM
HANSARD CONTENTS

THURSDAY, 21 MARCH

HOUSE HANSARD
Member for Grayndler .......................................................................................... 1833
Main Committee .................................................................................................. 1834
Workplace Relations (Registration and Accountability of Organisations) Bill 2002—
  First Reading .................................................................................................... 1835
  Second Reading ............................................................................................... 1835
Workplace Relations (Registration and Accountability of Organisations) (Consequential Provisions) Bill 2002—
  First Reading .................................................................................................... 1837
  Second Reading ............................................................................................... 1837
Workplace Relations Amendment (Improved Protection for Victorian Workers) Bill 2002—
  First Reading .................................................................................................... 1837
  Second Reading ............................................................................................... 1837
Workplace Relations Amendment (Transmission of Business) Bill 2002—
  First Reading .................................................................................................... 1840
  Second Reading ............................................................................................... 1840
Research Agencies Legislation Amendment Bill 2002—
  First Reading .................................................................................................... 1841
  Second Reading ............................................................................................... 1841
Bankruptcy Legislation Amendment Bill 2002—
  First Reading .................................................................................................... 1843
  Second Reading ............................................................................................... 1844
Bankruptcy (Estate Charges) Amendment Bill 2001—
  First Reading .................................................................................................... 1846
  Second Reading ............................................................................................... 1846
Customs Tariff Amendment Bill (No. 1) 2001—
  First Reading .................................................................................................... 1846
  Second Reading ............................................................................................... 1846
Australian Radiation Protection and Nuclear Safety (Licence Charges) Amendment Bill 2002—
  First Reading .................................................................................................... 1847
  Second Reading ............................................................................................... 1847
Therapeutic Goods and Other Legislation Amendment Bill 2002—
  First Reading .................................................................................................... 1847
  Second Reading ............................................................................................... 1847
International Tax Agreements Amendment Bill (No. 1) 2002—
  First Reading .................................................................................................... 1849
  Second Reading ............................................................................................... 1849
Taxation Laws Amendment Bill (No. 3) 2002—
  First Reading .................................................................................................... 1850
  Second Reading ............................................................................................... 1850
Regional Forest Agreements Bill 2002—
  Second Reading ............................................................................................... 1851
States Grants (Primary and Secondary Education Assistance) Amendment Bill 2002—
  Consideration of Senate Message .................................................................. 1863
Regional Forest Agreements Bill 2002—
  Second Reading ............................................................................................... 1871
  Third Reading .................................................................................................. 1886
Committees—
Broadcasting of Parliamentary Proceedings Committee—Membership .......... 1886
Disability Services Amendment (Improved Quality Assurance) Bill 2002—
First Reading ........................................................................................................... 1886
Second Reading ...................................................................................................... 1886
Committees—
ASIO, ASIS and DSD Committee—Membership .............................................. 1887
Questions Without Notice—
Privilege: Senator Heffernan ........................................................................... 1887
Zimbabwe .............................................................................................................. 1888
Privilege: Senator Heffernan ........................................................................... 1889
Aviation: Industrial Action .................................................................................. 1889
Distinguished Visitors .......................................................................................... 1890
Questions Without Notice—
Privilege: Senator Heffernan ........................................................................... 1891
Workplace Relations: Industrial Action .............................................................. 1891
Privilege: Senator Heffernan ........................................................................... 1891
Commonwealth-State Financial Arrangements .................................................. 1892
Privilege: Senator Heffernan ........................................................................... 1893
Education: Overseas Students ........................................................................... 1893
Privilege: Senator Heffernan ........................................................................... 1894
Aviation: Industrial Action .................................................................................. 1895
Insurance: Public Liability ................................................................................... 1896
Tourism: Statistics ................................................................................................. 1897
Health: Program Funding ..................................................................................... 1898
Youth Affairs: Government Policy ....................................................................... 1900
Health: Program Funding ..................................................................................... 1901
Harmony Day ........................................................................................................ 1902
Liberal Party: Queensland Branch Audit ............................................................ 1903
Howard Government—
Censure Motion ................................................................................................. 1903
Serjeant-At-Arms: Middlebrook, Ms Judy ............................................................ 1918
Business .................................................................................................................. 1919
Questions to the Speaker—
Provision of Newspapers to Members ............................................................... 1919
Attendants: Retirement ......................................................................................... 1919
Petitions: Presentation ......................................................................................... 1919
Questions to the Speaker—
Members of Parliament: Telephone Records .................................................... 1920
Parliament House: Security Cameras ................................................................. 1920
Department of the House of Representatives ..................................................... 1921
House Committees: New Funding ................................................................. 1921
Matters of Public Importance—
Howard Government: Denigration of Government Institutions ................. 1921
Special Adjournment ............................................................................................ 1922
Leave of Absence ................................................................................................ 1922
Business .................................................................................................................. 1922
Marriage Amendment Bill 2002—
Report from Main Committee ........................................................................... 1922
Third Reading ...................................................................................................... 1922
Governor-General’s Speech—
Report from Main Committee ........................................................................... 1922
HANSARD CONTENTS—continued

Broadcasting Services Amendment (Media Ownership) Bill 2002—
  First Reading................................................................................................. 1922
  Second Reading............................................................................................. 1924

Business—
  Rearrangement............................................................................................... 1927

Parliamentary Zone—
  Approval of Proposal..................................................................................... 1927

Insurance: Public Liability.................................................................................. 1928

Australian Security Intelligence Organisation Legislation Amendment
  (Terrorism) Bill 2002—
  First Reading................................................................................................. 1929
  Second Reading............................................................................................. 1930

Australian Security Intelligence Organisation Legislation Amendment
  (Terrorism) Bill 2002—
  Reference to Committee................................................................................ 1932

Committees—
  Public Works Committee—Reference........................................................... 1932

Business—
  Rearrangement............................................................................................... 1934

Financial Sector Legislation Amendment Bill (No. 1) 2002—
  First Reading................................................................................................. 1934
  Second Reading............................................................................................. 1934

Veterans’ Affairs Legislation Amendment Bill (No. 1) 2002—
  First Reading................................................................................................ 1936
  Second Reading............................................................................................. 1936

Migration Legislation Amendment (Transitional Movement) Bill 2002—
  Consideration of Senate Message.................................................................. 1936

Taxation Laws Amendment (Baby Bonus) Bill 2002—
  Consideration of Senate Message.................................................................. 1939

Register of Members’ Interests........................................................................... 1940

Disability Services Amendment (Improved Quality Assurance) Bill 2002—
  Second Reading............................................................................................. 1940
  Third Reading............................................................................................... 1946

Financial Services Reform (Consequential Provisions) Bill 2002—
  Second Reading............................................................................................. 1946
  Third Reading............................................................................................... 1948

Taxation Laws Amendment Bill (No. 1) 2002—
  Consideration of Senate Message.................................................................. 1948

Quarantine Amendment Bill 2002—
  Consideration of Senate Message.................................................................. 1948

Therapeutic Goods Amendment Bill (No. 1) 2002—
  Consideration of Senate Message.................................................................. 1949

Christmas Island: Construction of Immigration Reception and
  Processing Centre............................................................................................ 1950

Committees—
  Education and Training Committee—Membership...................................... 1953

Committees—
  National Crime Authority Committee—Membership.................................... 1953

Bills Returned from the Senate......................................................................... 1953

States Grants (Primary and Secondary Education Assistance) Amendment
  Bill 2002—
  Consideration of Senate Message.................................................................. 1953
CONTENTS—continued

Adjournment—
  Privilege: Senator Heffernan ................................................................. 1954
  Imports: Banana Industry ................................................................. 1955
  Environment: Rainfall .................................................................... 1956
  Zimbabwe: Election ........................................................................ 1956
  Corangamite Electorate: Federation Grant ........................................ 1958
  Roads: Western Sydney Orbital ...................................................... 1958
  Residential Development: Western Sydney ..................................... 1958
  Pollie Pedal .................................................................................... 1959

Notices ............................................................................................... 1961

MAIN COMMITTEE
  House of Representatives: Documentary ............................................ 1962
  Christie, Mr William ........................................................................ 1962
  Marriage Amendment Bill 2002—
    Second Reading ........................................................................ 1962
  Governor-General’s Speech—
    Address-in-Reply ........................................................................ 1980
  Adjournment—
    Western Australia: Electoral System ........................................... 1987
    Shoalhaven Shire: Youth Development Demonstration Project ........ 1988
    Northern Territory: Pine Gap ....................................................... 1990
    Cook Electorate: Crime ................................................................ 1991
    Port Adelaide Electorate: Fort Glanville Historical Association ....... 1992
    Telstra: Services ........................................................................ 1993
    Immigration: Asylum Seekers ..................................................... 1994

Questions on Notice—
  Sri Lanka: Ambassador to Australia—(Question No. 50) .................. 1995
  Education: TAFE—(Question No. 61) ............................................. 1995
  Defence: Aircraft Travel—(Question No. 162) ............................... 1996
  Defence: Aircraft Travel—(Question No. 163) ............................... 1997
  International Labour Organisation—(Question No. 176) ............... 1997
Thursday, 21 March 2002

The SPEAKER (Mr Neil Andrew) took the chair at 9.30 a.m., and read prayers.

MEMBER FOR GRAYNDLER

Mr CAUSLEY (Page) (9.31 a.m.)—I have to report that I was required to adjourn the meeting of the Main Committee in accordance with standing order 282, because of disorder arising. The honourable member for Grayndler persisted in disorderly behaviour by refusing to withdraw a remark after he had been called to order, and thus he defied the chair.

Mr ALBANESE (Grayndler) (9.31 a.m.)—Mr Speaker, on indulgence. The sentence that I said yesterday was:

"Whether it is the issue of Senator Heffernan’s disgraceful abuse of parliamentary privilege and his denigration of Australian institutions with the assistance and support of the Prime Minister, whether it is the lies that were told about children being thrown overboard—"

The SPEAKER—The member for Grayndler is speaking on indulgence. If he says something that I believe abuses that indulgence, I will require him to resume his seat.

Mr ALBANESE—That was my statement, ‘whether it is the lies that were told about children being thrown overboard’. It did not name an individual. To retract a statement that one knows to be true is indeed to be guilty of telling a lie. I was not prepared to do that. Everyone knows that children were not thrown overboard.

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Mr Swan—On indulgence, Mr Speaker, and I will be brief. I am concerned that a precedent may be set in the Main Committee, because it has never been disorderly in this House to say that the government told lies. I note that you have framed your comments in terms of the chair—and I am pleased to hear that—but I want to register our concern that this is not a precedent that should be applied in this House or in the Main Committee.

The SPEAKER—If the Manager of Opposition Business refers to House of Representatives Practice, he will discover that Speaker Snedden had determined that such a comment was unparliamentary. I am prepared to concede that those comments have been made in the past and have not been challenged and that it is an area in which none of us are particularly comfortable. But what the member for Grayndler has done is to defy the chair—that is always unacceptable. The member for Grayndler knows that options are extended to him—in this case by the chair. If he wishes to take up those options he can; otherwise I will take the actions as standing orders provide.

Mr ALBANESE (Grayndler) (9.35 a.m.)—Mr Speaker, I certainly wish to indicate to you and to the Deputy Speaker that it is unfortunate that this situation has arisen. I certainly do not have any intention of defying the chair in an inappropriate way, and I respect the fact that you have put those views forward. However, I was in a situation whereby I certainly could not withdraw, and I regret this situation.

The SPEAKER—The member for Grayndler cannot elaborate. I require him to apologise unreservedly to the Deputy Speaker.

Mr ALBANESE—Unfortunately, due to the issue of children being thrown overboard,
that is something I cannot do because there were lies told about it—

The **SPEAKER**—The member for Grayndler will resume his seat!

Mr Martin Ferguson interjecting—

The **SPEAKER**—The member for Batman!

Mr Martin Ferguson interjecting—

The **SPEAKER**—The member for Batman is warned! I have no choice, given the circumstances, but to name the honourable member for Grayndler.

Mr **ABBOTT** (Warringah—Leader of the House) (9.36 a.m.)—I move:

That the member for Grayndler be suspended from the service of the House.

The House divided. [9.40 a.m.]

(The Speaker—Mr Neil Andrew)

<table>
<thead>
<tr>
<th>Ayes</th>
<th>78</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noes</td>
<td>61</td>
</tr>
<tr>
<td>Majority</td>
<td>17</td>
</tr>
</tbody>
</table>

**AYES**

Abbott, A.J.
Andren, P.J.
Anthony, I.J.
Baird, B.G.
Barresi, P.A.
Billson, B.F.
Bishop, J.I.
Cadmian, A.G.
Causley, I.R.
Ciobo, S.M.
Downer, A.J.G.
Dutton, P.C.
Entsch, W.G.
Forrest, J.A. *
Gash, J.
Haase, B.W.
Hartsuyker, L.
Hockey, J.B.
Hunt, G.A.
Jull, D.F.
Kemp, D.A.
Ley, S.P.
Lloyd, J.E.
May, M.A.
McGuigan, P.J.
Nairn, G. R.
Neville, P.C.
Pearce, C.J.
Pyne, C.
Ruddock, P.M.
Scott, B.C.
Slipper, P.N.
Southcott, A.J.
Thompson, C.P.
Tollner, D.W.
Tuckey, C.W.
Vale, D.S.
Washer, M.J.
Windsor, A.H.C.
Randall, D.J.
Schultz, A.
Secker, P.D.
Smith, A.D.H.
Stone, S.N.
Ticehurst, K.V.
Truss, W.E.
Vailé, M.A.J.
Wakelin, B.H.
Williams, D.R.
Worth, P.M.

**NOES**

Adams, D.G.H.
Beazley, K.C.
Breereton, L.J.
Corcoran, A.K.
Crean, S.F.
Danby, M. *
Ellis, A.L.
Evens, M.J.
Ferguson, M.J.
George, J.
Gillard, J.E.
Griffin, A.P.
Hatton, M.J.
Irwin, J.
Jenkins, H.A.
King, C.F.
Lawrence, C.M.
Macklin, J.L.
McClelland, R.B.
McMullan, R.F.
Mossfield, F.W.
O'Byrne, M.A.
O'Connor, B.P.
Quick, H.V. *
Roxon, N.L.
Sawford, R.W.
Sidebottom, P.S.
Snowdon, W.E.
Tanner, L.
Vamvakinou, M.
Zahra, C.J.

* denotes teller

Question agreed to.

The **SPEAKER**—The member for Grayndler is suspended from the service of the House for 24 hours.

The member for Grayndler then left the chamber.

**MAIN COMMITTEE**

The **SPEAKER**—Yesterday the Main Committee was adjourned until 9.40 a.m.
this morning. I have been advised by the Deputy Speaker that the Main Committee will now reconvene at 10.00 a.m.

WORKPLACE RELATIONS (REGISTRATION AND ACCOUNTABILITY OF ORGANISATIONS) BILL 2002

First Reading

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

Second Reading

Mr ABBOTT (Warringah—Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service) (9.59 a.m.)—I move:

That this bill be now read a second time.

Trade unions and employer organisations are able to seek and obtain registration under the Workplace Relations Act 1996. The statute confers not only substantial rights and privileges, but also significant responsibilities on bodies that are granted registration.

These rules, currently contained in parts IX and X of the Workplace Relations Act, constitute a significant proportion of that act. The regulation of the internal affairs of organisations was not substantially amended by either the coalition’s 1996 reforms, nor by Labor’s 1993 amending act. It is necessary to go back to the recommendations of the Hancock committee in 1984-85 and the subsequent 1988 Hawke government legislation to identify any significant amendments to these statutory provisions. Indeed, some of the current regulatory provisions have remained unaltered for decades.

Over time, the workplace and the workplace relations system have both undergone significant change. Yet the regulatory provisions associated with registered organisations have not been modernised to reflect new requirements of the system, nor contemporary circumstances of employers and employees who may join, or be eligible to join, unions and employer associations. The Workplace Relations (Registration and Accountability of Organisations) (Consequential Provisions) Bill 2002 will address that deficiency.

The principal bill proposes mostly technical, but nonetheless important, amendments to the provisions concerning the internal administration of registered organisations in a manner that modernises them for the first time in years—particularly in relation to disclosure, democratic control, and accountability (both to members and to the workplace relations system itself). In so doing, the principal bill gives effect to the coalition’s long-held commitment, reiterated in our 2001 workplace relations election policy, to improve the statutory provisions governing registered industrial organisations.

The principal bill is substantially similar to the Workplace Relations (Registered Organisations) Bill 2001, which was passed by the House and was before the Senate when parliament was prorogued for the federal election last year. The 2001 bill was developed over a considerable period, with the government actively consulting on its provisions to minimise areas of difference, whilst making meaningful improvements to the regulatory regime.

This consultation process was extensive. In October 1999, the former Minister for Employment, Workplace Relations and Small Business, Peter Reith, issued a public discussion paper outlining policy proposals for legislative change. An exposure draft bill was publicly released in December 1999 and the submissions received resulted in significant revisions to the exposure draft. Continuing this approach, the government accepted a number of opposition amendments to the 2001 bill in the House of Representatives. The effect of those amendments generally was to retain the status quo in areas where policy differences remained evident.

These bills do not seek to impact on the broader debate about the role and nature of industrial organisations. They are presented to this parliament on the basis that the existing regulation surrounding the registration, reporting and accountability of industrial organisations should be modernised to reflect contemporary standards of governance whatever view one might take about their basic role.
If the proposed amendments are assessed on their merits, these bills should be positively received by registered organisations. Sensible measures, such as those proposed in these bills, are capable of increasing the confidence employers, employees, members and prospective members have in the administration of these organisations and influencing decisions they make about the benefits that membership may offer.

The transfer of the bulk of the existing regulatory provisions of parts IX and X of the act into a separate act will make the Workplace Relations Act a more useable and relevant document across the work force. If we are serious in making the statutory framework simpler and more accessible to employers and employees—whether or not they are members of associations—then one practical measure is to reduce the size of the act and make it easier to use by separating the significant proportion of the act that regulates the internal conduct of associations into separate legislation.

I now turn to the major provisions of the Workplace Relations (Registration and Accountability of Organisations) Bill.

This bill provides a stronger focus on disclosure to members in ways consistent with modern accounting and auditing practices and enhances transparency and accountability in a manner broadly consistent with the Corporations Law.

The bill establishes statutory fiduciary duties for officers and employees of organisations modelled on duties applicable to company directors under the Corporations Law. These provisions will provide members of organisations with increased protection against financial mismanagement. This protection is appropriate, given that officials of registered organisations are entrusted with substantial funds on behalf of their members.

The bill makes significant changes to the enforcement arrangements for financial accounting, auditing and reporting obligations. Under the Workplace Relations Act, breach of most financial requirements is a criminal offence. This bill would replace many of these offences with civil penalty provisions and allow the Industrial Registrar to apply to the Federal Court for penalties.

The bill establishes duties on officers and employees of organisations to comply with orders and directions of the Australian Industrial Relations Commission and the Federal Court. Breach of these duties would result in financial penalties and, in the case of officers of organisations, disqualification from holding or seeking office. These provisions, which did not form part of the 2001 bill, have been included in recognition of the fact that such breaches pose a threat to the integrity of the federal workplace relations system.

The bill makes a number of other minor but important changes, including the requirement for non-discriminatory rules of organisations, scope for the creation of model rules for the conduct of elections, the obligation to review membership lists to ascertain and remove long-term unfinancial members, the rights of members to accurate information about resignation from membership, the conduct of elections and ballots, the adoption of Australian accounting standards, improved access by members to financial records and disclosure to members of monies paid to employers where automatic membership payroll deductions are made. In addition, the bill will include the provisions dealing with withdrawal from amalgamations that are currently contained in the workplace relations regulations.

The Workplace Relations (Registration and Accountability of Organisations) (Consequential Provisions) Bill contains transitional and saving provisions designed to ensure a smooth transition from the current regulation of registered organisations under the Workplace Relations Act to the proposed Registration and Accountability of Organisations Act.

Orders, injunctions, declarations, decisions, determinations, exemptions or permissions that are operating before the commencement of the proposed Registration and Accountability of Organisations Act will continue in force as if they had been made under the corresponding provisions of the new act. An organisation that was registered under the Workplace Relations Act would be
taken to be registered under the proposed new act. Existing rules of organisations would be preserved and continue in force as if they had been certified under the new act. Organisations would have six months from the commencement of the new act to update their rules (if necessary) to bring them into conformity with the new legislative requirements, with the Industrial Registrar able to grant extensions of time in appropriate cases. Organisations would have up to 12 months from the commencement of the new act to remove from their register of members persons who had been unfinancial for more than 24 months. In general, amended financial and reporting obligations would apply from the first full financial year after the commencement of the new act or the gazettel of new reporting requirements. The consequential provisions bill also provides that the Federal Court would have the jurisdiction to hear and determine issues that may arise in the application of the new act to particular transitional matters.

The consequential provisions bill is a necessary technical measure that complements the objectives of the principal bill and, in conjunction with that bill, it will provide the legal framework around which registered organisations can update and upgrade their administrative and reporting practices, in order to become more accountable, more competitive and better equipped to deal with the demands of their membership and the workplace relations system.

Australian workers are increasingly independent, educated and looking for solutions that meet their particular needs. It is important that industrial organisations become more competitive, open and accountable in their internal activities. This is especially so given the extensive rights the workplace relations system confers on them. These bills take some important steps to enable registered organisations to be relevant, modern, service-oriented bodies, in touch with their members and in touch with modern principles of governance. I commend the bill to the House and I present the explanatory memorandum.

Debate (on motion by Mr Sidebottom) adjourned.

WORKPLACE RELATIONS (REGISTRATION AND ACCOUNTABILITY OF ORGANISATIONS) (CONSEQUENTIAL PROVISIONS) BILL 2002

First Reading

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

Second Reading

Mr ABBOTT (Warringah—Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service) (9.49 a.m.)—I move:

That this bill be now read a second time.

The second reading speech was included in the speech to the Workplace Relations (Registration and Accountability of Organisations) Bill 2002. I present a copy of the explanatory memorandum.

Debate (on motion by Mr Sidebottom) adjourned.

WORKPLACE RELATIONS AMENDMENT (IMPROVED PROTECTION FOR VICTORIAN WORKERS) BILL 2002

First Reading

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

Second Reading

Mr ABBOTT (Warringah—Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service) (10.00 a.m.)—I move:

That this bill be now read a second time.

The Workplace Relations Amendment (Improved Protection for Victorian Workers) Bill 2002 is beneficial legislation which improves the employment conditions of Victorian workers, whilst maintaining the single system of workplace relations arrangements applying in that state.

The federal government first proposed measures to enhance employment conditions in Victoria more than two years ago, in the Workplace Relations Legislation Amendment (More Jobs, Better Pay) Bill 1999. However, that bill stalled in the Senate for almost two years. The Australian Democrats’ approach to the stalemate was to call for is-
sue-specific consideration of policy matters. As a result, the government introduced the Workplace Relations Amendment (Minimum Entitlements for Victorian Workers) Bill 2001 into the House of Representatives in August last year. However, that bill lapsed with the parliament.

This bill is essentially the same as the one I introduced last year. Much of what I will say today, I said in relation to that bill.

This bill will amend the Workplace Relations Act 1996 to enhance the legislated safety net entitlements in schedule 1A for employees in Victoria not covered by federal awards or agreements. It will make consequential improvements to the statutory role of inspectors under the act to inform, investigate and, if necessary, enforce rights and obligations in schedule 1A workplaces. It will also confer upon the Victorian government automatic intervention rights before the Australian Industrial Relations Commission in specific circumstances and give contract outworkers in the textile, clothing and footwear industry in Victoria access to enforceable minimum rates of pay.

Victorian employees not covered by a federal award or federal agreement are presently covered by a legislated safety net entitlements in schedule 1A for employees in Victoria not covered by federal awards or agreements. It will make consequential improvements to the statutory role of inspectors under the act to inform, investigate and, if necessary, enforce rights and obligations in schedule 1A workplaces. It will also confer upon the Victorian government automatic intervention rights before the Australian Industrial Relations Commission in specific circumstances and give contract outworkers in the textile, clothing and footwear industry in Victoria access to enforceable minimum rates of pay.

Victorian employees not covered by a federal award or federal agreement are presently covered by a legislated safety net of minimum conditions contained in part XV and schedule 1A of the Workplace Relations Act, together with general statutory provisions applying to employees under the act such as access to unfair and unlawful termination of employment remedies, equal pay for work of equal value, nondiscrimination provisions, workplace bargaining provisions and rights in respect of freedom of association. In addition, employees under schedule 1A are eligible to be regulated by federal awards made by order of the Australian Industrial Relations Commission (following relevant dispute findings being made), or by certified agreements or, in many cases, by Australian workplace agreements.

The schedule 1A conditions are largely a continuation of the safety net provisions that applied under Victorian state law immediately prior to the 1996 referral by the state of a range of industrial relations powers to the Commonwealth. That referral established a single framework of laws regulating industrial matters in Victoria to the benefit of Victorian employers and employees.

Since the federal government’s first attempt to enhance conditions for schedule 1A employees, the current Victorian government has argued in-principle support for a unitary regulatory system under federal laws, but claimed that the Commonwealth’s schedule 1A proposals are inadequate.

The two governments were discussing the issues when the Victorian government announced its intention to establish a state task force inquiry, finally leading to the introduction into state parliament of the Fair Employment Bill 2000 on 25 October 2000.

It was ultimately rejected by the Victorian upper house on 22 March 2001, although the Victorian government has not ruled out reintroducing it.

The Victorian Fair Employment Bill was flawed in both concept and content. A new system of state industrial laws, regulations, tribunals and bureaucracy would have come at a significant cost to Victorian workplaces and the Victorian taxpayer. It would have increased the cost of employment in schedule 1A workplaces and threatened jobs in urban and regional areas of the state. Its implementation would have cost Victoria 40,000 jobs over three years. In short, it would have been a regressive move, not in the interests of employers, employees nor the public.

This Commonwealth bill avoids the problems associated with the Victorian government’s approach. It enhances, in a sensible way, the legislated safety net of minimum conditions of schedule 1A employees (without negatively impacting on employment) and does so within the framework of a unitary system.

In summary, the policy measures contained in this bill would amend the Workplace Relations Act to:

- clarify the operation of the schedule 1A minimum entitlements to annual leave and sick leave (sick leave being incorporated into carer’s leave) by providing a basis upon which these leave entitlements are to be calculated and setting
out rules about access to, and accumulation of, such leave;

- give schedule 1A employees a statutory entitlement to be paid for work performed in excess of 38 hours a week;
- provide federal inspectors with the power to enter and inspect premises where they reasonably believe that schedule 1A work is being performed;
- provide that a breach of the minimum conditions of employment in schedule 1A can be enforced in the same way as federal awards and agreements;
- provide an employer with a statutory entitlement to stand down a schedule 1A employee where that employee cannot usefully be employed due to circumstances beyond the employer’s control;
- provide the power to make regulations requiring employers to keep and maintain employee records for Victorian employees who are not employed under federal awards or agreements;
- create a legislative entitlement to carer’s leave for schedule 1A employees; and
- create a legislative entitlement to bereavement leave for schedule 1A employees.

In relation to carer’s leave, the bill proposes to convert the current five-day sick leave entitlement in schedule 1A into a personal leave minimum standard of eight days per annum, which would be cumulative. Of those eight days, up to five days per annum could be taken for caring purposes. In relation to bereavement leave, the bill proposes to amend schedule 1A to introduce a minimum standard of two days bereavement leave on the death of an immediate family member or household member. These amendments would provide a comparable minimum standard to carer’s and bereavement leave as was proposed in the state bill.

Victorian employees with disabilities who are not employed under a federal award or agreement do not currently have direct access to the supported wage system. At present such employees can only use section 509 of the Workplace Relations Act, which allows the Australian Industrial Relations Commission on a case by case basis to issue an appropriate wages certificate for 12 months duration.

It would be preferable to give these employees direct access to the supported wage system, which has been designed to meet the requirements of the Disability Discrimination Act 1992 and has the support of peak disability groups, the Australian Chamber of Commerce and Industry and the Australian Council of Trade Unions. Accordingly, the bill proposes to provide access to the supported wage system by amending part XV to give the commission power to determine that the supported wage system applies to schedule 1A employees within a work classification in a declared industry sector.

The Victorian government has claimed that since the Kennett government’s referral of powers, it has not had the ability to intervene in major industrial disputes which occur within that state. In fact, all state governments have standing to seek leave to intervene before the Australian Industrial Relations Commission in cases where they have a sufficient interest. However, in recognition of the specific circumstances of the Victorian government arising from the 1996 referral of powers, the bill would amend the Workplace Relations Act to give the Victorian government an automatic statutory right to intervene in proceedings involving an application under section 170MW of the act to suspend or terminate a bargaining period involving employees within the state of Victoria, and in applications under section 501 of the act to adjust minimum wages in industry sectors in that state.

The bill also contains amendments to the act to improve the conditions of outworkers working in the textile, clothing and footwear (TCF) industry in the state.

The bill would introduce a requirement that contract outworkers in the TCF industry in Victoria receive at least the minimum schedule 1A rate of pay applicable to employed TCF outworkers. The bill would also authorise federal workplace inspectors to enter premises where such work is performed and empower inspectors to enforce the minimum remuneration requirement and seek remedies in the courts on behalf of the
outworker where non-payment or underpayment is identified.

This bill, when enacted, will deliver substantial benefits to Victorian workers not covered by a federal award or agreement and for TCF outworkers. It will do so in a responsible manner, retaining the benefits of existing employment arrangements under schedule 1A within the one regulatory framework, whilst avoiding the pitfalls and job losses inherent in legislation such as the Fair Employment Bill. The measures in this bill are long overdue, and should have the unanimous support of the parliament. I present a copy of the explanatory memorandum.

Debate (on motion by Mr Sidebottom) adjourned.

WORKPLACE RELATIONS AMENDMENT (TRANSMISSION OF BUSINESS) BILL 2002
First Reading
Bill presented by Mr Abbott, and read a first time.

Second Reading
Mr ABBOTT (Warringah—Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service) (10.09 a.m.)—I move:

That this bill be now read a second time.

The government’s record in workplace relations reform is substantial. The Australian labour market has been transformed into an environment where cooperative enterprise based bargaining has become the primary determinant of wages and conditions of employment. This has in turn produced social and economic benefits—including increased productivity, higher living standards for workers, historically low dispute levels and around 950,000 jobs since the government was first elected in 1996. These positive results have strengthened the government’s resolve to implement further useful reform.

This bill will provide a mechanism for resolving complexities which may arise due to the existence of multiple or inappropriate certified agreements following a transmission of business. At best, these complexities can lengthen the transmission process. At worst, they can deter the parties from undertaking it. In other words, they cost jobs.

The government has previously sought to amend the relevant provisions, most recently with the Workplace Relations Amendment (Transmission of Business) Bill 2001, which was introduced into the House of Representatives on 4 April 2001, but lapsed with the parliament.

The bill I introduce today has the same objective as the previous bills. However, the current bill includes measures specifically designed to ensure that all parties affected by a transmission are treated fairly and that all those who will work under the agreement if it transmits are able to have their views heard before an order is made.

Under the existing provisions of the Workplace Relations Act 1996, if a business transmits to an incoming employer, then a certified agreement covering it will also transmit so as to bind the incoming employer. As a result, a new employer and its employees may be bound by a certified agreement that is not suited to their circumstances—and which is not their negotiated agreement. Further, certified agreements that apply as a result of a transmission of business can override existing certified agreements in the new workplace and disrupt established work practices. There may also be practical difficulties in terminating or varying a transmitted agreement.

In order to remedy this situation, this bill will allow the commission to decide, on application and on a case by case basis, whether it should make an order that a certified agreement will not transmit to an incoming employer, or will only transmit to a specified extent or for a specified period.

After transmission a different and wider category may apply including the incoming employer (but not the outgoing employer), employees who have come over from the old
business to the new, existing employees of the new employer who have become subject to the agreement, and specified employee organisations. The same individuals and organisations are also entitled to make submissions once an application is on foot.

Providing the commission with a power of this nature is not a novel concept. The commission already has the power to order that awards do not bind a new employer upon transmission of business. The commission has used this power on a number of occasions.

Given the pivotal role certified agreements now have in the industrial relations system, the commission should have a similar discretionary power in relation to the transmission of certified agreements.

This bill is a sensible technical measure which will improve the operation of the workplace relations system. The amendments will continue to give workers and employers more opportunities to manage their relationships at their workplace and give the commission an important specific power to enable them to do so.

In introducing the bill the government is reactivating a legislative proposal in an area where the current act is technically deficient and requires remedial action. The government is determined to address this deficiency and will continue to assess the policy issues relating to transmission of business, ensuring that where necessary, further legislative initiatives are developed. I commend the bill to the House and present the explanatory memorandum.

Debate (on motion by Mr Sidebottom) adjourned.

RESEARCH AGENCIES LEGISLATION AMENDMENT BILL 2002

First Reading

Bill—by leave—presented by Mr McGauran, and read a first time.

Second Reading

Mr McGauran (Gippsland—Minister for Science) (10.14 a.m.)—I move:

That this bill be now read a second time.

The Australian Institute of Marine Science (AIMS) and the Australian Nuclear Science and Technology Organisation (ANSTO) are public sector research agencies that undertake research and development and other scientific activities to increase the competitiveness of Australian industry and improve the quality of life for all Australians. The agencies produce research of an international standard, the applications of which are valuable financially, socially and environmentally.

AIMS was established by the Australian Institute of Marine Science Act 1972 in recognition of the growing importance of the marine sector to Australia, in particular tropical marine research in Northern Australia. Much of AIMS’s research is designed to build national marine research capacity and to meet the challenges of Australia’s Oceans Policy, which provides an integrated strategy for the exploration and ecologically sustainable utilisation of marine natural resources.

The planned outcome of AIMS’s research is ‘enhanced scientific knowledge supporting the protection and sustainable development of Australia’s marine resources’. Areas identified as research priorities include the sustainable development of aquaculture industries and the exploitation, on an environmentally sustainable basis, of marine genetic resources for pharmaceutical and commercial use. Both these priority areas present outstanding opportunities for commercialisation of products and/or technologies.

ANSTO is a body corporate established by the Commonwealth government through the Australian Nuclear Science and Technology Organisation Act 1987 to provide the broad range of expertise needed to support Australia’s interests in nuclear science and technology.

In addition to operating major national facilities such as the HIFAR nuclear reactor at Lucas Heights and the medical cyclotron at the Royal Prince Alfred Hospital in Sydney, ANSTO supports medicine, science, industry and agriculture through the development and application of nuclear based technology and associated capabilities.

In the past AIMS’s and ANSTO’s commercialisation efforts have focused on developing technologies that clearly fit within
their areas of specialisation. However, they have both recently developed technologies that have significant applications outside their areas of specialisation that have attracted considerable Australian and international interest.

The Commonwealth government’s innovation strategy, Backing Australia’s Ability, has clearly acknowledged the importance of achieving greater commercial application of research from universities and public sector research agencies. It promotes strengthened research linkages between the public sector science and industry bodies, providing specific assistance to take promising research to the stage of commercial viability.

This is being supported by the provision of almost $80 million over five years as pre-seed funding to help commercialise public sector research, starting from 2001. Assistance through the fund will be available to public sector research agencies such as AIMS and ANSTO, as well as universities, to take proposals to a venture capital ready stage.

Backing Australia’s Ability identified the need to examine barriers to the commercialisation of government funded research. As part of its work on this matter, the CSIRO, AIMS and ANSTO acts were examined to ensure that they do not inhibit the commercialisation of research developed by these agencies. The Australian Government Solicitor found that both AIMS’s and ANSTO’s legislation were most restrictive in this context, imposing commercialisation restrictions.

Examples can be given of instances where AIMS’s current legislation excludes it from significant commercialisation opportunities. One such example is AIMS’s inability to take up a shareholding in the spin-off venture to market the seafood test kit technology that they developed in collaboration with James Cook University.

The kit uses a new method to test shellfish for the presence of a toxin that causes food poisoning. It may also be applicable for determining the presence of toxic algal blooms in freshwater bodies. If so, this invention could find an even larger and more lucrative market still. However, AIMS is presently excluded from such exploitation of its intellectual capital as the AIMS Act clearly does not permit AIMS to engage in development and commercialisation of marine science and technology.

It is also apparent that doubts under the current legislation about AIMS’s inability to produce goods and to participate in the development of marine technology and to sell that technology for profit are discouraging venture capitalists from investing in AIMS’s inventions and technologies. Needless to say, this is highly undesirable for the community as it limits the potential return on the community’s investment in marine research and development and restricts access to useful new products.

The bill will give AIMS significantly greater scope to commercialise its discoveries. Firstly, it will allow AIMS to engage in the development and commercialisation of marine and non-marine applications of marine science and technology.

Secondly, the bill will remove restrictions that would limit AIMS’s ability to engage in commercial production and marketing of products incorporating the results of its research and development activities.

Thirdly, the bill will give AIMS and its related companies the power to borrow money to finance their commercial activities and give AIMS the power to make loans to its related companies and, with the approval of the Minister for Finance and Administration, to provide guarantees for the benefit of associated companies of the institute. Consequently, AIMS will be able to pursue business opportunities that have been put on hold by restrictions in the act as it presently stands.

The bill will also increase AIMS’s level of responsibility and accountability consistent with the intent of the Commonwealth Authorities and Companies Act in relation to contracts and intellectual property management. This means that AIMS will be able to sign contracts valued at over $100,000 to a level of $1 million without ministerial approval. These amendments will decrease the administrative burden from the growing
number of activities that currently require ministerial approval and reflect increased accountability required of the AIMS Council by the CAC Act. AIMS would continue to keep the minister informed of activities relating to contracts and the transfer of intellectual property.

The bill also includes minor technical changes to the AIMS Act that bring it into line with legislation covering other research agencies.

Amendments to the ANSTO Act are also required to facilitate the commercialisation of non-nuclear technologies with significant potential and to promote greater collaboration between ANSTO and users of ANSTO’s technologies.

In pursuing its role in nuclear science and technology, ANSTO has made discoveries with important non-nuclear applications that are waiting to be commercialised. For example, ANSTO in collaboration with CSIRO and industry partners has developed environmental management technologies relevant to the mining industry through its Sulfide Solutions Research Project. This technology is important in addressing the worldwide problem of acid mine drainage and offers the prospect of sustainable environmental and financial benefits.

Another example is a technique for remediation of arsenic based waste and water that carries arsenic compounds, which ANSTO has developed in conjunction with CRC partners.

To permit the commercialisation of such technologies, the bill will allow the agency to engage in the development and commercialisation of both nuclear and non-nuclear applications of nuclear science and technology.

With the development of the ANSTO Technology Park at Lucas Heights, high technology companies are taking advantage of the on-site expertise and access to world-class scientific facilities. The technology park would like to develop relationships with companies who have specialist technical and research synergies with ANSTO by enabling the companies to move to Lucas Heights, close to the source of this expertise.

The bill will clarify ANSTO’s ability to construct and lease buildings to a third party. This will provide additional certainty as to ANSTO’s capacity to pursue development of the technology park, through building and leasing those buildings to companies adjacent to the site. The technology park is an extension of ANSTO’s business profile and is viewed by ANSTO as an important part of their business operations.

Finally, the bill will bring the ANSTO Act into line with the Science and Industry Research Act 1949, which is the CSIRO’s enabling legislation. This means that the agency will be able to enter into a contract that is more than the threshold of $5 million set in the ANSTO Act, if a higher amount is prescribed by the regulations. This will lessen the administrative processes related to finalising contracts, as ministerial approval will be required less frequently.

In summary, it is imperative that the AIMS and ANSTO acts be amended so that the growing range of commercial activities of these research agencies may be fully exploited and in doing so, are fully supported by providing funds and infrastructure. Other minor changes will lessen the administrative demands on the agencies and the government.

It is a matter of significant national interest that AIMS and ANSTO have the opportunity to fully commercialise the technologies they have developed. This will help them to contribute to the so-called triple bottom line—growth in income and employment, social wellbeing and a more sustainable environment.

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

Debate (on motion by Mr Sidebottom) adjourned.

BANKRUPTCY LEGISLATION AMENDMENT BILL 2002

First Reading

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

Mr WILLIAMS (Tangney—Attorney-General) (10.26 a.m.)—I move:

That this bill be now read a second time.

The Bankruptcy Legislation Amendment Bill 2002 largely replicates the Bankruptcy Legislation Amendment Bill 2001 which I introduced on 7 June 2001 and which subsequently lapsed when parliament was pro-
rogued.

This bill differs in one substantial respect from the 2001 bill, in relation to the provi-
sion of a cooling-off period, which I will address later.

Bankruptcy is designed to give people in severe financial difficulty relief, as a meas-
ure of last resort, from overwhelming debts.

Bankruptcies trebled in the decade to 1997-98, and have remained at high levels since then.

Almost all of the increase has been in the non-business consumer bankrupt category.

Clearly, greater numbers of consumer debtors are choosing bankruptcy as a way of resolving their financial problems.

The government is concerned to ensure as far as possible that these people are properly informed when making such an important decision as entering into bankruptcy.

The Bankruptcy Legislation Amendment Bill 2002 will amend Australia’s bankruptcy laws to address concerns that bankruptcy is ‘too easy’ and to better balance the interests of debtors and creditors.

The reforms contained in these bills are designed to encourage people contemplating bankruptcy to consider the seriousness of the step they are about to take and to consider alternatives to bankruptcy.

The abolition of early discharge is consistent with this purpose.

The reforms were developed following more than two years of consultation with various stakeholders in the personal insolvency field.

In particular, there has been consultation with members of the Bankruptcy Reform Consultative Forum, a peak consultative body I established in 1996 to facilitate better consultation between the Insolvency and Trustee Service of Australia (ITSA) and key groups with a stake in the bankruptcy laws.

As I said in this place last year, the Senate Legal and Constitutional Legislation Com-
mittee has reported into the 2001 bankruptcy bills, and the government welcomed the committee’s report.

The committee recognised that the proposed amendments will achieve the govern-
ment’s aim of preventing people using bankruptcy in a mischievous or improper way and encouraging people who can or should avoid bankruptcy to consider other options.

The reforms propose to give the Official Receiver discretion to reject debtors’ peti-
tions that are a blatant abuse of the bankruptcy system, when it is clear that the debtor is solvent and has singled out one creditor for non-payment, or where the debtor is a repeat bankrupt.

The exercise of this discretion will be subject to external administrative review.

The bill will strengthen the trustee’s powers to object to the automatic discharge from bankruptcy of uncooperative bankrupts.

The strengthening of the trustee’s objection to discharge powers is directed at the intentional failure by a bankrupt to cooperate with his or her trustee and at deliberate at-
ttempts by the bankrupt to impede the trustee’s administration of the estate.

Reforms relating to objection-to-discharge provisions will overcome a deficiency in the present law which can encourage a bankrupt to cooperate with the trustee only at the last moment, that is, when a review hearing is imminent.

Another reform in the bill will confirm the court’s power to annul a bankruptcy even if the debtor was insolvent when petitioning.

This measure is directed at high income earners who have chosen to not pay a par-
ticular creditor, for example the Australian Taxation Office, and then petitioned for bankruptcy to extinguish the debt.

The bill makes clear that in such a situa-
tion the court would be able to annul the
bankruptcy as an abuse of process, despite the fact that the petitioning debtor technically was insolvent.

The bill proposes to raise by 50 per cent, to about $47,000 after tax, the income threshold for debt agreements to encourage more people to consider the debt agreement option as an alternative to bankruptcy.

The practical utility of debt agreements is restricted at present by the relatively low income threshold which applies: raising it will make the debt agreement alternative available to a much larger group of debtors.

The 2001 bill proposed to double the threshold but in light of the recent increased take-up of debt agreements the government has decided that a 50 per cent increase will adequately enhance access to the debt agreement alternative to bankruptcy.

Other changes to improve the operation of the act include further streamlining meetings procedures, simplifying the mechanism for changing trustees and bringing controlling trustees and debt agreement administrators under the regulatory purview of the inspector general.

Amendments will allow creditors to permit a bankrupt to retain ‘sentimental’ property and require trustees to realise property within a six-year time period. Finally, other changes will clarify the qualifying requirements to become a registered trustee, allow trustees, rather than the court, to consent to debtors travelling overseas and impose conditions on that consent, and will allow trustees, rather than the official receiver, to determine hardship under the income contribution scheme.

This bill contains one significant change from the 2001 bill, which is the government’s decision not to proceed with the introduction of a cooling-off period.

This decision was taken after careful consideration of the issue, and followed recanvassing the views of stakeholders in the personal insolvency industry and, in particular, taking due note of the recent sharp rise in the number of debt agreements.

Debt agreements were introduced in 1996 as a low cost, simple alternative to bankruptcy for debtors with low incomes, few assets and relatively low levels of debt.

The take-up rate was initially slow but the number of agreement proposals has risen sharply since mid-2001 to around 430 per month, well over double the rate of 2000-01.

The government sees this as clear evidence that, increasingly, people in financial difficulties are considering—and choosing—deb agreement as an alternative to bankruptcy.

Thus, a key purpose of the cooling-off period proposal—to encourage people to consider the consequences of, and alternative to, bankruptcy—is being achieved to a noticeable degree by the debt agreement process.

In addition, this process will be accessible to more debtors as a result of the proposed increase in the income threshold.

Stakeholders in the insolvency industry when reconsulted late last year expressed concern about the administrative complexity a cooling-off period would introduce into the bankruptcy process.

The majority of them also doubted that many debtors would change their mind during the cooling-off period.

Finally, concerns were also expressed from financial counselling organisations that undesirable pressure may be put on debtors by creditors during the cooling-off period.

Accordingly the government has decided that the cooling-off proposal should not now proceed.

In summary the Bankruptcy Legislation Amendment Bill 2002 will amend Australia’s bankruptcy laws to address concerns that bankruptcy is ‘too easy’ and to better balance the interests of debtors and creditors.

It will encourage people contemplating bankruptcy to consider alternatives to bankruptcy.

By restoring fairness to the bankruptcy system, we will promote confidence in it.

I tender the explanatory memorandum for the bill.

Debate (on motion by Mr Sidebottom) adjourned.
BANKRUPTCY (ESTATE CHARGES)
AMENDMENT BILL 2001

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

Second Reading
Mr Williams (Tangney—Attorney-General) (10.35 a.m.)—I move:
That this bill be now read a second time.

The Bankruptcy (Estate Charges) Amendment Bill 2002 is the second and smaller bill in the government’s bankruptcy reforms package.

It will address an anomaly in the incidence of the realisations charge and the interest charge.

Registered trustees who are controlling trustees are already subject to those charges.

The bill will impose the charges on solicitors who are controlling trustees.

The bill also will provide for the commencement of the Bankruptcy (Estate Charges) Amendment Act 2001.

This act was enacted last year, but its commencement was linked to the commencement of the Bankruptcy Legislation Amendment Bill 2001, a bill which lapsed when the parliament prorogued before the 2001 federal election.

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

Debate (on motion by Mr Sidebottom) adjourned.

CUSTOMS TARIFF AMENDMENT
BILL (No. 1) 2001

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

Second Reading
Mr Williams (Tangney—Attorney-General) (10.36 a.m.)—I move:
That this bill be now read a second time.

The Customs Tariff Amendment Bill (No. 1) 2002 contains amendments to the Customs Tariff Act 1995.

I will briefly outline the changes of substance.

Item 1 of schedule 1 of the bill inserts a new subsection 7(3) into the customs tariff to specify that a reference in the interpretation rules to ‘notes’ includes a reference to ‘additional notes’. The interpretation rules form the basis for the classification of goods in the customs tariff. This amendment will ensure that additional notes, which are inserted into the customs tariff by the Australian government, have the same legal force as international section and chapter notes.

The second amendment in schedule 1 inserts a new additional note into chapter 21 of the customs tariff to specify that ‘salsas’, a kind of sauce, are to be classified in heading 2103 with other sauces. This amendment will clarify the classification of these goods and ensure their treatment in Australia is consistent with international practice.

The third amendment in schedule 1 inserts a post-2005 phasing rate of duty in item 59 in schedule 4 of the customs tariff to ensure that the correct rate of duty applies to second-hand passenger motor vehicles, PMVs. Item 59 provides for the importation of second-hand PMVs without the payment of the penalty rate of duty of $12,000, subject to departmental by-laws.

The Customs Tariff Amendment (ACIS Implementation) Act 1999 legislated phasing rates of duty for PMVs and components but not for second-hand vehicles covered by item 59. Without this amendment, new PMVs would be subject to a duty rate of 10 per cent post-2005, but second-hand vehicles to 15 per cent.

The amendments in schedules 2 and 3 of the bill are made to ensure the correctness of detail in the customs tariff. These amendments are of an editorial nature, correcting format and typographical errors. They derive mainly from amendments contained in Customs Tariff Amendment Act (No. 5) 2001. This act implemented approximately 800 changes to the customs tariff following the second review of the harmonised system by the World Customs Organisation.

I commend the bill to the House and present the explanatory memorandum to the bill.
Debate (on motion by Mr Sidebottom) adjourned.

AUSTRALIAN RADIATION PROTECTION AND NUCLEAR SAFETY (LICENCE CHARGES) AMENDMENT BILL 2002

First Reading
Bill presented by Ms Worth, and read a first time.

Second Reading
Ms Worth (Adelaide—Parliamentary Secretary to the Minister for Health and Ageing) (10.39 a.m.)—I move:
That this bill be now read a second time.

The purpose of Australian Radiation Protection and Nuclear Safety (Licence Charges) Bill 2002 is to amend the Australian Radiation Protection and Nuclear Safety (Licence Charges) Act 1998 to confirm that the charges imposed by that act are payable even by Commonwealth entities that are otherwise exempt from tax, unless the relevant exemption explicitly refers to that act.

Under the Australian Radiation Protection and Nuclear Safety Act 1998, the Chief Executive Officer of the Australian Radiation Protection and Nuclear Safety Agency licenses and regulates the safe use of nuclear installations, radioactive material and apparatus by the Commonwealth and its contractors.

It is government policy that the cost of this licensing and regulation be recovered from licence holders. The Australian Radiation Protection and Nuclear Safety Act allows for the charging of an application fee for a licence. The Australian Radiation Protection and Nuclear Safety (Licence Charges) Act requires licence holders to pay an annual charge.

The Australia New Zealand Food Authority, the Australian Nuclear Science and Technology Organisation, the Commonwealth Science and Industrial Research Organisation, the Australian Institute of Marine Science, the Australian National University, the Federal Airports Corporation, the Australian War Memorial and the Director of National Parks are Commonwealth entities that hold single or multiple licences issued under the Australian Radiation Protection and Nuclear Safety Act. These entities are also exempt from taxation.

This bill is necessary to ensure compliance with the government policy that the costs of regulating licence holders are borne by those licence holders. This bill will also ensure that the object of the Australian Radiation Protection and Nuclear Safety Act, which is to protect the health and safety of people, and the environment, from the harmful effects of radiation, will not be placed at risk.

I present the signed explanatory memorandum to this bill.

Debate (on motion by Mr Sidebottom) adjourned.

THERAPEUTIC GOODS AND OTHER LEGISLATION AMENDMENT BILL 2002

First Reading
Bill presented by Ms Worth, and read a first time.

Second Reading
Ms Worth (Adelaide—Parliamentary Secretary to the Minister for Health and Ageing) (10.43 a.m.)—I move:
That this bill be now read a second time.

The Therapeutic Goods and Other Legislation Amendment Bill 2002 makes a number of changes to the Therapeutic Goods Act 1989. It also makes necessary changes to the Industrial Chemicals (Notification and Assessment) Act 1989 and the National Occupational Health and Safety Commission Act 1985 to give effect to the transfer of portfolio responsibilities for the National Industrial Chemicals Notification and Assessment Scheme to the Health and Ageing portfolio.

The changes made to the Therapeutic Goods Act 1989 will enable the mutual recognition agreement entered into between Australia and Singapore on 26 February 2001 to be implemented.

The amendments will allow the secretary to accept the conclusions of good manufacturing practice inspections and manufacturing certificates as evidence that the manufacturing processes employed in Singapore, in the manufacture of medicines that are ex-
ported to Australia, meet with Australian requirements.

The certificates of good manufacturing practice are taken into account for the purposes of determining whether medicines imported from Singapore may be supplied to the general public in Australia.

Provision is also made in this bill to allow the secretary to give effect to any other mutual recognition agreement entered into between Australia and other countries that provide for arrangements similar to those applying under the Singapore mutual recognition agreement.

The bill also includes new provisions to address constitutional issues raised by the High Court’s decision in R. v. Hughes. In that case, the High Court raised issues about a number of Commonwealth and state cooperative schemes that are underpinned by legislation.

The court’s decision affects the cooperative scheme for the regulation of therapeutic goods, under which New South Wales and Victoria currently have legislation that confer powers and functions upon Commonwealth officials.

The Hughes case raised questions about the capacity of a Commonwealth authority to perform functions or exercise powers under state laws when the function or power conferred on the Commonwealth authority is coupled with a duty, particularly a duty that has the potential to affect the rights of individuals.

The court decided that where both a power and a duty are conferred on the Commonwealth authority pursuant to a Commonwealth-state legislative scheme, an appropriate Commonwealth head of power must support the conferral of that power and duty.

However the court left open the question whether it was necessary for this duty to have been imposed by the Commonwealth, rather than by state law, for constitutional issues to be raised.

To address the issues raised by Hughes, and to minimise the risk that any aspect of the cooperative scheme for the regulation of therapeutic goods may be held to be invalid, this bill provides for a series of alternatives for the treatment of state or territory provisions that purport to impose a duty upon Commonwealth officers.

These alternatives are designed to maximise the validity of both existing and any future complementary legislation enacted by states and territories to complement the Therapeutic Goods Act 1989.

Remedial action to address the Hughes problem in relation to a cooperative scheme is likely to be dealt with in two ways.

The first is taking prospective action, such as amending Commonwealth legislation and, where necessary, state legislation designed to put the cooperative scheme on a secure foundation for the future.

The second is retrospective action to preserve the validity of any actions that might have been taken under the Commonwealth-state cooperative scheme.

To this end, ‘generic’ validation legislation has been passed or will be passed in all states. The generic validation legislation, once it commences in relation to a cooperative scheme, is capable of applying to past actions of Commonwealth officers or authorities taken under that scheme that may be at risk.

Discussions with both Victoria and New South Wales will occur with a view to including in the generic validation legislation of those states, the Commonwealth-state cooperative scheme for the regulation of therapeutic goods.

Other changes made to the act by the bill will enable the secretary to obtain information and documents from manufacturers of blood or blood components about their manufacturing processes and practices. This will enable the secretary to monitor the manufacturer’s compliance with new standards for blood, and new manufacturing standards for the manufacture of blood and blood components.

At present the only way to obtain this information is through the conduct of an audit of manufacturing practices employed in the blood establishment, which is a complex process.
While the Therapeutic Goods Administration will continue to audit these establishments, the amendments in this bill will enable the TGA to also request information related to the quality and safety of blood components without having to audit the establishments. The TGA already has this ability to obtain information for standard medicinal products included in the Australian Register of Therapeutic Goods.

This bill also clarifies when the balance of evaluation fees, payable for the evaluation of registrable medicines must be paid by applicants seeking to register their medicines in the Australian Register of Therapeutic Goods.

Currently outstanding fees are payable when an evaluation of an application to register a medicine in the register has been completed, and a decision of the secretary to register, or refuse registration of, a medicine is made and communicated to the applicant.

However, following the completion of an evaluation, the results of which are usually communicated to an applicant, but before the secretary notifies the applicant of his/her decision to register or not register the medicine, an applicant may withdraw its application.

Where this occurs, the secretary is not able to recover the cost of the evaluation that has already been completed.

The effect of the amendments is to enable the secretary to recover the balance of the evaluation fees owing for the evaluation work completed.

The bill also makes an amendment to subsection 17(5) of the act to allow the minister, when determining what therapeutic goods may be treated as ‘listable’ goods for the purposes of being entered into the Australian Register of Therapeutic Goods, to impose conditions for the treatment of those goods as listable goods.

Some therapeutic goods may only qualify as a listable product in certain circumstances, such as where the amount of certain ingredients is below a certain level or where the supply of goods is accompanied by appropriate warning statements. To enable these circumstances to be described as conditions for listing, an amendment to the act is required.

Finally, the bill also contains provisions that amend the Industrial Chemicals (Notification and Assessment) Act 1989 and the National Occupational Health and Safety Commission Act 1985 (NOHSC Act).

The proposed amendments to these acts are required to reflect the new administrative arrangements order dated 26 November 2001, under which portfolio responsibility for the National Industrial Chemicals Notification and Assessment Scheme (NICNAS) moved from the then Minister for Employment, Workplace Relations and Small Business to the Minister for Health and Ageing.

Under the proposed amendments, the Department of Health and Ageing, rather than the National Occupational Health and Safety Commission, will supply staff to the Director of NICNAS to implement the Industrial Chemicals (Notification and Assessment) Act 1989. Also, references to the role and functions of the Chief Executive Officer of the National Occupational Health and Safety Commission in relation to the Director of NICNAS are to be removed from the National Occupational Health and Safety Commission Act.

I present the explanatory memorandum to this bill.

Debate (on motion by Mr Sidebottom) adjourned.

INTERNATIONAL TAX AGREEMENTS AMENDMENT BILL (No. 1) 2002
First Reading

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

Second Reading

Mr SLIPPER (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (10.52 a.m.)—I move:

That this 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 and a protocol amending the Australia-United States double taxation convention. The bill will insert the text of these agreements into the International Tax
Agreements Act 1953 as schedules to that act.

The bill includes consequential amendments following changes to the treatment of equipment royalties paid to US residents arising from the protocol. The amendments will apply generally to deal with all cases where a domestic law royalty payment is not treated as a royalty for the purposes of a tax treaty.

The Russian Agreement and US Protocol were signed on 7 September 2000 and 27 September 2001 respectively. Details of the agreements were announced and copies made publicly available following the respective dates of signature.

The government believes the conclusion of the Russian 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 US Protocol reflects the close economic relations between Australia and the United States of America and is a first step in building a competitive and up-to-date tax treaty network for Australia. It will significantly assist trade and investment flows between the two countries. The US Protocol will enter into force when both countries have formally ratified it.

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 measures in this bill are contained in the explanatory memorandum.

I commend the bill and present the explanatory memorandum.

Debate (on motion by Mr Sidebottom) adjourned.

**TAXATION LAWS AMENDMENT BILL (No. 3) 2002**

**First Reading**

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

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**Second Reading**

Mr SLIPPER (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (10.55 a.m.)—I move:

That this bill be now read a second time.

Schedule 1 to the bill contains measures to ensure that neither land developers nor government agencies that give approval for land development incur a GST liability when capital works or other things are transferred or supplied by a developer to a government agency, or another party, in return for the provision of the development approval.

The schedule contains a measure to allow a transitional special input tax credit to rental car businesses that held rental cars on 1 July 2000 and disposed of them before 1 July 2002. These businesses were adversely impacted by the transition to the GST compared to other businesses. This special credit will partially compensate rental car businesses for these adverse effects. The amount of the special credit will be equal to the GST payable on the sale of cars that were held on 1 July 2000 by rental car businesses.

The schedule also contains measures to allow companies to transfer tax losses, net capital losses and excess foreign tax credits under the income tax legislation without attracting GST. The income tax legislation allows companies to transfer these income tax amounts to members of the same group in certain circumstances. Without this amendment these transfers could be subject to GST.

Schedule 2 amends the income tax law affecting general insurance companies to ensure that the provision for outstanding claims is worked out on a present value basis and that gross premium income is included in assessable income in the year it is received or receivable and net premium income that relates to risk exposure in subsequent years is appropriately deferred.

The schedule also ensures that the provision for outstanding claims of self-insurers in respect of workers compensation liabilities is taxed consistently with the provision for outstanding claims of general insurance companies.
The amendments confirm a longstanding view of the law and protect a substantial amount of revenue that would otherwise be at risk as a result of an adverse court decision.

Schedule 3 broadens the eligibility requirements for accessing the intercorporate dividend rebate for unfranked dividends paid between members of the same wholly owned group.

The proposed amendment extends the eligibility requirements. At the moment, there is a ‘whole of income year’ rule. This will be amended to include cases where the company paying the dividend and the company receiving it are part of the same wholly owned group at all times during the period of 12 months ending on the day on which the dividend was paid.

Full details of the measures in this bill are contained in the explanatory memorandum.

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

Debate (on motion by Mr Sidebottom) adjourned.

REGIONAL FOREST AGREEMENTS BILL 2002

Debate resumed from 19 March.

Second Reading

Mr TRUSS (Wide Bay—Minister for Agriculture, Fisheries and Forestry) (10.59 a.m.)—I move:

That this bill be now read a second time.

The Regional Forest Agreements Bill 2002 provides legislative support and commitment to the outcomes of Regional Forest Agreements, RFAs, and for ongoing action to implement the Forest and Wood Products Action Agenda through the Forest and Wood Products Council.

The bill commits the Commonwealth unequivocally to the outcomes achieved in the 10 RFAs concluded with four state governments between February 1997 and April 2001. These RFAs were the conclusion of a process which had its roots in a three-year inquiry into Australia’s forest and timber resources conducted by the Resource Assessment Commission in 1989-92. The Resource Assessment Commission found an overriding national need for improved intergovernmental institutions and decision making processes that would support comprehensive forward planning for forest use.

The National Forest Policy Statement of 1992 set in motion the regional forest agreement process. It provided a nationally agreed policy framework for a long-term and lasting resolution of competing forest industry, conservation and community interests and expectations concerning our nation’s forests. The statement committed the Commonwealth and all states to the ecologically sustainable management of forests and a balanced return from all forest uses.

This bill has 12 clauses addressing three main objectives of the bill. The first objective is to give effect to certain obligations on the Commonwealth under the RFAs. These obligations include:

(a) ensuring that forestry operations in regions subject to RFAs are excluded from Commonwealth legislation relating to export controls, the environment and heritage (clause 6);

(b) binding the Commonwealth to the termination provisions of RFAs (clause 7); and

(c) binding the Commonwealth to the compensation provisions of RFAs (clause 8).

In binding the Commonwealth to the compensation provisions in RFAs, the bill provides legislative support to provisions in the RFAs. The RFAs set out the circumstances under which the Commonwealth would be liable to pay compensation and the process by which the amount of compensation is determined. They provide that, in the event that the Commonwealth takes action inconsistent with the provisions of the agreement that leads to the prevention, or substantial limitation, of the use of land outside the reserve system or sale or commercial use of products from those areas, then the Commonwealth must pay as compensation an amount equal to the reasonable loss or damage sustained by reason of that action.

The second and third objectives of the bill are to provide legislative commitment and support to the National Forest Policy Statement and the Forest and Wood Products Ac-
tion Agenda and provide for the continuation of the Forest and Wood Products Council. Clause 11 provides for the Forest and Wood Products Council to be a forum for the minister and industry stakeholders to consult on a range of matters, including the Forest and Wood Products Action Agenda.

The RFAs and the Environment Protection and Biodiversity Conservation Act 1999 included some assumptions about future legislation, and some tidying up is now necessary to ensure that they are properly aligned. The bill, through a schedule, amends the EPBC Act and provides that the EPBC Act and the RFA bill have identical provisions relating to the application of RFA forestry operations.

**Senate amendments**

The Senate has made two amendments to the original bill in relation to compensation (clause 8) and to a source of forestry information (clause 10A).

The first amendment provides that any compensation the Commonwealth is liable for under the RFAs is in relation to reasonable loss or damage arising from the curtailment of legally exercisable rights calculated at the time of the curtailment. The original clause simply referred to compensation as provided in the RFAs. The amendment is consistent with the compensation provisions in most RFAs. The government has therefore accepted the amendment.

The second amendment added a new clause that requires the minister to establish a comprehensive and publicly available source of information for national and regional monitoring and reporting in relation to all of Australia’s forests to support decision making. The government is working with state governments on a National Forest Inventory. The NFI mission is to be an authoritative source of information for national and regional monitoring and reporting to support decision making in relation to all Australian forests. The minister has indicated in the Senate that this work will continue in compliance with this amendment.

**Conclusion**

The RFA bill is targeted at the specific objectives of underpinning the commitments the Commonwealth has already entered into in 10 RFAs with four state governments and in the National Forest Policy Statement of 1992 and the Forest and Wood Products Action Agenda of 2000.

I urge members to consider the merits of the bill. Let us leave aside the tired old arguments over the use of native forests. Those arguments have been scientifically resolved over the past decade of research and consultation by parties of goodwill, resulting in a world-class comprehensive, adequate and representative forest reserve system and more certainty for those people and communities that rely on native forests for their livelihoods. Let us accept that the RFAs have set the parameters for the balancing of competing environmental, industry and recreation interests. Let us leave detailed discussion about the management of particular forests and forest resources to where they are best handled: at the local level through the processes established in RFAs, including annual reports and five-yearly reviews of RFAs.

The government undertook at the last election to focus on ongoing monitoring and evaluation of RFAs through annual reports and rigorous five-yearly reviews and to investigate allegations of breaches of RFAs and address them appropriately. The government intends to fulfil this commitment through processes set out in the RFAs.

The RFAs contain a range of obligations and commitments for both the Commonwealth and state governments. Both governments are held accountable, through annual reports against RFA milestones and five-yearly implementation reviews, for the discharge of these obligations and commitments. In the event that a government breaches its RFA commitments, a party may serve notice on the other specifying matters in dispute and settle the dispute within seven (Tasmania) to 14 days (Victoria, Western Australia and New South Wales). In default of a settlement, the RFAs set out mediation procedures.

There are clear state government processes that the Commonwealth has accredited in the RFAs for ecologically sustainable forest management, including legislation, policies, codes and practices. These accredited
processes are designed to deal with allegations of breaches of the RFA. In some cases, these state processes have been amended and improved to meet new commitments undertaken by state governments in the RFAs.

If the accredited state processes have not satisfactorily dealt with forestry operations inconsistent with RFAs, then a state may well be in breach of its obligations. This would then be a situation in which the Commonwealth has rights under the RFA to require the state to ensure its processes meet its commitments under the RFA. The minister has undertaken to rigorously pursue any such failures of the accredited forest management processes using the dispute settlement procedures under the RFAs.

I remind the House that the Australian Constitution does not provide the Commonwealth with power over forest management. That power is vested in the states. However, we do have certain rights under the RFAs that the government will use fully.

What the RFA process has delivered is what the Resource Assessment Commission found to be an overriding national need back in 1992: improved intergovernmental institutions and decision making processes that would support comprehensive forward planning for forest use. Let us use those intergovernmental processes to the full.

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

Mr SIDEBOTTOM (Braddon) (11.08 a.m.)—I rise with great pleasure to speak on the Regional Forest Agreements Bill 2002 with a sense of déjà vu. I am sure I share that with my good friend and colleague the member for McMillan. The history of the RFA legislation—I think the legislation has been put up for debate four times now—has been very tortuous. My home state of Tasmania I think reflects the tortuous nature of the RFA process and, of course, the whole debate over forests. Australia’s forests are very, very important to our nation and contain significant heritage, environmental and conservation, historical, economic and social values. When you have such significant values existing then there is always going to be conflict and challenge related to them. The RFA process has sought to try and give some balance to those values.

Many people are not happy with the regional forest agreements, have opposed them and will continue to do so. The great thing about the country that we live in is that in order for our country to maintain its fabric it is absolutely essential that we have consensual government and consensual decisions. So ultimately we strive for a balance; we strive for a fair compromise. That is the Australian way. We recognise that it will not be acceptable to a number of people and the idea in politics and in decision making is that you will have those forces at work at all times monitoring and observing decisions, moving them forward and in some cases taking them backwards. But we have arrived at what we believe is a fair and consensual process, resulting in the regional forest agreements.

I have already mentioned that this is the fourth time legislation of this kind has come before the parliament. It is worth reflecting on the history of that, because we are part of it. In mid-1998 the Regional Forests Agreement Bill was put to the House but was halted by the 1998 election. My good friend the member for McMillan and I were fortunate enough to be elected at that time, so we have had participation in this debate ever since. In November 1998 the Regional Forests Agreement Bill was reintroduced and it was passed in the House of Representatives in February 1999. In December 1998 the Regional Forests Agreement Bill was referred to the Senate rural and regional affairs committee and was finally passed by the Senate with amendments in September 1999. However, the government rejected these amendments and an amended version of the Regional Forests Agreement Bill was introduced in August 2001, but no substantive debate took place before the election being called in October 2001. This bill, the Regional Forest Agreements Bill 2002, replicates the 2001 bill with the important exception of the insertion of a schedule, particularly item 1 of the schedule in relation to the amendment of the Environment Protection and Biodiversity Conservation Act 1999. The Minister for Agriculture, Fisheries and
Forestry mentioned that two Senate amendments have also been incorporated, relating to the maintenance of a national forest inventory and also the tightening up of compensation provisions for the RFA.

After tortuous debate in this House, and in the Senate, the bill did not move forward, I believe, for pure political reasons—the former minister responsible for this portfolio used politics instead of commonsense. Again, for the record, I remind the House that, unfortunately, since September last year there has been an incredible litany of incompetence surrounding this bill. On 26 September of last year at 3.30 p.m., to be precise, the Manager of Government Business boxed the government business for the Senate and there was no mention of an RFA bill. At 3.36 p.m. on the same day, Senator Tambling introduced an RFA bill for consideration in the Senate. At 6.21 p.m. on the same day, Senator Ellison withdrew the 3.36 p.m. notice. Meanwhile, in this House, the former minister was in the House of Representatives at 5.50 p.m. challenging Labor to give the RFA bill priority in Senate, knowing—or not knowing—that the bill had been withdrawn. At 9.42 p.m. that night the Leader of the Government in the Senate, Senator Hill, clearly pointed out that the government would not be presenting the RFA bill. At 4.30 p.m. on the same day in the Senate, Senator Abetz was blaming Labor for his own party’s ineptitude in the Senate, which saw the bill delisted, relisted and delisted again. In his notorious press release, trying to blame Labor for this ineptitude, he said, ‘I hope Labor change their mind in the next 48 hours for the sake of Tasmanian timber workers.’

In fact, Labor did get together to try to move forward the RFA bill. We gave a commitment to it, and we waited all year for the bill to be reintroduced by a minister who did not care and did not want it to be introduced, for his own political purposes. On the morning of 27 September, Labor did try to act on this in this House. It stung the former minister into action; in fact, I remember the frothing that was taking place in this House and the swearing that went with it. Later on that day Senator Abetz, trying to manipulate the situation knowing very well that the government was not going to go ahead with it, tempted Labor to reintroduce the bill that evening. All we had there was a litany of incompetence, and the real reason was that the former minister did not intend the RFA Bill to pass both houses before the election because he wanted to use it for his own grubby political purposes. I want that litany of incompetence on the record, and I also wish to record Labor’s commitment to passing that RFA Bill, and because of the incompetence in the Senate and in this House by the former minister, that was not to occur.

It has already been mentioned that, in 1992, Labor policy was implemented in the form of the National Forest Policy Statement. This was a statement signed by Commonwealth, state and territory governments which agreed to objectives and policies for the future of Australia’s public and private forests. It was a landmark policy, a landmark agreement. That in turn led to the process of constructing regional forest agreements. A regional forest agreement means:

... an agreement that is in force between the Commonwealth and a State in respect of a region or regions, being an agreement that satisfies all the following conditions:
... the agreement was entered into in having regard to assessments of the following matters that are relevant to the region or regions—
and it is very important that we note these:
... environmental values, including old growth, wilderness, endangered species, national estate values and world heritage values,
... indigenous heritage values;
... economic values of forested areas and forested industries;
... social values (including community needs);
... principles of ecologically sustainable management;
... the agreement provides for a comprehensive, adequate and representative reserve system;
... the agreement provides for the ecologically sustainable management and use of forested areas in the region or regions;
... the agreement is to be for the purpose of providing long-term stability of forests and forest industries.
So it was a consensual, scientifically derived consultative process over time to try to balance those important values of our most incredible resource—our forests—that I mentioned earlier. Those are the conservation, environmental, heritage, social and economic values. They are to provide the basis for an internationally competitive and ecologically sustainable forest products industry.

In the State of Forests Report 1998 Australia had 4.6 million hectares of closed canopy forests, more than 80 per cent of which were under Crown cover. This included 3.6 million hectares of rainforest, 51 per cent of which is under Crown cover, and a further 36.6 million hectares of open forest, with some 80 per cent covered by the Crown. Seventy-eight thousand people are employed in wood and paper production and in forest management and logging. These forest related activities contribute almost $7 billion a year to the gross national domestic product.

It is a massive industry; it is a massive employment and wealth producing industry. It sustains many jobs and many communities. It is part of our historical heritage, and in tune with that industry we also have the growing importance of forest based recreation and tourism ventures. That is certainly the case in my home state of Tasmania. Yet in all this, and in all the attempts to maintain a sustainable forest products industry and an ecologically sustainable management practice, Australia has a growing trade deficit in wood and paper products which exceeds $2.2 billion per annum.

The regional forest agreements have, as their intention, maintaining and sustaining those values and arriving at a balanced consensus. But an important object of the regional forest agreements is an expectation that not only will we have sustainable forest practices and a world first-class reserve system in Australia, but we will also have an expectation that when we give resource security there will be jobs to follow. The expectation—with reservations—of our communities is that by granting this resource security there will be jobs to follow.

There is an expectation that our forest industries will not just be quarries, that there will be investment in value-adding and that we will see this occur. Unless that expectation is fulfilled, the consensus among those that monitor the regional forest agreement processes will break down. We look forward to the realisation of that expectation in the future and we will do everything in our power to see that that happens and that we have the right strategies for further downstream processing and value-adding.

I would like to talk about my home state of Tasmania and the importance of the forestry industry and the forest, wood and paper products in my state. In a sense, it is a microcosm of other parts of Australia, where we have signed these 10 regional forest agreements. Tasmania as an area is 6,840,000 hectares. We have a world-class forest reserve system—indeed, in 1981, 580,000 hectares were in reserves. Following the 1997 regional forest agreement in Tasmania and additional Tasmanian legislation, 40 per cent of Tasmania, or 2.7 million hectares, is now reserved for conservation; 39 per cent of Tasmania’s forests, or 1.31 million hectares, is reserved; 86 per cent of old-growth forest on public land—the equivalent of 845,000 hectares—is reserved; and 95 per cent of Tasmania’s wilderness—the equivalent of 1.840 million hectares—is reserved. Only 17 per cent of Tasmania is available for public multiple-use production, and all harvesting in Tasmania is subject to regulation under the forest practices code.

I heard in the other house Senator Murphy complaining about certain practices in Tasmania which, he alleged, violated the forest practices code. I would say to Senator Murphy that I find it strange that not one of his allegations has been forwarded to the forest practices board for investigation. If there are alleged code violations—whether it be the forest practices code in Tasmania or any other code—then those code violations should be investigated and, if shown to be true, the penalties that are in force applied,
because we want best practices in our forests.

It sounds like an all Tasmanian affair in the Senate, and, I suppose, in the House, where we have the involvement of many of my colleagues from Tasmania—the member for Lyons, in particular, the member for Bass and the member for Denison. We also have my good friend the member for McMillan. I would also like to mention the former, unfortunately, member for Paterson, whom we miss, and the member for Corio and some opposite. I was upset to hear Senator Brown—who, unfortunately, has sought to demonise the Tasmanian forest industry and those communities that work in it with some outrageous claims—claim that there was logging going on in World Heritage areas in Tasmania. There is not—one iota of proof of that, nor could he offer it—but he is quite happy to fire those shots in a debate in order to keep that agenda running. If Senator Brown, like Senator Murphy, has evidence of any violation of our forest practices code, let him bring it forward, let it be investigated and may the regulations take due course. It is all very well to whip up the emotions surrounding this, but we have a consensual approach in the regional forest agreements and in this legislation, trying to provide a proper balance.

The forestry industry in my state employs more than 8,200 people and there are many more people and jobs that are part and parcel indirectly of this industry. It is absolutely significant and vital to my state—and my state takes great pride in the way we manage our forests. We do not need the industry demonised in an attempt to denigrate it, the good people in it and those that try to make that industry a world-class industry and one to be proud of.

The industry contributes sales of over $1.1 billion to the state economy and the industry has reinvested over $190 million per year for the past four years. When the RFA process was taking place in Tasmania, 50 forest communities were defined for assessment in the RFA, 16 of which were identified as rare or endangered. Under the RFA, all of these at-risk communities are protected on public land. Reserve criteria for 45 of the 50 forest communities have been fully met with over 97 per cent of the area targets met. So, the loose talk you hear about nudge-nudge, wink-wink decisions made willy-nilly for practices in Tasmania begs belief in the light of the investigations that took place to bring about the RFA.

In the time remaining I would like to turn to my own electorate of Braddon, which has a long tradition of important forest industries and certainly wood and paper products. Gunns Ltd, which is probably one of the largest players now in forest products in Australia, if not the largest player, has a number of significant assets on the north-west coast. It is Australia’s largest, fully integrated hardwood forest products company, and it owns something like 175,000 hectares of freehold land and manages more than 60,000 hectares of plantations. It employs over 1,000 people and has a turnover in excess of $230 million a year. It is Australia’s largest hardwood sawmiller and the largest producer of decorated sliced veneer. Gunns has a major stake in Tasmania’s future, and it seeks to value-add wherever possible. We encourage it to do that, and I know that Gunns and other major players in the industry will accept the message of resource security and the expectation I mentioned earlier that we will seek every which way to value-add our forest products.

In my own area, just up from Burnie in the township of Ridgley, there are Gunns offices and a world-class forest research centre, including a leading fibre technology lab. In Somerset, there is the Somerset veneer mill. Its decorative sliced veneer is one of the highest value added uses of timber. Also at Somerset, a small town along the beautiful north-west coast of Tasmania, there is a state-of-the-art seedling nursery capable of growing in excess of 13 million seedlings annually. Further up the coast into what we call Circular Head is the magnificent dairying and forestry area of Smithton. There we have the Smithton mill, which is one of Gunns’s five hardwood sawmills and deals with dried and dressed Tassie Oak. It specialises in value-added products such as laminated beams and benchtops. Above and closer to Burnie, we have the Hampshire
woodchip mill. We also have the Massy Greene softwood mill and log marshalling yard at Burnie and the Burnie port facility for the transplantation of hardwood and softwood forest products.

Flipping back up the coast to the Circular Head region again, we have a very good and efficient niche mill run by Britton Brothers. They employ 65 workers on site and 22 people on the mainland in their sales outlets in Melbourne, Sydney and Brisbane. Their motto and practice is to maximise value adding. There are smaller value adding mills such as the Corrina sawmill at Cooee, which is between Burnie and Somerset, and the Red Rock Timbers mill in Burnie. We also have the Australian Paper Burnie and Wesley Vale paper mills. In all, some 1,500 people are directly employed in this industry in my electorate, and there are a further 500 bush and transport contractors employed as well. Their wages bill injects about $90 million per annum into our local economy.

There are also prospects for future value adding in the Southwood Resources project at Smithton, also in Circular Head. In essence, this is going to be an integrated project where value adding is the hallmark of the processes. The product will be used as much as possible on site, and all aspects of the product will be used for value-adding both in saw-logging and rotary peeled veneer billets and in setting up a rotary peeled veneer plant and either a plywood or laminated veneer lumber plant in its future stages. Also, a forest residue based power station hopefully might be established on the site in the future. A replicated model in the Huon in Tasmania involves a proposed $100 million investment with 200 jobs.

The reason I am proud to raise examples in my electorate and in my state of the forest industry is that it makes this legislation real. It is the consequence of regional forest agreements and the process that was entered into to arrive at them. They are about preserving important values and reserving some of them. They are about using, in a sustainable way, our products and our resources—resources which belong to the people of Australia and which we want used in a balanced way.

As I said earlier, there is an expectation that with resource security there will be downstream value adding industries. We on this side of the House—and no doubt those on the other side—and all those who are vitally interested in forests and forest industries in Australia will be observing this process in the future. Reviews are intended every five years for each of these RFAs, which are in effect for 20 years. We call on the industries now to do their bit, even more than they are doing, in the light of resource security. We also ask those people who have been sceptical of this process to try to appreciate that this was a balanced, reasoned assessment to arrive at what we believe is a fair and balanced agreement between preservation and conservation of the environment and providing a sustainable industry into the future.

To conclude: I think it has taken far too long for this bill to be passed. I believe that unfortunately it was used for political reasons. It lay dormant for at least a year; we had—as I am sure both sides of this House would agree—an absolutely ridiculous situation where it was introduced at the last moment; and then we had the debacle that took place in the Senate. I would like to think that what occurred initially was a procedural debacle. That could have been overcome. The legislation was listed, delisted, relisted, delisted—it went on and on, so I suspect that there was no intention of having the Regional Forest Agreements Bill 2001 passed before the election. But now the legislation is here, and we on this side are pleased to support it.

Mr Zahra—Hear, hear.

Mr SIEDBOTTOM—The member for McMillan and I, and others in this House, have sought to support such legislation since 1998 when we were elected to the House, and at last it is here. I look forward to hearing the comments of members on the other side, and I know that they will join with me to ensure that the regional forest agreements are adhered to, that we have industry acknowledging resource security and investing confidently in the future, that we have value adding and that our resources are not merely quarried and exported overseas.
Mr McARTHUR (Corangamite) (11.37 a.m.)—I am delighted to participate in the debate on the Regional Forest Agreements Bill 2002 and acknowledge some of the comments that members opposite have made. The member for Braddon went on somewhat about the difficulty of passing the RFA Bill at the dying stages of the last parliament. Let me put on the public record that those members opposite were against the RFA Bill passing through this House.

Mr Zahra—Rubbish!

Mr Sidebottom—Rubbish!

Mr McARTHUR—I know the sentiments of the member for Braddon. He has basically been in favour of passing this bill. The member for McMillan spoke with forked tongue on this issue. He was invisible on the issue. He was never around when the debate took place. He was not about when the vote was taken; he was conveniently absent. I commend the member for Lyons because his heart is in the issue.

The former shadow minister, the member for Reid, and the former leader, the member for Brand, were against passing the RFA Bill for political reasons in Western Australia. Other elements within the Labor Party were against passing the bill. For the member for Braddon to suggest that we on this side had any hesitation about passing the RFA Bill is completely erroneous. I am delighted that he has at long last put on the public record that the ALP supports the RFA Bill. I certainly hope the member for McMillan, the member for Lyons, the member for Denison and the member for Blaxland, who would not know what a tree is, support this bill wholeheartedly, once and for all.

As the member for Braddon has said, this policy was outlined in the 1992 National Forest Policy Statement. The then Labor government had difficulty in working out an agreed position between the forest industry and conservationists. The RFAs emerged from the National Forest Policy Statement. This has resulted in a world-class forest reserve system which meets the criteria as set out in that statement. Any intelligent observer would agree that it has been a compromise. It is interesting to note that the RFAs have ensured that 68 per cent of old growth forests are protected from logging. I reiterate that 68 per cent of old growth forests are protected. In very simple terms, that leaves 30 per cent for harvesting operations. Sustainable yields have been reduced quite remarkably in Victoria.

The RFAs achieve excellent environmental outcomes and give certainty to the industry in terms of wood resources. The bill commits the Commonwealth to paying compensation should the resource be reduced. The crux of this debate is that there is resource security. The member for Braddon understands fully, both from his time before entering this parliament and from his time in this parliament, that those in Tasmania need resource security. He and the member for Lyons have been struggling valiantly against the Labor Party to try to bring about security for their home state and their constituents. I think they need to be commended publicly for their position.

The passing of the Regional Forest Agreements Bill will, at long last, provide 20-year backing by the Commonwealth for the RFAs that have been signed. If the Commonwealth breaks its commitment on the RFA it will provide compensation. That will be a break for the states that might change their political colours. If there is a change of heart, those logging industries have a legal commitment from the Commonwealth government that compensation will be paid. At long last we can be sure that the RFAs, which have been signed by the Prime Minister and by the premiers of those states, are sustainable in law, compensation will be paid and people can move forward with confidence.

There has been a change of rules in Victoria in recent months. RFAs were signed after long debate between the logging industry, conservationists and the green element. In my own area, I know that the western Victorian RFA was signed in March 2000. The question then is, although signing took place: will compensation be payable? We will have that provision with the passage of this bill. Under clause 7 of the bill, the Commonwealth can only terminate an RFA according to the provision set out in the RFA itself.
Clause 8 provides for compensation of a breach of an RFA by the Commonwealth. That is the fundamental point that we on this side of the parliament have been making for the last three or four years. When the RFA Bill was put to those members opposite they declined to support it time after time. I know that those three or four members from Tasmania were unequivocal in their support and would have liked to have supported the government’s position.

In Victoria in recent times there has been a reduction in logging volumes because of the inaccuracy of the DNRE in calculating the sustainable yield. I and some opposite are very concerned that suddenly the Bracks government provided a change of data. Some of us were suspicious that this data was not accurate.

Mr Zahra—The process was started under Kennett.

Mr Sidebottom—Kennett was the trouble in Victoria, you know that.

Mr McArthur—It is not rubbish. The member for Braddon would understand that the sustainable yields were changed. The member for McMillan would understand that if he got out into the forests and actually looked at the data. There was an average reduction of 34 per cent across the state. There was a reduction in the midlands forest area of 83 per cent on the original agreement under the RFA. The central Gippsland forest management area had a 50 per cent reduction. This was devastating to those communities, as the member for McMillan would understand. He is a bit cautious about this because it is his government in Victoria that has brought about these changes.

Michael O’Connor from the CMFEU is a friend of the workers. I am a friend of the workers in the Otways. I support them in their ability to go about their lawful processes in harvesting timber. There were great arguments during the last election campaign about clear-felling processes and the RFAs between those standing for parliament. Certain other groups spent a fair bit of time arguing about the merits of clear-felling versus selective harvesting.

So we have a situation where the CFMEU are upset. They had a big rally in Melbourne. They were upset with their own Labor government because their own Labor government had cut out jobs for their own people. We had a situation in East Gippsland and we saw what the green elements have been doing. I quote from the Sun-Herald of 13 March in relation to the booby traps that were discovered in this area:

A WorkSafe field report said wire, fishing lines and ropes had been strung across trees in Goolegook by protestors. It said workers or machinery could have been seriously injured. It went on to talk about the fact that razor wire was collected from this camp. People can just imagine what razor wire was doing in any of these protestors’ camps, and for what legitimate purpose one would wonder. One would be very apprehensive about the safety of forest workers in those sorts of conditions.

So we have the situation where the Victorian government have reduced the sustainable yield, and I wonder whether Victoria might look at some of those areas that have been locked up. The CFMEU support this view of why don’t we look at some of those areas that have been locked away, because the 30 per cent that is left of the other areas is now found not to sustain the yields that were incorporated in the RFAs. So I think that governments should maybe reassess that position—and I know that in Tasmania they would be looking at it very carefully—to ensure that the workers and the investments, as the member for Braddon said, in Gunns industries could sustain their viable industry.

This is a landmark piece of legislation. It gives security of tenure to the resource, the timber products in the forest. We have the interesting figure of a $2 billion deficit in terms of the timber industry—we import that amount of timber—and we have this debate in Australia saying that we should lock the forest up across the board. My view is that the forestry practice in Tasmania, in Victoria, which I know well, and in southern New South Wales is sustainable. The clear-felling operation ensures that the forest will regrow in both scientific and practical terms to its
former position before the harvesting took place.

The fundamental figures are that we import $2 billion worth of timber products into Australia, we have a large landmass, we have the capacity to grow timber, yet we have this ongoing argument where some elements of the community suggest we should lock up the whole forest. We have a gross turnover of $14 billion in the forest industry in Australia, with Tasmania—the key forest producer—Victoria, south-east forests and some parts of Western Australia.

Here today the RFA Bill gives a final imprimatur on this whole forest debate. I acknowledge the national forest statement that tried to resolve those issues under the former Keating-Hawke governments. From that, we have this settlement of the issues between the green argument and the environmentalists, who have on many occasions a very unscientific view of the assessment of those values, and those people in the logging industries who have invested their livelihoods, invested their money hopefully to harvest this resource to provide timber products for all Australians and reduce that deficit.

I commend the legislation. I commend those opposite who have had the courage to support this point of view in the forums of the Labor Party. I support the CFMEU for their strong stand and particularly their secretary, Mr Michael O’Connor, who I know has been instrumental in this debate both from his own workers’ points of view and from the scientific assessment of the logging industry. It is a bit unusual that the former minister, Minister Tuckey, me and others on this side would support elements of the CFMEU, but they have been strong in their support of this debate. They had been strong in support of both the employers and the employees in the timber industry and they have been full of condemnation for those protesters who illegally have moved into their work sites and have wrecked their machinery.

I know that those members opposite from Tasmania would be horrified about that destruction of forest machinery just two weeks ago. I think it was $4 million worth of machinery that was torched, totally burnt and wrecked. I put on the record my abhorrence for that position—and I see the member for Braddon agreeing with me entirely. That people in the Australian community could go and attack and destroy that machinery in the guise of commitment to a conservation position is just not the Australian way. We just do not accept that position.

I also acknowledge that the Victorian government have taken strong action against those protesters moving into the forest in an illegal manner, and I commend them, in East Gippsland and other areas where they have now protected those workers, allowing them to go about their lawful work, which has been protected by the RFA process by both the Victorian state government and the Commonwealth.

I enthusiastically endorse the passage of the RFA Bill. It has been a long debate that I personally have been associated with. I am sure that many opposite will agree and that many of those hard-working timber industry personnel throughout Australia will be absolutely delighted with the passage of this bill through the Senate in the very near future.

Mr ZAHRA (McMillan) (11.50 a.m.)—This bill has been a long time coming. The passage of this bill has been a tortuous process. I am very glad to be able to stand here at the dispatch box, though, and speak in support of the Regional Forest Agreements Bill 2002 today knowing that there will not be any games in the Senate, there will not be any carry-on, there will not be any political partisanship; there will just be the passing of this legislation, which will be incredibly important for the timber industry, particularly for the timber communities and for those timber workers who rely on the industry for their livelihoods.

I notice that the member for Corangamite is leaving. It is a shame that he is leaving, because I want him to hear what I have to say. He has made some remarks in the course of his speech in the House today that I did not support this legislation. I would ask the member for Corangamite to go and have a look at the Hansard of 26 September 2001, 5.55 p.m., in relation to this and see who voted for it. You will see my name there, Stewie. I know you are not as good on the
eyesight front as you used to be, but have a
look in the *Hansard*. It is all there. You will
see it in black and white.

The member for Corangamite and the
former Minister for Forestry and Conserva-
tion made a big song and dance about how
there was a vote on the RFA bill when they
were not really intent on passing it, and they
said that I was not here. But the reason I was
not in the House that day is for the best rea-
son for someone who seeks to advocate and
be effective on behalf of timber workers: I
was at a meeting in Swifts Creek in the
Tambo Valley in East Gippsland where a
timber mill had been closed. I was there to
advocate on behalf of those people and to
make sure that they got some justice out of
the then Kennett government.

I want to make this plain: there are some
fundamentally different approaches to the
timber industry in this House. Sure, we agree
to the passage of this legislation, but there
are still some fundamentally different views
on what the timber industry should provide
in this country. Those on this side of the
House think that it should not just be about
giving the timber industry a free run to do
whatever they want. We understand that
people’s lives are involved here—
the timber
workers and those communities that depend
on the timber industry for their livelihoods.
We do not just take the simple approach,
which is all about giving the timber industry
access to make whatever profits they want
out of a public resource— that is, the forest.
We understand there are some obligations as
well.

When I went to Swifts Creek that day at
the request of the Swifts Creek community to
try to make sure that they got some fairness
out of the Kennett government on their
situation, that is what I had in mind. Inter-
estingly, on 1 June 1999 I wrote to the then
Minister for Forestry and Conservation, Mr
Wilson Tuckey, the member for O’Connor,
on the situation at Swifts Creek. Basically, I
said, ‘Wilson, this is the situation. Can you
see what can be done here to try to assist
these people?’ He wrote back to me on 13
July 1999. I will not read out the whole let-
ter, but I will read out a very important sen-
tence from the correspondence. He said:

The decisions made by Neville Smith Timbers are
purely commercial ones ...

That is his view when a timber mill closes in
a community that is entirely dependent on
that industry. These decisions are just com-
mmercial ones according to the former Minis-
ter for Forestry and Conservation and ac-
cording to the Liberal and National members
in this House. We have a different view. We
do not think those decisions are purely com-
mmercial ones. We think they affect commu-
nities and timber workers and need to be
made in that context. It is not easy for those
people opposite to parade themselves as he-
roes of workers and to talk about how they
support the CFMEU when, at a time when
those communities need them most, they are
missing in action. I want to set the record
straight in relation to that.

When the Howard government was
elected last year and made a decision to ap-
point a new Minister for Forestry and Con-
servation, the timber industry— the timber
communities and those people associated
with the sector more generally— breathed a
collective sigh of relief. They said, ‘We have
had enough of this bloke. We have had
enough of his carry on. He promised the
world but he has not delivered anything.’ We
are standing here today passing this bill, de-
spite the fact that the former Minister for
Forestry and Conservation put in his best
effort to make sure this bill was never
passed. His excessive partisanship, his ex-
cessive carry on and the fact that he thought
that anyone who did not agree with him was
an idiot, including industry people who had
been associated with the industry for genera-
tions, were something that people had had a
gutful of. We are happy to see the back of
him, we are happy to have seen him off. The
industry—the timber communities and the
timber workers— can breathe a sigh of relief
knowing that we are not going to have any
more carry on associated with that bloke. I
want to give an example of that. Last year
the former Minister for Forestry and Conser-
vation came to my electorate and made a few
comments. An article in the *Warragul Ga-
zette* of 27 March last year, reported:

The minister received a mixed response. Des
Micah told him he was committing political sui-
cide by attempting to regain some of the forest reserves.

Mr Tuckey obviously didn’t agree and served it right back to Mr Micah in an abusive fashion, telling him it was not his job on the line and he would conduct his politics the way he saw fit.

Speaking afterwards, Mr Micah said he did not know where Mr Tuckey was coming from.

‘I was a bit disappointed in what he had to say.

The article continued:

George Morgan of Morgan Sawmills—a good family owned timber mill in my electorate—at Crossover braved it to ask a question.

Mr Morgan said a group of West Gippsland sawmillers had combined to form a consortium in an attempt to break into the export market. He wanted a commitment from Mr Tuckey on government funding for the consortium.

When the minister began evading an answer, Mr Morgan gave it right back saying ‘stuff you, put your money where your mouth is.

This is the commitment that people in the timber industry—timber millers, timber workers and timber communities—have wanted from Mr Tuckey right from the day when he started as minister for forestry. We have wanted him to put his money where his mouth is. We have wanted his actions to match his rhetoric. It is all well and good to carry on, it is all well and good to come in here and serve up abuse, it is all well and good to run to different sectors and tell them, ‘I am really with you. These people are all bad or against us et cetera,’ but you have to be able to deliver the cash for the industry policy and find a way of getting your legislation through. In political life, you are not very much if you cannot get your legislation through. That is the test.

When it comes to the test of whether or not Wilson Tuckey, the member for O’Connor, got his legislation through, he failed profoundly. The fact that we are passing this legislation today is because, finally, the situation is that the government have seen that people can see through the games that they have been playing and the carry on that they have been associated with. Finally, the government have said, ‘We can’t go on with this charade any more. We are just going to have to pass the bill.’ That has been to the detriment of timber communities, it has led to a lot of uncertainty in the industry and the government stand condemned on their actions in this matter. They have sought to use this issue for political advantage, and they stand condemned because their political fortunes were more important to them than the interests of timber workers and timber communities.

The member for Corangamite said that the Labor Party were never fair dinkum about passing this legislation. He needs to read the Senate Hansard again to see what the Leader of the Government in the Senate, Senator Hill, said when we were trying desperately to get this legislation through before the parliament rose for the election that was called last year. At 9.42 p.m. on 26 September last year, Senator Hill said:

Senator Faulkner tells me that the Labor Party wishes for the bill to be debated and the Labor Party would vote for it.

So there you are! You had an unequivocal commitment from us that we would have passed the legislation, but you people on the other side were too busy playing games, and too busy trying to get a political advantage, to pass the bill. You stand condemned, and the former Minister for Forestry and Conservation stands condemned for the way that he has contumaciously treated timber workers and the communities that rely upon this industry for their livelihood.

People in the timber industry want better than that. They want an approach which sees value adding become the focus for timber processing in this country, and they want a focus on education and training. We do not want to see our country’s resources used as a quarry; we do not want to see our jobs reduced to just being low-skill, dead-end jobs. We want to see high-skill, high-wage jobs in the timber industry. We do not want to see this country’s resources used as a quarry; we do not want to see our jobs reduced to just being low-skill, dead-end jobs. We want to see high-skill, high-wage jobs and the opportunities associated with them in the timber industry. We understand just how important that is in our community.

The people on the other side who come into this place and want to attack us for partisanship should get out the full-length mirror and have a long, hard look at themselves. It
is your fault and no-one else’s that this bill has not been passed until this point. It might be that those people have never been fair dinkum about supporting timber workers; I think that is probably true. Look at who has the runs on the board in relation to the timber industry: the Australian Labor Party does. We put in place the National Forest Policy Statement, we started the regional forest agreements process and we have consistently been the advocates for timber industry jobs and making sure that resource security is linked to job security. So it is completely disingenuous of those people opposite to make out that they are on the side of workers in relation to this. They are not; they have never been.

We have seen off the Minister for Forestry and Conservation. The fact that he could not get his legislation through because he was too busy playing games with people’s livelihoods really says a lot about him and how incompetent he was as a minister. We are glad to have seen him off and to be finally getting this legislation through—no thanks to him or to you people on the other side but thanks to people like the member for Brad- don and the member for Lyons. People on this side have kept the faith, and today we are closing the process that Labor started 10 years ago. We are closing what we started. You people have held us back every step of the way.

Debate (on motion by Mr Baldwin) adjourned.

STATES GRANTS (PRIMARY AND SECONDARY EDUCATION ASSISTANCE) AMENDMENT BILL 2002

Consideration of Senate Message

Bill returned from the Senate with amendments.

Ordered that the amendments be considered forthwith.

Senate’s amendments—

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

1A After paragraph 15(b)

Insert:

(ba) The prescribed requirements for performance information to be reported in accordance with paragraph 15(b) shall include a requirement to report annually on progress being made to implement the detailed plan setting out the procedures for dealing with the physical, sexual and emotional abuse of students required by section 15A.

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

1B After section 15

Insert:

15A Specific condition: responsibilities of States in dealing with abuse of students

(1) A further condition is that a State must do each of the following not later than a date or dates determined by the Minister for the purposes of each paragraph:

(a) provide to the Minister a report on the administration of such legislation as is administered by the State relating to the protection of children and young persons in government and non-government schools;

(b) provide to the Minister a detailed plan setting out the procedures for and responsibilities of government schools in dealing with the physical, sexual and emotional abuse of students, either within or outside schools.

(2) A plan provided in accordance with paragraph (1)(b) must:

(a) indicate the ways in which government schools will seek to create an anti-abuse environment; and

(b) indicate the means by which government schools will communicate with students about their rights in relation to abuse; and

(c) indicate how the plan will be implemented; and

(d) be reviewed at least every four years by the Minister, with the first review being completed before the expiration of the 2008 program year; and

(e) be approved by the Minister; and

(f) be in accordance with the standards set out in the regulations to this Act.

(3) A further condition is that a State must have enacted legislation requiring the
protection of children and young persons to receive grants in accordance with this Act.

(4) A further condition is that a current law of the State must require that teachers promptly report instances of abuse of students of which they become aware in the course of their employment.

(5) The requirement in subsection (4) to report may be either a requirement to report to the police or to a relevant government department or agency.

(6) The Minister shall consult with the relevant State Ministers about the application of the legislation referred to in subsection (4) to other employees of schools in addition to teachers.

(7) The conditions in this section are to apply to payments made to a State from the beginning of the program year 2003.

(8) This section is not intended to exclude or limit the concurrent operation of any law of a State or Territory.

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

1C After paragraph 23(b)
Insert:

(ba) The prescribed requirements for performance information to be reported in accordance with paragraph 23(b) shall include a requirement to report annually on progress being made to implement the detailed plan setting out the procedures for dealing with the physical, sexual and emotional abuse of students required by section 23A.

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

1D After section 23
Insert:

23A Specific condition: responsibilities of relevant authorities in dealing with abuse of students

(1) A section 18 agreement must require the relevant authority to provide to the Minister not later than a date determined by the Minister a detailed plan setting out the procedures for and responsibilities of schools for which it is the relevant authority for the purpose of this section (relevant schools) in dealing with the physical, sexual and emo-

(2) A plan provided in accordance with subsection (1) must:

(a) indicate the ways in which the relevant schools will seek to create an anti-abuse environment; and

(b) indicate the means by which the relevant schools will communicate with students about their rights in relation to abuse; and

(c) indicate how the plan will be implemented; and

(d) be reviewed at least every four years by the Minister, with the first review being completed before the expiration of the 2008 program year; and

(e) be approved by the Minister; and

(f) be in accordance with the standards set out in the regulations to this Act.

(3) The conditions in this section are to apply to payments to a State from the beginning of the program year 2003.

(4) This section is not intended to exclude or limit the concurrent operation of any law of a State or Territory.

(5) Schedule 1, item 1, page 4 (after line 9), after subsection (4), insert:

4A Where the Minister varies the list in accordance with this section, the Minister must do so in accordance with such criteria for the identification of a new school as shall be prescribed.

(6) Schedule 1, item 1, page 4 (lines 16 to 21), omit the definition of establishment amount, substitute the following definition:

establishment amount for the program year is as prescribed in accordance with the principle that the amount of a grant allocated to each school will be in direct proportion to the SES score for the school set out in Schedule 4 of this Act so that the largest grant is made to the school with the lowest ranked SES score and the smallest grant is made to the school with the highest ranked SES score.

(7) Schedule 1, item 1, page 4 (line 28) to page 5 (line 2), omit the definition of establishment amount, substitute the following definition:

establishment amount for the program year is as prescribed in accordance with the principle that the amount of a grant
allocated to each school will be in direct proportion to the SES score for the school set out in Schedule 4 of this Act so that the largest grant is made to the school with the lowest ranked SES score and the smallest grant is made to the school with the highest ranked SES score.

(8) Schedule 1, item 1, page 5 (after line 2), after subsection (6), insert:

(7) Expenditure of a payment made in accordance with this section shall be restricted to the purposes of such recurrent establishment costs as may be prescribed.

(9) Schedule 1, item 1, page 5 (after line 2), after subsection (6), insert:

(8) A school is ineligible for establishment grant funding where:
(a) the school derives income from student fees; and
(b) the average level of the amount of fees derived by a school in paragraph (a) is equal to or in excess of the amount equivalent to per capita AGSRC.

(10) Schedule 1, item 1, page 5 (after line 2), after section 75, insert:

75A Review of grants to provide establishment assistance

(1) The Minister must cause a review of establishment grants to be conducted by the Department of Education, Science and Training.

(2) The review is to include an assessment of the extent to which payments made in accordance with this Act have been successful in meeting the recurrent establishment costs of new schools, with particular reference to the:
(a) eligibility; and
(b) accountability and transparency; and
(c) administration of the payment of establishment grants.

(3) In conducting the review required by this section, the Department must establish and consult with an external reference group representative of school authorities and organisations.

(4) A report of the review conducted in accordance with this section must be made publicly available before the expiration of the 2003 calendar year.

Dr NELSON (Bradfield—Minister for Education, Science and Training) (12.04 p.m.)—Madam Deputy Speaker Gambaro, congratulations on your appointment to support the Speaker. I would like to indicate to the House that the government proposes that amendments (1) to (9) be disagreed to, and that amendment (10) be agreed to. I suggest, therefore, that it may suit the convenience of the House to first consider amendments (1) to (9) and then, when those amendments have been disposed of, to consider amendment (10).

The DEPUTY SPEAKER (Ms T. Gambaro)—There being no objection, we will follow that course of action.

Dr NELSON (Bradfield—Minister for Education, Science and Training) (12.05 p.m.)—I move:

That amendments (1) to (9) be disagreed to.

This is a very important bill, both in principle and in outcome. It amends the States Grants (Primary and Secondary Education Assistance) Act 2000, which authorised establishment assistance funding for the 2001-04 funding period. It gives effect to establishment grants that have been provided to assist newly established non-government schools with costs incurred in their formative years and to enable them to be more competitive with schools that already exist.

The establishment grant provisions in the bill have now returned from the Senate on multiple occasions. On each occasion there has been considerable debate about the establishment grant provisions and the issues surrounding eligibility, accountability and the administration of the program. The Australian Labor Party, the Democrats and the Greens have proposed separate amendments to the bill. I would like to deal briefly with the amendments.

The majority of the Labor amendments before the House seek to impose requirements on the Commonwealth, particularly in the areas of prescribing the specific items that establishment grants can be spent on, a form of tapered assistance, and eligibility that would reduce the entitlements proposed under the amendments to the act to 52 of the 58 schools that are currently awaiting money.
In other words, 52 of the 58 would receive less than the original states grants amendment bill proposed.

The government does not support a return to the control regime which it considered existed during the years of the former Labor government prior to 1996. The government has, however, listened to the calls from the opposition—and I must say I have considered them at some length—to provide for a review of the establishment grants program. This is a relatively new program, having commenced in legislation only from January 2001. The opposition has been critical of aspects of the program and, whilst I am assured by my department that the program is properly administered, I can see merit in a review of the program—which in any case my department and I would be doing before the end of 2003—which can then inform legislation for this important area of government and educational activity for 2005-08.

The amendments proposed by the Democrats that have been passed by the Senate deal primarily with another educational issue: the safeguarding of students’ physical and emotional wellbeing in our schools. This is indeed a substantive issue—the extent to which we protect the transition of our children to adult life is a critical measure of a caring society. As such, this issue has much merit. However, the government believes this amendment is wrongly placed at this point. Such an important national issue needs to be addressed through a process of national collaboration with all states and territories and non-government education authorities. It would be quite inappropriate for me as the minister—and indeed for the government—from a Commonwealth perspective, without any consultation with state and territory governments and those who represent the interests of the quite disparate non-government sector, to agree to an amendment which would give effect to quite significant changes in some parts of Australia’s education system.

Of course the government is strongly supportive of the principles of schools as a safe learning environment—principles endorsed in the National Goals for Schooling for the 21st Century. However, I am very conscious of previous criticisms from state governments and the non-government sector when we in this House amend legislation, which can have quite far-reaching implications for government and non-government school authorities, without the opportunity for prior detailed consultation in the form of procedures of this type and their implementation. I have written to all of the state and territory ministers with a view to placing this issue on the agenda for the forthcoming ministerial council on employment, education and training. Whilst this issue has been considered by it in the past, I intend to use every resource available to the Commonwealth to meaningfully progress the issue. I have also written to the representatives of the non-government schools sector with a view also to bringing back to the parliament for consideration legislation that might ultimately give effect to the ambitions embedded in the Democrats amendment. In summary, I urge the House to pass this bill without the Senate amendments which I have indicated, except the one which I have said the government will support.

Ms MACKLIN (Jagajaga) (12.11 p.m.)—The story of the subject matter of this bill, the States Grants (Primary and Secondary Education Assistance) Amendment Bill 2002, and of the amendments that we are debating now—the payment of establishment grants to new non-government schools—unfortunately is a sorry one. It is a story of misplaced priorities, incompetence and in some cases intransigence on the part of the government. It is important here to take a little bit of time to outline the history of this matter for the House so that we do not have any misrepresentation of what has gone on. The previous minister included funding for the provision of establishment grants in what is now the States Grants (Primary and Secondary Education Assistance) Act 2000. The relevant section, section 75, states that the minister may provide an establishment grant for a non-government school where that school meets the definition of a new school proposal as set out in another section of the act. The definition covers a number of cases.
We now know that these definitions are inadequate in light of information provided that distinguishes genuinely new schools. Unfortunately, the government has failed to check on the status of schools against its own criteria. The fundamental problem is that a 'new school' is defined tautologically in the legislation as a new school—unhelpful, to say the least, for the purposes of establishing eligibility. It is not sufficient, as the government has argued, that this definition can simply be relegated as a matter for state registration authorities. This unfortunately shows how little the government understands the operation—either its own program or the substance of state legislation and responsibility in this area. Since no state or territory government provide special assistance for new non-government schools, they have no need to define a new school for the purposes of paying their recurrent funding assistance.

Although not all state and territory registration criteria and procedures are the same—and this of course is another problem for the government's position on this issue—the main responsibility of state and territory registration processes is generally to protect the educational standards that non-government schools provide to students as well as the wellbeing and safety of those students and to make sure that those schools operate in the public interest. The focus of the states is on minimal standards of curriculum and teaching and on the health and safety requirements, not on defining eligibility for Commonwealth establishments grants.

When a state or territory registration body considers a particular school, its judgments are made on the basis of the operation of that school at the time. Registration normally is conditional on the specific description of the school at the time in relation to the stage of schooling provided—that might be primary or secondary—and to its geographic location. Registration is focused entirely on what is being offered to students, regardless of the stage of development of the school. These state and territory registration processes are not concerned with the technical matter of defining a new school. It now emerges that the Commonwealth government believes that state and territory authorities define a new school for funding purposes, and in its ignorance it has passed out taxpayers’ money according to criteria that do not exist.

Section 75 of the States Grants Act 2000 also states clearly the maximum amount authorised to be paid to the states under subsection (1) for any one program year and that the amounts to be paid must never exceed the maximum of $4.7 million over the period 2001 to 2004 inclusive.

Mr Brough interjecting—

Ms MACKLIN—I will do that. I am watching the clock. The commitment to establishment grants of $4.7 million was part of an overall package for schools totalling over $20 billion for that period. (Extension of time granted) I thank the government. Nowhere in that legislation do we find any reference to a per capita entitlement of $500 in the first year and $250 in the second year of operation of a new school. Those amounts appeared in the subsequent administrative guidelines issued by the department in late 2001. The parliament unfortunately does not have any role in authorising those guidelines. It soon become apparent to the government that it had tried to institute a per capita entitlement within a fixed budgetary allocation already approved by the parliament. That is a major example of administrative and ministerial ineptitude. The situation that confronted the minister at the time—this was before the election—was that there were schools, students and families that were entitled to expect this funding to assist schools in their early development but for whom the minister had failed to provide sufficient funding. That is why it is so important to get the facts of this issue on the table.

The former minister tried to rescue his error by coming back for more money. He initially included this as part of a number of initiatives in the Innovation and Education Legislation Amendment Bill 2001, which was introduced in April last year. This bill covered a huge range of different issues. It included extra funding for research and higher education, matters related to postgraduate education loans, a limit on student debt to the Commonwealth, electronic communications for students and also extra funding for assistance for educationally dis-
advantaged students and for students with disabilities. On top of that long list the government tried to sneak in some extra money for establishment assistance for new non-government schools which it previously had not asked for.

The funding for establishment grants in this bill—the one last year—amounted to some $14.3 million over the period 2001 to 2004, an increase of $9.6 million or 204 per cent over the original allocation. It did not take them long to figure out the big mistake that they had made. Not surprisingly the tacking-on of this proposal with a range of other amendments was not acceptable in the Senate. The previous minister was required to reintroduce the proposal through the States Grants (Primary and Secondary Assistance) Amendment Bill (No. 2) 2001, which was introduced last year in August. This bill—the one last August—was limited to the provision of increased funding for establishment grants and included the proposed allocation of $14.3 million. That amendment bill, however, did nothing to address the definitional issues that I have previously outlined. Nor did it resolve the anomaly of administrative guidelines providing a per capita entitlement within a capped amount of funding under the legislation.

Occurring, as this did, in the context of the coalition’s on-going neglect of public education, the then shadow minister, my predecessor, attempted to deal with these problems by proposing to accept the amendment provided, making sure that there was a similar benefit going to new schools within the public sector. Unfortunately the Howard government refused again to express a commitment to public education and refused to accept Labor’s amendments. Now we have a fresh attempt—the current bill that is before us—by the government to ask the parliament to grant additional funding to get it out of its continuing embarrassment. This amounts at best to incompetence resulting in damage to the schools concerned for which inadequate funding was originally provided. But in some ways the current bill just deepens the mire even more. The government has tried to solve its administrative problem by now introducing an open-ended per capita entitlement. As such the government is unable to state the financial impact of the bill. It estimates that the increased establishment grants will amount to $11.9 million for the 2001-2004 program years. So this is an increase of about $7 million, or 140 per cent, over the original amount. (Extension of time granted)

The government is clearly having difficulties with the financial implications of the establishment grants program. The parliament has now been presented with figures varying from $4.7 million, their first effort; to $14.3 million, their second effort; and now $11.9 million—three attempts to figure out how much they intend to spend under this program. An open-ended entitlement in the absence of clear eligibility criteria certainly does not fill the opposition with any confidence about the administration of the program. Without an application process—this legislation contains no application process—there will be incentives for school authorities to arrange their affairs to maximise their funding with no real accompanying educational effects. A school that, for sound financial or planning reasons, seeks to restructure its operation could find itself the recipient of a windfall gain that it did not really seek or need.

By providing a uniform per capita amount to all schools, the government is also deepening its demonstrated indifference to the principle of relative need as a condition for the distribution of public funding—a very important principle indeed. No reasonable person on any side of this parliament could deny how generous this government has been financially to the non-government sector, but there is more to schools funding than merely throwing taxpayers’ funds about. Schools funding actually requires an understanding of the needs of schools for predictability and reliability to enable the proper planning required to deliver a good school curriculum and high quality teaching. I must say if I were operating a school in the non-government sector I would be alarmed at the degree of incompetence that the government has displayed by failing to make sure that the amount of funding that it asks the parliament to appropriate for establishment grants for new schools is indeed the required amount.
When Labor agreed to the provisions of the original legislation, it agreed on the understanding that the funds provided for establishment grants would be sufficient to cover all eligible schools. We have all, of course, subsequently found that this was not the case, and that numbers of new schools through no fault of their own were left out in the cold and unprovided for. What the government is now asking the opposition to do is to join in imposing an additional levy on the Australian people to retrieve its own incompetence and confusion and not to leave a number of schools, a number of families and a number of students in the lurch.

I want to let the government know we will certainly be writing to schools authorities affected to make clear where the responsibility for their plight and for the delays that have occurred in their funding lies. It certainly lies with the Howard government. Labor will be making clear to all school authorities in the non-government sector that we had shown our original support through our support for the original bill and that we did support the principle of establishment grants to assist schools as necessary in their early years of development. Our amendments to the current bill would go some of the way toward introducing some administrative and budgetary integrity to the provision of establishment grants. We would certainly admit that these amendments do not go nearly far enough to address some of the fundamental issues in Commonwealth policy for funding schools, but we are putting these amendments up at this stage so as to provide benefits for students in genuinely new schools for legitimate purposes.

I do want to take the opportunity today to signal the need to think through the broader policy context. We do need to know what are the legitimate start-up costs, which are clearly not the same for all schools regardless of size and circumstances. We also need to take into account the effect of these new schools on the quality of education in existing and surrounding schools. We want to know what the establishment grants can be used for so as to make sure that they are in fact going to those things that are important to start up those schools. The current legislation and the administrative guidelines are silent on these questions. We are not sure why.

We have put our amendments forward in good faith. (Extension of time granted) We did take at face value the minister’s words when he concluded the second reading debate here in the chamber a few weeks ago and said that he would be prepared to give consideration to our foreshadowed amendments. He also said in a media release that he wanted this bill agreed to so that needy non-government schools could get the additional funding that they require. Unfortunately, the minister has shown, by rejecting our amendments, that he is not in fact interested in providing establishment grants on the basis of need. We have before us a government that is determined to continue grants that bear no relationship to need, that are actually the same no matter the type of school that is getting them. As I said, we still stand ready to negotiate with the government on these issues. We think the amendments that we have put forward are in the educational interests of students in all schools affected by these establishment grants and also in the interests of sound principles of public administration.

We certainly will be undertaking a fundamental review of Commonwealth support of Australia’s schools in both sectors, and it will include the role of providing assistance for legitimate set-up costs in new schools, assistance that makes sense from the perspective of assisting commencing schools to provide students with a good education. But we will do this in a coherent and comprehensive manner, not like the ad hoc and, I have to say, unprincipled approach that has been taken by the government in this string of amendment bills.

We are pleased that the government has accepted our amendment for a review of the operation of the program by the end of the year 2003, that the review will include consultation through an external reference group of appropriate authorities and organisations across the whole spectrum of schooling in this country, and that the report of the review will be publicly available. I certainly hope that as a result of that review we will get
some better information to make sure that we are better informed next time. However, as I said, we are disappointed that the government so far is not prepared to accept or even to negotiate the constructive amendments—that we have put forward that would have strengthened the eligibility and accountability criteria under this program.

Also very important to us are the amendments that we have put forward to provide more funding to needy schools. It is disappointing that the government is not even prepared to use its own index to distribute funds to schools on a more equitable basis, so we have before us a decision by the government that is clearly regressive. The opposition does understand that very few schools can manage to operate at the standards of government schools just on their fees alone, but it is the case that some schools can. Certainly from our side we believe that schools charging fees at or above the resources of government schools do not need additional assistance from public funds to establish a new school. Those schools already receive Commonwealth, state or territory funding on top of their fees and other sources of private income, and a number operate on resources that are more than twice those in government schools.

As a principle, we do not believe in the allocation of public funds in ways that increase the resource gaps between schools and different school systems, which is what we have before us as a result of the government’s decision. This is not the politics of envy that the government constantly and mindlessly chants, but a commitment to equity, which we are very proud to put forward here today. The commitment to equity is an underlying principle that we will continue to pursue through our amendments in this parliament. We understand that a number of non-government schools have genuine establishment needs, but it is clear that the delays in the passage of the enabling legislation have arisen from the government’s clumsy handling of this matter to date. I urge the government to reconsider its position on the amendments put forward by Labor. We have put them forward in a constructive spirit and in the best interests of all students in all schools.

Question agreed to.

Dr NELSON (Bradfield—Minister for Education, Science and Training) (12.31 p.m.)—I present the reasons for the House disagreeing to Senate amendments (1) to (9) and I move:

That the reasons be adopted.

Question agreed to.

Dr NELSON (Bradfield—Minister for Education, Science and Training) (12.31 p.m.)—I move:

That Senate amendment (10) be agreed to.

As I said earlier, the government is obviously committed to reviewing the impact of all legislation. It was my intention naturally to examine the impact of establishment grants in the first instance on the 58 schools that are directly affected under the States Grants (Primary and Secondary Education Assistance) Amendment Bill 2002. This particular amendment formalises that and will provide a sound basis for us as we prepare for negotiations with the non-government sector in relation to the next quadrennium of funding.

I would also point out that, whilst I understand the reasons for the opposition choosing to move the amendments that it has, in the end it is a question of whether or not we have confidence in state and territory education departments that run very large systems to determine the newness or otherwise of a school. It is quite wrong to suggest that the Commonwealth Department of Education, Science and Training does not have a valid process for examining the veracity of applications for new schools. In the end, all Australians, wherever they live and whatever their circumstances, make contributions through their taxation for government school funding, as they should. On this side of the House we are very strongly of the view that when parents, having done that, choose a non-government schooling environment, whether it be for religious, educational or other philosophical reasons, there ought to be some support given to those parents in exercising those judgments.
In relation to newly established schools, all schools that are establishing face costs which are not typically faced by those that have been long established. The government supports the view that the arrangements, as put forward under the amendment, of $500 per student in the first year and $250 per student in the second year, are appropriate, and of course that will be reviewed in the process of the review at the end of next year in a public way. I would be very happy indeed to work with the opposition in looking at the impact of this legislation, should the Senate choose to pass it. I thank all those honourable members who have contributed to the debate and its consideration. At least on this occasion, whilst we have not always enjoyed hearing some of the contributions, I appreciate them.

Question agreed to.

REGIONAL FOREST AGREEMENTS BILL 2002
Second Reading

Debate resumed.

Mr BALDWIN (Paterson) (12.35 p.m.)—Let me congratulate you, Madam Deputy Speaker Gambaro, on your election to the Speaker’s Panel. I rise today to speak on the Regional Forest Agreements Bill 2002. My electorate of Paterson is well known for its rich timber history. I acknowledge the Mayor of Great Lakes Shire Council, John Chadban, in the gallery today. He would know only too well that Stroud, Booral, Coolongolook, Tea Gardens and Bulahdelah, in addition to towns like Dungog and Gloucester, were once home to thousands of timber jobs and in turn those jobs meant money coming into towns and local businesses.

These men of the timber industry would finish their jobs milling or logging at the end of the day and then head down to the local pub, which was the centre of activity, to talk timber and to say how proud they were to work in the timber industry. Towns in those days were bustling. There was money to be made and spent in the local area. Today there are not as many timber jobs and not as many mills. Paul Keating’s 1995 agenda and New South Wales Labor Premier Bob Carr saw to that, but what is left in the area is currently steady. The fear many in the timber industry have is that there is an enormous amount of uncertainty of where mills will be able to source their timber and who knows what may lay down the track in future years. Some mills cannot even afford to look that far. They are wondering if they are going to be able to source logs for next week’s work.

Around four to five years ago, there was a dramatic blow to the New South Wales industry under the Carr Labor government’s timber industry reforms. Mills were shut down in towns like Gloucester, Bungwahl, Dungog and Bulahdelah, and as well many small mills were shut down in the surrounding areas. I am reminded that it was at this time, when a mill in Bulahdelah was forced to shut down, that the core problem facing the timber industry really started to get out of control. That problem is the lack of certainty and guarantees.

To win the green vote, the Carr Labor government started locking up areas that had been previously logged and put more and more land under national parks control. Over time, the New South Wales Labor government have given more and more power to national parks and they are taking more and more land away from timber mills. But what they are really doing is locking up the ability of the timber industry to exist. They are locking up areas as national parks and some of these areas have been logged four and five times over throughout history. Some of these areas are being locked up under the guise of old-growth forests, but people in the timber industry know that this is not necessarily the best way to conserve forest areas. The timber industry are not saying they want to cut down every single tree in Australia. They are not saying, ‘Let’s just get rid of the lot’—clear-felling has never been an option. They know better than anyone that trees are the lifeblood of their industry. They know that if you properly manage forest areas both the timber jobs and the protection of forests can exist.

These New South Wales timber reforms are hurting the very source of security that this industry has. You really have to wonder who is controlling the strings in New South Wales when a few years ago the New South
Wales government bought land near Balhahdelah with the intent and promise to the local timber industry that the land resources would last for five years. Guess what? The land lasted 2½ years and the people in the local mills up there are scratching their heads as to what is going on.

Another one of the problems the timber industry faces is that to source out the areas of forest that are old-growth, the powers that be now take aerial photos instead of getting on the ground. Formerly, there was a system of stump-counting—someone actually came and counted each stump and could see for themselves whether old-growth forests were being affected. Now you have someone hundreds of metres up in the air taking photos. It is like a guessing competition! Relf’s timber mill is one of the biggest employers in Balhahdelah, with around 90 employees. The Dorney family has been in the timber industry since time immemorial. This is an area that had no problems with the balance of industry access to timber versus conservation until these reforms came in. At the moment there is uncertainty about where they can actually find logs and now they are using logs from as far away as Dungog.

The timber industry must have certainty and guarantees that timber and logs will be made available. Those in the mills are wondering where they are going to get the next load of timber. Where are they going to get the logs? And it is not just timber workers that this affects. It also affects the people down the line like the logging contractors, truck drivers, fuel suppliers and local support services—in fact, each and every person in these small towns. It is a situation that cannot be sustained and it is undoubtedly one of the most unbalanced juggling acts affecting the core industry in regional Australia.

This uncertainty is being caused by the New South Wales government. It is a shocking display of policies on the run to win the green vote, without any respect as to how it is affecting the livelihoods of hundreds of families in regional communities. We saw at the start of the year how the Carr government chase for the green vote had affected New South Wales during the Christmas bushfires. The government allowed the bureaucrats to run the system and the decision making process of when and where needed to be back-burned was taken away from local experts. So, when the fires hit, the consequence was that there was a tremendous build-up of fire fuel just waiting for a light. The New South Wales Labor government have got to stop their kowtowing to green groups. They are being held hostage by the greenies with misinformation about the timber industry and the management of our forests.

Today, we are debating the Regional Forest Agreements Bill 2002, which provides legislative commitment and support for the outcomes of the regional forest agreements and for ongoing action to implement the Forest and Wood Products Action Agenda through the Forest and Wood Products Council. This bill has been a bit like a yo-yo in this place: there have been over 50 hours of debate, two Senate committees and three previous attempts to secure its passage. At all times, the Labor Party stood in the way. During this time, there has been a lot of misinformation about this industry that I would like to dispel. Our timber industry has a tremendous reputation overseas and is also an important part of the economies of many regional areas. Australia has twice the world average in percentage terms of native forests reserved. We exceed the World Conservation Union and World Wide Fund for Nature requirements for forestry reserves. I need to repeat that: Australia has twice the world average in percentage terms of native forests reserved. We exceed the World Conservation Union and World Wide Fund for Nature requirements for forestry reserves. We are the world leader in conserving forests.

There are around 80,000 people employed by the industry and forest products industries are one of regional Australia’s major employers. So we need to ensure the protection of not only timber jobs but also our forests. This bill will preclude the application of controls under the Export Control Act 1982 and other Commonwealth laws which have the effect of prohibiting or restricting exports of wood from a region where an RFA is in force; prevent application of Commonwealth environment and heritage legislation as it
relates to the effect of forestry operations where an RFA, based on comprehensive regional assessments, is in place; ensure that the Commonwealth is bound to the termination and compensation provisions in the RFAs and cannot effectively change these provisions in the future without legislative action; and bind future executive governments to consider advice from the Forest and Wood Products Council on the implementation of forest and wood products action.

Since 1997, 10 regional forest agreements have been concluded between the Commonwealth and the states, including New South Wales. The RFAs have a 20-year life span and have delivered a comprehensive reserve system of 10.4 million hectares, adding 2.9 million hectares to existing reserves; 20-year certainty of resource supply; $100 million in Commonwealth funding under the Forest Industry Structural Adjustment Program to encourage more value-adding of native timber; and participation of local community and stakeholder groups in the assessment of environmental, social and economic values and the development of options for sustainable development of RFA regions.

I support the coalition government’s attempts to help forest industries, but I am horrified at the treatment of members of the timber industry in NSW by the NSW Labor government. At the end of the day we need to have all governments coming to the table on managing our forest conservation and the survival of the timber industry. Our timber industry in Paterson and New South Wales needs certainty and guarantee from the NSW Labor government that they will have access to the timber and logs that they need to survive.

Mr ADAMS (Lyons) (12.45 p.m.)—Today, 21 March, is World Forestry Day. This would be a most auspicious time to pass the bill that I believe will be the key to the future of forestry in Australia, the Regional Forest Agreements Bill 2002. I know that many people around Australia are waiting for the announcement that the bill has been passed—in particular Tamanians, who have been waiting for this for so long and have contributed so much through the years to get the best outcome possible for the forests. The bill is to give legislative effect to certain provisions of the Commonwealth-state regional forest agreements, particularly provisions on compensation for and exclusion of specified Commonwealth laws and to provide legislative recognition of the existence of and the work of the Forest and Wood Products Council.

This bill is enabling legislation which takes on board the state RFAs, which collectively provide the blueprint for the future management of Australian forests and the basis for an internationally competitive and ecologically sustainable forest products industry. It is the most important environmental bill that could pass this House, and today—of all days—is the day on which the timber workers and their industry celebrate this amazing renewable resource. I do not think it should be an argument about which government or party put the bill up or didn’t put the bill up; it has been a collective effort stretching back to the early 1990s.

The industry needs certainty. There is the value of forests themselves, and they need a proper and sustainable management scheme to survive, and those in the industry who, because of the strict guidelines that were developed in the National Forest Policy Statement, need to scale down or leave their land need to have proper compensation. This is what this bill provides for; it does nothing differently from what has been discussed for years and really does not need significant amendment from how it originally stood. However, in the interests of trying to get a more inclusive opinion, there were some simple clarifying amendments, and most have been accepted.

I have been continuing to push for the Labor Party to stand by its decision to support the legislation as it has been reintroduced into the parliament in the last session. I believe it is quite possible to support the legislation, and I believe that support should be bipartisan now, as the discussions within the two major parties have not changed the direction of the legislation. Now is the time to finally put this matter to bed and to continue to get on with developing the industry along the lines of world’s best practice. I will stand
by my commitment to the industry and to the workers in that industry and their families.

That said, I believe it is also important that we maintain a balance between the valuable contribution that forestry makes to the Tasmanian economy and our need to keep our unique environment in a healthy state for the future. Forestry in Tasmania has been the subject of long-term debate, and I daresay it will continue to be so, partly because of the myths that are generated about what is happening in the forests. I do not know what goes on in every mainland operation, but I have been well briefed and I have visited many times all the areas that have been queried over the years since I have been in both state and federal parliament. I can honestly say that over the last 20 years forestry operations and practices have improved out of sight compared with what they have been in the past. They are just so very different—we have learnt well.

The Greens have heightened the bars. They have kept people aware that not everything is perfect all of the time. But now they are adopting misinformation as a tactic to win what is basically just a political position, and they have forgotten the people and their families who rely on the timber industry for a living. These are people who live and work in rural and regional areas. They are not city people and they do not have the facilities of city people, nor do they have the ability to change jobs or learn new skills easily. Their work is very important to their local communities—and the Tasmanian economy as a whole—and I know this is the same in the rest of Australia. Many of these people are members of community organisations like the Timber Communities Association. This is a family of people brought together because of the concerns of workers about their work and what could happen to their families. To Jill—nationally—and Barry—in Tasmania—I know you will be happy to hear of the passing of this bill.

Tasmania has a world-class forestry system and our forest practices are second to none. But that does not mean we are perfect. There is always room for improvement, and I am conscious that I must take note of all those who write to or ring me on forestry issues, because sometimes people do make mistakes and we can always learn newer and better ways.

The RFA guidelines, along with the National Forest Policy, were a long time in development. Those responsible went through an exhaustive consultation process and came out with a solution that should provide an excellent base for the careful development of the industry. The RFA allows best practice to be put into place, will allow for careful and healthy development of the forest industry and will encourage further processing and value adding in the state.

Although Tasmania is not quite perfect yet, our state is seen as a world leader in forestry practices, as recognised by those that lead in Scandinavia and Canada. Forty per cent of our land mass containing some of our best timber is locked up in national parks and reserves, and that which is left can be better cared for by allowing harvesting from time to time, plantations then becoming the dominant forest used for such uses as pulp and chips, which are then used for paper-making, both in Australia and overseas. The Tasmanian forest strategy was born out of work done by professional foresters and bush workers. They have worked in the area for over 150 years, and it has been due to them that we have so much old growth forest still standing and in good shape. But like people, trees die and need to be replaced to allow the life cycles to continue.

The role of the RFA is to maximise the timber return while minimising the impact on forest biodiversity. This means better work practices as well as setting aside stands of forests that are not represented elsewhere. These have been carefully screened and documented for their special values and are spelt out in Tasmania’s RFA.

If man’s activities have impinged on the area at all, they have done so in most of the private forest areas. In these areas, weed species enter, the ground is disturbed, the undergrowth becomes prone to fires and can be a danger to the rest of the area. They need to be cleaned up now and again to allow strong, healthy trees to reseed the area. Just promising to stop old-growth logging will leave us with a resource that is not ‘useful’ any
more—it will not be looked after, as it is not economical to do so.

As it is, it is very expensive to look after the national parks. It involves maintaining and building access, providing centres for people to visit, providing interpretation and enabling further research to be carried out to maintain visitor spaces. It requires the same number of people working in it as other forest practices, but the return is different. The resource in the reserved areas does not have an economic value but it does have a value in its role of retaining the biodiversity of this particular climatic period. So it still remains a long-term asset, with an ability to store our biodiversity and help rejuvenate the area. Therefore, the overall cost of maintaining the national parks is more than the return in the short term, but it can be seen as an investment for the future.

We just do not have the population in my state to make tourism replace all the harvesting work in our forests. There has to be a happy medium where we keep the really good rainforest and mixed forest in conservation areas and allow economic activity to go on around the edges, to ensure both areas are managed for posterity. Sensible management along with an understanding of how the ecosystem works is the key to sustainability and therefore certainty in the industry. Once the federal legislation is in place, I am keen to start working with the industry to see how we can further improve the industry’s position and to look at timber certification and further downstream processing.

During all this time of negotiation, I have met with forest workers and their families, the CFMEU and their members and I have been in many consultations with the state government, industry bodies and also the Timber Communities Association. It has been a rewarding and enlightening time. All these people show the human side of the industry and what happens when there is conflict—the awful grief and family hardship that occur when people are trying to keep the employment that they and their families have been undertaking for many generations. You only need to look at Ansett to see what happens when part of an industry fails.

This industry is vital to Tasmania, and I am concerned that there has been so much rubbish spoken about the situation in my state. I listened to some of the debate in the Senate and I can say categorically that no World Heritage areas have been logged—none! I would also like to say that those activities that involve tourism in working forests have become enormously popular with our visitors. The Huon Air Walk has surpassed government expectations—double the amount of visitors expected have visited in the last six months. Jobs are being created here while forestry continues. Where are the jobs the conservationists say have been developed? I cannot recall one.

Despite everything, visitors are still coming to Tasmania, seeing our forests for what they are and visiting our wilderness areas. Most of them understand that, to keep our pristine areas, there must be working areas too. That is what we are talking about. Those areas that have been allocated for harvesting and replanted for the future are our working forests—they will continue, like forests before them have continued, for thousands of years to come. This is maintaining our forest for future generations the way it has been done for many years, and gradually we are doing it better and more efficiently.

It is time to get on with it; it is time to pass this bill and finally allow the forest industry to get on with the future—and allow that bottle that has been on ice for 15 years to be opened in Hobart this afternoon! I support the bill.

Mr RANDALL (Canning) (12.57 p.m.)—I wish to make a few comments on the Regional Forest Agreements Bill 2002 as it affects my electorate of Canning. Not many people in this House may be aware that the electorate of Canning has a very significant history of forestry. It is gradually diminishing as the urban and rural sprawl spread through the hills of the Darling Scarp of Western Australia, but there is still an industry which people from my electorate depend on.

What really grieves me is the cant and hypocrisy shown by the Australian Labor Party when it comes to forests. People from my home state of Western Australia will know
that the previous election was fought very savagely on forest issues. There was much said, I am sure, in the previous parliament on these issues. As you would know from your home state of Tasmania, Mr Deputy Speaker Adams, a forest industry can be sustainable if it is well managed. Like any other natural resource, it can be well managed and treated as sustainable. Whether it be fisheries or any other natural product, it certainly can be farmed as long as it is done in a well-managed way.

The two towns that are affected in my electorate are the towns of Jarrahdale and Dwellingup. Before the last election, as a candidate for the seat I was asked while door-knocking through Jarrahdale whether I sought the interests of the government on some initiatives in Jarrahdale. In Jarrahdale there was a very large mill, which now through the state Labor government’s restrictions on entry to the forest and quotas has dwindled to almost nothing. So much for the myth of the Australian Labor Party being interested in workers. It is the greatest myth floating around this House that the Australian Labor Party stands for workers, because it has taken the jobs of workers away in this particular town.

In Jarrahdale there is now a move towards boutique mills which value add. One of the unique timbers that they are looking at value adding is the sheoak. The sheoak is a magnificent timber that has a unique grain and has unique applications even in flooring but certainly in furniture. Along with a number of industry representatives and millers in the area that mill the Wandoo forest and Jarrah forest for sheoak and even red gum, I attended a meeting at the Jarrahdale Hotel with the Hon. Wilson Tuckey, the then Minister for Forestry and Conservation, with a view to locating a mill, with a kiln, as a cooperative in the electorate where they could all act together producing value added timber for the furniture end of the market. That proposal was well received and welcomed by all those present. The sad thing about it is that the Labor Party in Western Australia is now stopping these people going in and taking fallen timber from the forest. We are talking about dead standing or fallen timber, and they are being stopped from entering the forest to collect this sort of timber, which is crazy to me.

Tim Daley from the CMFEU, who represents that area on behalf of the union, is appalled. He is appalled that the union that he belongs to—and it is affiliated with the Labor Party—is cutting off the jobs of workers. To me, that is quite innocuous. It illustrates this great hypocrisy of the Australian Labor Party standing for workers. Dwellingup, where there are two mills operating, is facing the same restrictions. So what is the answer, as the timber industry winds down as a result of the state Labor Party’s restrictions on timber quotas? The answer is to turn these mill workers into park rangers. What a joke! Here they are, people who have been trained as mill workers all their life in a specific industry are now going to be turned into tour guides and park rangers. Where this falls down is that the state Labor government does not have any money to employ all these people. There are thousands of people now being thrown out of work in areas of high unemployment. They should hang their heads in shame.

What is even more brutally hypocritical is the fact that the state Labor Party does not have any money to pay these people but they want the $15 million that has been set aside by the federal government to add support to this industry. They want it to prop up these people that they have thrown out of work. I do not want the state Labor government to make a hero of themselves—after throwing these people on the unemployment scrap heap and then not providing any money for their redundancies or for their future employment—coming cap in hand to the federal government saying, ‘We want your money.’ I want that money to be used for the cooperative mill that the member for O’Connor, in his previous capacity as minister, was indicating he would support in Mundijong, where we could provide a very good boutique industry for the furniture market in Western Australia and for overseas exports.

I call on the current forestry minister to see through what is being done by the state Labor Party in their drive for federal funds. They are not genuine in providing any of
their own funds, otherwise they would have come up with them first. I ask that the government consider very strongly the welfare of the workers in my electorate in these two timber towns. Finally, one thing that must be realised in this House is that the unreal quotas that have been placed on workers generally in the state of Western Australia as they relate to the timber industry are affecting the economy of the south-west in a huge way. I would very much like to see something come out of this bill that can support a sustainable industry in Western Australia. Hence I support the bill.

Mr KERR (Denison) (1.05 p.m.)—Mr Deputy Speaker Adams, you and I have had many discussions in relation to forestry matters in Tasmania. It will come as no surprise to members of this House, or indeed to our relevant communities in Tasmania, that our discussions have not always been attended by full agreement but they certainly have always been amicable. This debate on the Regional Forest Agreements Bill 2002 caps a long series of events in which the Commonwealth exercised its powers to protect the environment. When we began our actions were extremely politically contentious. The whole period of my membership of this House has been beset by significant controversies in my own home state of Tasmania and in many other states of Australia regarding the weight we should give to the protection of the environment and how we should balance this with economic interests when they come into conflict.

Before the 1987 election, in which I was elected to this House, there was significant debate in the community about the protection of the south-west of Tasmania. The then federal Labor government committed itself to a major inquiry—the Helsham inquiry—which in the end recommended the protection and reservation of a relatively small component of what is now the Southwest National Park. The Hawke Labor government adopted much of what was in the minority recommendations of the Helsham inquiry and massively expanded the area under protection and, notwithstanding that this was the subject of some considerable controversy and debate, both within Tasmania and more broadly, secured its re-election on a program which was deeply committed to environmental outcomes.

The next stage in the process was the Hawke government’s desire to find some way of ensuring that we got minimum standards across the whole of Australia. Over time, interventions by the national government—prompted, I might say, too often by intransigent resistance by state administrations, which could not face up to the reality that the national interest required an overarching and overriding commitment to environmental outcomes—needed to put in a sustainable policy framework. We put in place a benchmarking process requiring comprehensive, adequate and representative reservations of forest types to ensure that forest operations would not be allowed to intrude into areas which were of high sensitivity and to make certain that Australia’s biodiversity was preserved. Within that framework the Commonwealth was able to secure a substantial increase in the areas of forested lands which were reserved for public purposes.

This RFA legislation arose from commitments given by the Keating government. The Keating government introduced legislation—not in the present form—which was designed to provide some form of security for those who invested in the forest industries after these substantial reservations were made for environmental and public reasons. That legislation failed to pass at the time because the then Liberal and National parties refused it passage in the Senate. Subsequently, the Howard government has introduced a number of similar measures but has never given them priority.

I say at the outset that I have always had some mixed feelings about the principal underlying resource security legislation but not such as to warrant opposing it in this House. The principal reservation I have is that it is wrong in democratic theory to lock ourselves in to bind what future parliaments would or would not wish to do. But that said, there is a case that can be made—where the national government obliges states to make substantial changes to their forest practices, to make large reservations—that it undertake not to
take action for a period of time so that there can be a stable basis for ongoing decisions in the forestry industry.

This will not end discussion and debate about forestry. It simply means that the Commonwealth will now undertake, by reason of this legislation and previously by way of its agreements, that it will not exercise any of its powers after full assessments have been made—in accordance with the principles and standards we set—to further exercise the national government’s undoubted overarching jurisdiction for the period of those agreements to take further forest resource from any particular area that is subject to an RFA. That of course will not prevent states from making decisions in their own interests to address concerns that exist in their communities. One only needs to take the instance of Western Australia where, notwithstanding the existence of a draft regional forest agreement—which perhaps was signed or purported to be signed—the election of an incoming Labor government saw a decision made not to allow the further utilisation of old-growth forests in that state.

This legislation just provides a minimum standard that the Commonwealth has insisted upon and provides that, so long as those standards are made and forest practices continue in accordance with those minimum standards, the Commonwealth will stay its hand. In exchange for that undertaking, the Commonwealth secured very substantial environmental advances and greater reservations of forested lands. But, as I have said, this does not prevent significant discussion continuing about these issues state by state. For my own part—having been a long-time participant from the early days in these matters—I found in those early days that, notwithstanding the great passions with which these arguments were advanced, the one thing they had in common was a desire to use members of the parliament as some kind of hostage to fortune so that we were threatened all the time with losing votes or being thrown out of the parliament as a result of various positions we took or did not take. Those threats were made explicitly or implicitly from both sides of that debate.

I went through a number of elections where I was opposed, on the one hand, by the Greens who argued that Labor were insufficiently committed to environmental outcomes and, on the other hand, by the Liberal Party who argued that we had sold the state down the drain by forcing the expanded protections that we had insisted on as a national government. As a result of those experiences, starting from where I come from, I do not believe that we as Tasmanians will be properly reconciled, each to the other, until we fully settle the question of old-growth forestry.

I hold this view not simply as a result of the experience I have had as a member of parliament and the direct experience I have had of the great passions that it unleashed but also because of what I have seen of the very intense community consultation program that the Tasmanian Labor government established—the Tasmania Together process. A group of community leaders were charged with the responsibility of going to the community and finding out the issues which were most important to members of the Tasmanian community and putting forward recommendations as benchmarks for how Tasmania’s future could be best secured. The whole idea was to get above mundane partisan politics and identify the ground which we Tasmanians could share in common. As part of that process, it became clear to those participating that one overwhelming desire that Tasmanians had was to find some kind of long-term resolution of the old-growth logging issue. For the benefit of members of this House, I simply point to the various goals and findings that were made by the Tasmania Together group. For example, Tasmanians told the Tasmania Together group that their goals were:

To maintain ... our natural heritage.

An adequate reserve system for natural heritage.

As part of that process, they sought:

Sustainable management of old-growth forests and an end to clear felling in those forests.

The Tasmania Together process identified the challenge being to:

End clear felling in areas of high conservation value old-growth forest by January 1, 2003, and
to cease all clear felling in old-growth forests by 2010.

They identified more specifically the benchmarks and the rationale for those decisions. Under goal 24, standard 2 was:

To sustainably manage old-growth forests and to phase out clear felling in those forests.

The targets were:

To end clear felling in areas of high conservation value old-growth forest by January 1, 2003

(b) Complete phase out of clear felling in old-growth forests by 2010

The rationale was:

Old-growth forests are a finite and highly valued resource. Encouraging the reduction and overall elimination of clear-fell logging practices in old-growth forests provides for greater protection of their natural values into the future.

The Community Leaders Group acknowledged:

... there is not a consensus on this issue within the CLG and the community.

It recommended:

High conservation value old-growth forest refers to the following areas: Tasmanian Wilderness World Heritage Area proposed eastern extensions, Styx Valley, Tarkine Forest extensions, NE Highlands, Tasman Peninsula, Eastern Tiers, Great Western Tiers, Reedy Marsh and Ben Lomond extensions. The CLG recommends that the Progress Board addresses this benchmark as a matter of priority.

Thus far, as Tasmanian members would know, no action has been taken in progressing those benchmarks. Indeed, there has been some criticism of the delay overall in the way in which the leaders’ report has been progressed. I mention this not so much to raise these as particular targets that the state Labor government should be committed to but to make the obvious point that when you establish a group designed to seek out opinion across the whole of the community, and that opinion comes back in a form which makes it inescapable that these contentious recommendations be made, notwithstanding the known commitments of both state and Commonwealth governments, you still have an issue which remains unresolved. You have an issue which is unresolved because the Tasmanian community holds views which means that until we can find some greater degree of consensus we will have a divided and polarised state.

I fear that we cannot go forward as a community until we resolve these issues. I do not think that there is anyone in Tasmania, except perhaps a handful of those whom I would categorise as too extreme to allow to shape the debate, who would argue that we should not continue to have a sustainable forest industry in the state. The question is: how do we shape it and what will be its dimensions? Tasmania has already made substantial reservations of old-growth forest areas. Much of what is most important by way of critical reserves has been protected, yet we still have this demand, reiterated repeatedly by significant components of the Tasmanian community—I believe a majority of at least 60 per cent of my state’s citizens.

They want to see the end of clear-felling of all old-growth forests. So how can we find an effective way of dealing with this? We have to identify those objectives that we have in common. Most Tasmanians want to see a transition to plantations. We want to see better utilisation of forest products and their better utilisation so that we can upgrade the value we get from our forests. Few would say that we should not be able to continue selective logging in the old-growth forests, particularly for special species timbers which are necessary to sustain our furniture industry and our boatbuilding industries. We want to make certain that there can be some recovery for the small loggers and small sawmillers who still depend on that kind of timber. What people object to is the industrial harvesting of old-growth forests—their clear-felling—and the fact that we have not yet scheduled a timetable to end that process.

There are many issues about which tensions will always persist in the Australian political system. We know, for example, that great debates about industrial relations go on ad infinitum. But there are some issues about which, once you make a decision on them, the community recognises that you have made a decision and moves on. I think a good example of that was the great debate in Tasmania about gay law reform. That was a very controversial issue. The national parliament eventually took steps, when I was
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mission for justice and Michael Lavarch was Attorney-General, which led to legislation being passed in this parliament that effectively overrode state law and made it certain that consenting homosexual conduct in Tasmania was no longer criminalised. That was a huge issue for a very long period of time. It polarised the Tasmanian community and led to great controversy. But once a decision was made to end the law by overriding it the controversy simply faded away. No-one would argue now that the laws which have been removed from the statute book in Tasmania should be reinstated.

So too, I believe, it would be with industrial clear-felling of old-growth forests. Once it is decided that we will end that practice we can move on as a community. But until we do take that step Tasmanians will remain forever in conflict, citizen to citizen and one to the other—forcing the whole debate about Tasmania’s economic future to be conducted as if we were looking in the rear-view mirror. We should be able to take pride in how we use our forest resources and how we manage that industry. How we make certain we sustain Tasmania’s great natural resources and reserves should be an issue we can all take pride in as Tasmanians and, indeed, as Australians. The tragedy is that for the 15 years that I have been a member of this House most of us have only been involved in the conflict and have not been involved in taking pride in those outcomes.

I think it is time that we found the courage to move forward. I would like my Tasmanian colleagues at some stage to have another look at the Tasmania Together recommendations. As a national parliament, we now shift the responsibility—having passed this legislation—to the states. This will be an issue that now will have to be determined in Tasmania. But with 60 per cent of the Tasmanian community in support of the kind of resolutions that the Tasmania Together process has proposed we have an odd, stuck political process logjammed to an outcome that only a minority want. We are thus unable to come to terms with the larger economic and social issues which will give Tasmania a sustainable future if we could only find common ground and agree on this important issue. (Time expired)

Mr NAIRN (Eden-Monaro) (1.25 p.m.)—I welcome the opportunity to yet again speak about the Regional Forest Agreements Bill 2002. I think this is in fact the sixth time I have spoken in this chamber about the good of this bill and why it is necessary for the future sustainability of the hardwood timber industry. Originally, I spoke of the Regional Forest Agreements Bill 1998, then the RFA Bill 2001 and now it is the RFA Bill 2002. Each time previously, unfortunately, the Labor Party returned it to us because they found some other reason to remove security from the industry.

For that is what this bill is all about: providing security for all who are interested in Australian forestry. It will provide security for everyone involved in this industry, from the lobby groups right through to the timber workers. However, clearly the Labor Party did not understand the importance of security, and let us be clear about that. It goes back to 1992 and the national forests policy statement under the then federal Labor government—a statement supported by the coalition, I have to say. They have progressed very slowly since that time, often frustrating the passage of this bill up until now.

I would also like to remind the House of my initial dealings with the industry as a candidate back in 1995—before the 1996 election. I remember visiting Harris Daishowa chip mill in Eden. They proudly showed me a document signed a few years earlier by the Prime Minister of the day, Bob Hawke, and the then Premier of New South Wales, Nick Greiner. That document was basically a wood supply agreement that guaranteed certain wood supplies right through to 2006—I think that was the year it was signed through to. But under the previous Labor government that document meant absolutely nothing. It was really, in part, on the basis of that so-called security that Harris Daishowa grew their operations and that security was then torn away from them. You can imagine their investors thinking, ‘We have got a document signed by the Prime Minister and we have got a document signed by the Premier. You would think that that
would mean something.’ But in those previous agreements, it did not mean anything at all.

The whole thing started back in 1992, when the Commonwealth and states agreed to set in place national goals to be achieved in this industry, taking into account the differences between each region. The national forests policy statement established a system by which all values—environmental, heritage, economic and social—would be considered in the processing of determining what areas each RFA would be suitable for forestry operations. Once these matters were concluded, the Commonwealth and the relevant state then agreed to those findings. As I stated earlier, the beauty of this scheme is that it provides security in the industry where security has not been present before. What does this security mean? It means that once investors know that they are investing in a secure industry their employers can continue with getting on with the job. They will be secure in the knowledge that there is not going to be an agreement torn up, as has previously happened.

This bill gives security to the workers and investors. These are 20-year agreements to provide security to investors, employees and associated indirect businesses. If governments keep reneging on agreements, as they did in the case of the Eden example I gave you, investment in forestry will be lost and hence jobs will be lost. It seems to be lost on the opposition that investment is as necessary as anything else for the industry to continue. If security is provided to the workers, why is it that up until now the Labor Party has been stalling this bill? Perhaps it points to those connections to what I would call the ‘dark green’ constituency that they were constantly trying to appease.

This should not be the case, because the bill gives security to environmental concerns. We know that each RFA is the result of rigorous environmental testing and study; and, most importantly, the proof is in the result. As a result of the RFA process which has been undertaken thus far, 2½ million hectares of forest around the nation have been added to the reserve, which is an increase of 39 per cent of the total area previously part of reserves.

Maybe the ALP were worried about the amount of assistance we provided to the industry to adjust to these changes—but that is not really plausible with the $100 million the Commonwealth provided to assist various businesses around the nation through the Forest Industry Structural Adjustment Package, FISAP. In total, $60 million has been provided to businesses in New South Wales to assist with these changes. A good proportion of that FISAP money will go to timber mills and associated industry in my region, and I hope that through that we are able to assist, particularly in areas like Bombala which has lost so much of the native hardwood industry. I am lost as to why they have previously effectively blocked this legislation.

In my electorate I am fortunate to have a number of hardwood timber mills, including the Davis and Herbert mills, which operate in Batemans Bay and Narooma, Blueridge in Eden and the Harris Daishowa chip mill in Eden, and also businesses like North Eden Timber, which value add timber from Blueridge mill. These mills rely on the passage of this bill to ensure the continued feasibility of their operations. More importantly, they rely on this bill to go through parliament so they can plan for the future of their operations.

Only last week, Senator Ian Macdonald, the Minister for Forestry and Conservation, visited Davis and Herbert’s operation in Narooma. There we had a first-hand look at what they are doing and how we could best assist them. Clearly, they need the security that this bill provides in order to be assured that their operations will continue in the future. But they also need this bill so they can justify further equipment investment to increase productivity. Currently, they operate on the basis of about a 58 per cent recovery by volume of the product brought into the mill. This is actually quite above the national average—or the state average, which is I suppose what it should be compared with. However, with the security that this bill provides, they could increase productivity and
possibly look to employ more staff as a result of that.

Over the last couple of years in Eden-Monaro, we have seen finally two regional forest agreements signed. Originally all the processes went along, I thought, quite well; they were based on a scientific approach. The first RFA was the Eden RFA and, when it was only half to three-quarters of the way through the proper processes, the Greens got at the Labor Party in New South Wales and Bob Carr went into the New South Wales parliament and passed legislation creating a whole heap of national parks. Basically, he totally pre-empted the RFA. Fortunately, with the assistance of the then minister for forestry, Wilson Tuckey, we managed to get a few concessions out of that Eden RFA, and it ended up a little better than it was.

Similarly with the southern area RFA, at least it progressed right through the whole scientific process, and I thought, ‘For once, we are going to have an RFA totally based on science and not political science.’ But what happened? The recommendation went to the Premier—the member for Blaxland smiles, because he knows what happened—from his own people within New South Wales and Bob Carr said, ‘No, no, that’s too much timber to give them; we’ll just knock off about 10,000 cubic metres.’ That is how it was done; it was totally against the recommendation of his own advisers. We had come to a good scientific decision but, no, we had to bring the politics in yet again. Once again, because of the actions of the previous minister for forestry, Wilson Tuckey, we were able to hold out and negotiate—and we got back about 6,000 cubic metres, and that relates to about 100 extra jobs. So it was worth fighting for in our region.

It was interesting that the member for McMillan earlier was ranting and raving in this debate and claiming that the forestry industry were glad to see the back of Wilson Tuckey as the minister for forestry. I would like to see Wilson Tuckey and the member for McMillan venture around a few of the timber mills around Australia to see who would win the popularity contest. It would not be the member for McMillan, that’s for sure. I am reliably informed that, when this legislation finally passed through the Senate last week, a person very much involved in this industry, one Michael O’Connor from the CFMEU, was straight onto the phone to Wilson Tuckey to say, ‘This bill wouldn’t have gone through if it hadn’t been for the work that you did as forestry minister.’ So that makes an absolute mockery of the earlier comments by the member for McMillan.

Now we have a change in ministry, and Senator Macdonald is getting stuck right into this portfolio very quickly; he has been out there meeting with the industry. As I said, I had him down the coast only in the last couple of weeks. He is finding out all that is happening in the industry and how he can help—particularly as we go through the FISAP process, which is vitally important to get real investment into value adding within the industry.

We have had a lot of toing-and-froing over a number of years, and it is a great relief that this is probably the last time that I will need to speak on this bill—because it was finally passed by the Senate last week and we know it will go through the House today. So industry can feel some good security that they can invest now in this great industry. With the passage of this bill, we can get on with providing the sort of security that is needed. The opposition to the legislation is all in the past, I guess we could say, and that is a relief. The timber industry can move on with a renewed sense of security. I am looking forward to working with a very motivated and enlivened industry, one which will create more jobs in the region—and very substantial jobs in the electorate of Eden-Monaro that I represent—and even more jobs indirectly through its growth. I commend the bill to the House.

Mr Hatton (Blaxland) (1.37 p.m.)—In this long and ongoing debate on the Regional Forest Agreements Bill 2002, stretching back to its initiation, there has been not only science but political science at the base of the whole process. Without that political science, there would not be a Regional Forest Agreements Bill 2002. Without that political science, there would not have been initiated by the Keating government in 1992 the National Forest Policy Statement. What we
would have had instead was what existed previously—the state governments exclusively in control of governance of forestry processes and in control of managing those forests and setting the guidelines for the operators within the industry.

We know that, prior to 1992 and the initiation of this process—which ends with this bill coming before the House today—there was a concerted effort to contest every bit of forest throughout Australia where work was being done, and that from one state to another, from one coupe to another, certain areas became areas of extreme contention. That provided no solution, either for those people involved in the timber industry or for people at large. Hence, acknowledging the tensions within the community, the tensions within the industry, the difficulties that were faced by people involved in the forest industry, and acknowledging the fact that attitudes and perceptions had changed in regard to this, the initiative to set up the National Forest Policy Statement was taken by the Keating government.

The fact that it has taken us a full 10 years to get to this point, to get this bill before us now and finally passed, indicates the difficulty and the uncertainty and the insecurity of the whole process that we have seen so far. There has been so much contention and so much argument and so much delay, for a whole variety of reasons. We have also seen that an industry that had come under increasing pressure has had to modify the way in which it goes about its business, and has had to do so without the total effect of the regulation that will be provided under this act and, very importantly, without a total certainty in regard to compensation and in regard to structural adjustment payments.

The previous speaker quoted from the National Forest Policy Statement. When it was initiated, it said that the state and Commonwealth governments agreed that forest regions would go through a comprehensive assessment process of all forest values—environmental, heritage, economic and social—leading to the establishment of a comprehensive and adequate reserve system, agreements on forest management, and the signing of the regional forest agreements between the Commonwealth and the relevant state.

The only state that has not yet signed up is Queensland. By April 2000, all of the other states had signed up. We saw differing approaches in every one of those states and in the different regions. In the debate today, we have had a focus from the government on undertaking a political attack on various state governments. We have had some response from our side in regard to the manner in which the previous minister conducted himself and aggravated the situation, delayed the situation and attempted to utterly politicise this debate in almost every area of the country where he involved himself. That being said, we are now, because the Senate amendments to this bill have been passed and it is with us today, in a position to finally resolve this issue.

What does it mean for the community at large and for people involved in forest industries? The two key things are certainty and continuity of supply. All the people involved in forestry—in Tasmania in the electorate of the member for Lyons, in Victoria in the electorate of the member for McMillan, and in other electorates which have forestry industries within them—will have a 20-year guarantee, a 20-year period of certainty that there will not be a coupe-by-coupe challenge in relation to their activities. That is extraordinarily important.

The people in the industry, in undergoing the process of the scientific approach to the regional forest agreements, have had to make enormous adjustments. The adjustments they have had to make are in having areas that previously they could have looked to logging being excluded from provision for the industry. Those adjustments have necessitated a completely different look at what was appropriate in terms of the resource that was available to them. By and large, that has meant that the resources available as far as they were concerned were not as good as they had had previously. The industry have struggled with that but, in struggling with it, they have made the efforts to modify the approaches they have taken to how they undertake logging. They have modified their operations and have taken into account the
fact that, although the nature of the resource has changed—and this is the case for many that I have spoken to in industry in the company of the member for Lyons, as we in our caucus committee travelled from one regional forest area to another to speak to people in the mills and to speak to people who are working in the forests, to look at the changes that they have made to their practices and at the increasing responsibility and the environmental sustainability of those practices and the investment of their time, effort and skill in ensuring that that is the case—the outcome is that, with this bill, there is a certainty in regard to compensation and there is an absolute certainty in regard to a 20-year window where they can be sure that what has been certified by the RFA will be available to be developed.

The Labor Party, over time, have said that this is a first step, because in setting up the National Forest Policy Statement and the RFA process, we have argued long and hard that there should be an industry contribution to this that goes beyond just what is envisaged within this in terms of the Wood and Paper Industry Council. We need an industry strategy to build on 20 years of certainty in regard to the RFAs, and an industry strategy that takes in all of the stakeholders to try to ensure that not only do we continue to do the things that we are doing in forest management at the moment but the industry take an active role with government and with other stakeholders in trying to build a more efficient industry, particularly for import replacement.

There have been problems of a lack of paper mills and pulp mills in the country, and we do not have enough downstream processing within the forest industry in Australia. This bill will provide 20 years of certainty and the initiation of the wood and paper council. I hope we will continue to strive for a wood and paper strategy that concentrates on the massive problem we have with import replacement. So much finished paper product is brought into Australia at great cost to the community—somewhere in the order of $2 billion worth a year. We need to develop more mills, and we need to develop our processes to replace a lot of that money that is going out of Australia and bringing product in.

This is the start of certainty for all of those people who work in the forest industries and for those people who have invested moneys on the basis of their expectations. It is a great contrast to what existed previously. The fact that it has taken us 10 years to get to this point underlines the contentiousness of this whole process. It underlines some of our constitutional difficulties, where the states have the prime carriage of the governance of the practices within Australia.

The federal government took the initiative and said that we could not have a situation where there was uncertainty between different states, and within states, and challenges—coupe after coupe and area after area—to the appropriateness of those logging operations. It takes a Commonwealth government to take up the challenge to initiate this kind of process so that—although it has been modified, and it is different from what people might expect—there is security of supply to the industry and fundamental certainty upon which investment can be based. There is the initiation of the wood and paper council, and we hope that that is extended. We trust that those people who have had to leave electorates with forestry industries are properly compensated and that the regional adjustments are correct. On this basis the forest industries can consolidate and grow to their advantage and to the advantage of the Commonwealth.

Mr TRUSS (Wide Bay—Minister for Agriculture, Fisheries and Forestry) (1.47 p.m.)—I thank those who have contributed to the debate on the Regional Forest Agreement Bill 2002. In closing the debate now, I bring to an end quite an extraordinary chapter in our parliamentary history. This bill has been around the chamber—mainly in the other chamber—for an extraordinary period of time. There were contributions from one particular senator, who seemed to speak endlessly. I do not know whether anybody ever counted the number of contributions that he made or how many times he repeated the same contribution. It would certainly go down in the annals of this parliament.
As the previous speaker said, the reality is that this has been a troubled bill. There has been a lot of debate, and it has taken a very long time to reach this stage. The honourable member for Blaxland had the courtesy to acknowledge that there were a series of factors that have led to this delay, but the honourable member for McMillan was much less charitable and seemed to blame this government for all of the delays. It seems to me that that is an extraordinary judgment for him to make when we have relentlessly pursued this bill despite disruptions to the debate, particularly in the other place, and despite the difficulties that were clearly occurring within the Labor Party as it endeavoured to sort through the disagreements amongst its own factions and between the various elements of the party.

The government relentlessly pursued the legislation in spite of the marathon debates in the other place, which perhaps could less kindly be described as filibusters or deliberate delaying tactics. Even when an election intervened, we quickly brought this bill into the House—I think it was the first bill on the agenda for the new parliament. So we have remained committed to this process, and I think the honourable member for McMillan is therefore misjudging the process entirely in suggesting that the government was not committed to the bill.

The honourable member for McMillan is endeavouring to cover up his own embarrassment about his inability to deliver for his forest workers. His inability to get his own party to stand behind the workers in the timber industry in his own electorate and to seek to blame others for his own failings does not reflect well on the member. Indeed, it has been the relentless efforts of Minister Tuckey and, more recently, Minister Macdonald, who brought this legislation to the stage where it can finally be passed by both houses of parliament.

There was certainly a beginning to the process under the previous Labor government, but it is also true to say that it has been this government that has entered into all 10 regional forest agreements, and it has been this government that introduced the bill to provide the certainty and guarantee the Commonwealth government’s commitments under the RFA. This legislation provides the necessary support that will give confidence to the timber industry and will also ensure that those areas of great environmental significance can be effectively preserved for the future. The bill provides legislative support and commitment to the outcomes of regional forest agreements and to ongoing action to implement the forest and wood products action agenda through the Forest and Wood Products Council.

Following some constructive debate on this bill, the Senate has made two amendments to the government’s original bill in relation to RFA compensation provisions and in relation to a source of forestry information. The government has accepted these amendments. I urge members to consider the merits of the bill and the importance of putting an end much of the dispute and argument that has gone on over previous months, indeed years.

The past decade of research and consultation by parties of goodwill have resulted in a world-class, comprehensive, adequate and representative forest reserve system being put in place and have now delivered more certainty to those people in communities that rely on native forests for their livelihoods. Let us accept that the RFAs have set the parameters for balancing competing environmental, industrial and recreational interests. Let us leave detailed discussion about the management of particular forests and forest resources where they are best handled—that is, at the local level through the processes established in RFAs for ecologically sustainable forest practices.

I thank all of those who have been associated with this bill over the last year or two, in particular the people from the department—the public servants who put a great deal of effort into this, especially in the other place—and those who have endured hours and hours of debate in the other place to finally reach a stage where an agreed text of the bill could be placed before the House of Representatives. I would like to again thank those members who have contributed to the debate. I commend the bill to the House.

Question agreed to.
Bill read a second time.

Third Reading

Mr TRUSS (Wide Bay—Minister for Agriculture, Fisheries and Forestry) (1.53 p.m.)—by leave—I move:
That this bill be now read a third time.
Question agreed to.
Bill read a third time.

COMMITTEES

Broadcasting of Parliamentary Proceedings Committee

Membership

The DEPUTY SPEAKER (Hon. I.R. Causley)—The Speaker has received advice from the Government Whip nominating members to be members of the Joint Committee on the Broadcasting of Parliamentary Proceedings.

Mr ROSS CAMERON (Parramatta—Parliamentary Secretary to the Minister for Family and Community Services) (1.54 p.m.)—by leave—I move:
That Mr Forrest, Mrs Gash and Mr Lindsay be appointed members of the Joint Committee on the Broadcasting of Parliamentary Proceedings.
Question agreed to.

DISABILITY SERVICES AMENDMENT (IMPROVED QUALITY ASSURANCE) BILL 2002

First Reading

Bill received from the Senate, and read a first time.

Second Reading

Mr ANTHONY (Richmond—Minister for Children and Youth Affairs) (1.55 p.m.)—I move:
That this bill be now read a second time.

Reform of specialist disability employment assistance and rehabilitation services is critical to meeting broader objectives for welfare reform. People with disabilities, including those with greater support needs, should benefit to the maximum extent possible from employment opportunities available to the wider community. The proposed new quality assurance system given effect by this bill is a key element of the government’s plan to improve employment outcomes for people with disabilities.

As part of the Australians Working Together package, announced in the 2001 budget, the government is providing more than $17 million over four financial years for the new quality assurance system, from 1 January 2002. Of this, $15 million will be used for implementation of this system from 1 July 2002.

This initiative will provide the platform to enable disability employment assistance services and rehabilitation services to deliver quality outcomes. The new system will benefit people with disabilities as consumers, and their carers. It will also benefit government and, therefore, the Australian taxpayer as a purchaser of these services.

The specialist disability employment assistance and rehabilitation programs addressed by this bill are just one part of a range of Commonwealth programs to help people with disabilities find and keep employment. Services are typically provided under contract by charitable non-profit agencies, with the exception of rehabilitation, which is provided by CRS Australia.

Currently, service quality is self-assessed annually by each agency and audited every five years by the Commonwealth Department of Family and Community Services. The current system was designed around an expectation that services would progress from minimum applicable standards to higher standards. This simply has not happened.

The current system was discussed in Assuring Quality, a 1997 report by the Disability Quality and Standards Working Party, which comprised key representatives of the disability sector. Of particular concern was the lack of a transparent and universally applied accreditation and certification system to provide an assurance of quality. The current system also lacks incentive for service improvement and a transparent system of complaints and referral. The new quality assurance system responds to these concerns.

The new quality assurance system is the product of a great deal of time and energy committed by the disability sector and the
government. A consultation paper was widely distributed, public consultations held around the country and targeted consumer focus groups set up. The new system underwent a successful trial last year and enjoys support from the industry.

Under the new system, there will be a shift to a system that is industry owned and supported, that is outcome focused and that fosters a culture of continuous improvement. A key component is also the critical role people with disabilities will play as technical experts in the audit teams.

The new system is based on a well-established system of accreditation and certification that uses international standards of best practice. An independent, internationally recognised accreditation authority will accredit industry based certification agencies. The skilled audit teams managed by those agencies will then certify disability employment services against the disability standards and associated key performance indicators.

Provision of rehabilitation programs by the Commonwealth will also be audited against the standards and associated key performance indicators and certified under the new system. All disability employment services and rehabilitation programs will be treated consistently.

After a transition period ending in December 2004, only those existing disability employment services that fully meet the standards will attract government funding and only those rehabilitation programs the provision of which meets the standards will be approved. However, there will be a range of incentives and support to help services make the transition to the new system and to continue to improve.

Newly established employment services will have up to a year to reach full standards.

The new complaint and referral system will form the final component of the quality assurance system. Work is under way with the disability community to have it introduced from 1 July 2002.

This bill provides the formal structure to put the new system to work. I present the explanatory memorandum to the bill.

Debate (on motion by Mr Swan) adjourned.

COMMITTEES
ASIO, ASIS and DSD Committee
Membership

The SPEAKER—I have received advice from the Honourable Prime Minister nominating members to be members of the Parliamentary Joint Committee on ASIO, ASIS and DSD.

Mr ABBOTT (Warringah—Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service) (2.00 p.m.)—by leave—I move:

That, in accordance with the provisions of the Intelligence Services Act 2001, Mr Jull, Mr Beazley, Mr McLeay and Mr McArthur be appointed members of the Parliamentary Joint Committee on ASIO, ASIS and DSD.

Question agreed to.

The SPEAKER—Order! It being after 2 p.m., the debate is interrupted in accordance with standing order 101A.

QUESTIONS WITHOUT NOTICE
Privilege: Senator Heffernan

Mr SWAN (2.01 p.m.)—My question without notice is directed to the Acting Prime Minister. I refer the Acting Prime Minister to the Federal Police investigation to discover the source of the forged 1994 Comcar docket that Senator Heffernan used in his false and disgraceful attack on Justice Kirby. Acting Prime Minister, as the House is about to rise to close this scandal-ridden session, can you advise when the results of the Federal Police investigation into Senator Heffernan’s forged Comcar document will be released?

Mr ANDERSON—The short answer to that is that I am not the police commissioner and I cannot directly answer the question. I do not imagine that anybody would reasonably expect me to. We have worked through this in considerable detail. You talk about a false and scandalous ending to this session; the reality is that when the allegations were established to have been false certain actions followed, in case you had not noticed. Senator Heffernan lost his position. He apolo-
gised unreservedly. That apology was accepted in a very substantial way. That gives closure to this matter. The attempted repeated exercises by the opposition to mount the case that there has somehow been an enormous conspiracy smells very clearly of a desire to make political hay—not to uphold and enhance the institutions of the nation, as they would have you believe.

Furthermore, it has to be said that the Leader of the Opposition, backed by the member for Barton, behaved disgracefully yesterday when, under privilege, he named a former Comcar driver in relation to the documents given to Senator Heffernan. Senator Cook named him in the other place. The bottom line is that the Labor frontbenchers did not just make allegations; they accused, tried and found guilty an individual probably subject to investigation, appropriately, outside this place. They did so in a way that I think smacks very much of their having one rule for people in high positions and another for working men and women. It is very interesting to note that one of their own, Senator Cooney, made the observation this morning, ‘We have got to be very careful in naming him.’ He went on to say: ‘We ought to only do so after there is sufficient satisfaction that is appropriate to naming. In other words, if we—

this is a Labor senator—
object to the naming of the judges under particular circumstances, then, you know, we have got to [exercise] concern in naming others.

He had it right, and your hypocrisy is exposed. You are engaged in an exercise in political opportunism, and it is about time you returned to some matters of substance.

Zimbabwe

Ms JULIE BISHOP (2.04 p.m.)—My question is addressed to the Minister for Foreign Affairs. Would the minister inform the House of the international community’s reaction to the decision by the Commonwealth to suspend Zimbabwe from the Commonwealth has been overwhelmingly positive. The House, and particularly the honourable member for Curtin, will be interested to know that the opposition leader in Zimbabwe, Morgan Tsvangirai, said that the outcome was ‘very appropriate’ and ‘very important’ as it sends a consistent message about the values of the Commonwealth. The British Foreign Secretary, Jack Straw, expressed his deepest appreciation to the Prime Minister, President Mbeki and President Obasanjo on what he described as a ‘most important and very significant outcome’. I am glad to say that New Zealand—in the form of Phil Goff, the foreign minister—has made similar and very positive comments.

What the Prime Minister has achieved, with the two presidents, is a simply extraordinary thing. It illustrates the point that in diplomacy your initiatives and your actions need to be carefully calibrated and carefully timed. For example, I notice that prior to the election in Zimbabwe, at a time when we were deploying observers as part of the Commonwealth observers team, Australia’s Leader of the Opposition was calling for Australia to impose ‘smart’ sanctions. We made it clear that that would not be appropriate for as long as the observers could do their job. If we had followed the advice of the opposition at that time, we would not have been able to send observers to Zimbabwe at all as part of the Commonwealth team. If all Commonwealth countries had done that, there would have been no Commonwealth observers and the Commonwealth would never, in the end, have been able to agree to take the action that it took.

I notice that the Leader of the Opposition yesterday was still calling for sanctions. What the government has said about that is the same as we have always said—timing and context are everything. We keep alive the option of imposing sanctions if we think
it is appropriate. I remind the House that Morgan Tsvangirai, the leader of the opposition in Zimbabwe, the man who has been so terribly wronged by the false election that took place in that country, said last night when asked about sanctions:
I think they should wait until the so-called negotiations take place—
that is, which are being promoted by the Commonwealth. He continued:
I think you cannot have it both ways. I think this should act as an incentive for good behaviour on the part of Mugabe.
The leader of the opposition in Zimbabwe is right. This is an option that should be kept alive. But this is not the time to take that step.

Our government deplores the laying of formal charges of treason against Mr Tsvangirai. The harassment of the opposition in Zimbabwe must stop. We on this side of the House, the Australian government, are deeply sceptical of the basis for this charge—the SBS’s Dateline program. I have discussed this program and this evidence with a number of foreign ministers in governments which I would believe to have the capacity to assess this material, and all agree that it is extremely unconvincing coverage. I do not think I have met a foreign minister, apart from perhaps Mr Mudenge, the Foreign Minister of Zimbabwe, who thinks that those accusations have any credibility whatsoever.

Finally, I apologise that I forgot to mention, in the context of the reactions of the international community, what happened in Canada. Honourable members might be interested to hear this. When the Canadian Prime Minister stood up in the Canadian House of Commons and announced that the troika, including our Prime Minister, had suspended Zimbabwe from the Commonwealth, the Canadian parliament—the government and the opposition—rose as one and gave our Prime Minister and the two presidents a standing ovation. The Canadian Prime Minister was not part of the troika. In the Canadian parliament our Prime Minister and others were given a standing ovation.

In this House of Representatives—the counterpart of the House of Commons in Canada—we yesterday had 10 questions from the opposition, abusing parliamentary privilege, which attempted to smear a Comcar driver and wilfully smear the reputation of decent people by accusing them of doing things that the opposition knows those people did not do. In this parliament we have the undignifying sight of a dishonest and dishonourable opposition and in Canada they gave our Prime Minister a standing ovation.

Privilege: Senator Heffernan

Mr CREAN (2.11 p.m.)—My question is directed to the Acting Prime Minister. Can the Acting Prime Minister confirm claims in today’s Daily Telegraph that the Prime Minister commissioned from the Special Minister of State an investigation to find documents relating to Senator Heffernan’s allegations against Justice Michael Kirby? Can the Acting Prime Minister advise whether the Prime Minister commissioned this investigation before or after he came into this House last Wednesday to table two letters from Senator Heffernan making further allegations against the judge?

Mr ANDERSON—As the Prime Minister quite appropriately remarked, he is not a policeman. He sought to ensure that matters that needed reviewing were properly reviewed and when the status of the particular document in question, and at the centre of this dispute, was established he took the action, which is now well recorded and which was appropriate. I do not believe that there is any need to add further to that situation.

Aviation: Industrial Action

Mr KING (2.12 p.m.)—My question is directed to the Acting Prime Minister and Minister for Transport and Regional Services. Would the minister update the House on any further industrial action proposed by the air traffic controllers union and the impact that this is having on the travelling public and the aviation industry generally? Is the minister aware of any alternative approaches to this industrial thuggery?

Mr ANDERSON—I thank the honourable member for his question. I note his very real interest in aviation matters. I regret to inform the House, for the benefit of those who have not heard the news, that air traffic
controllers, under the direction of the air traffic controllers union, Civil Air, has coordinated strike action which will see air traffic controllers at Brisbane, Coolangatta and Sydney walk off the job between 11 a.m. and 4 p.m. today. This is deeply regrettable and, I believe, totally unnecessary and unwarranted action on their behalf.

This follows their action last week which significantly interrupted travel flows across the nation. Today’s action will have the effect of disrupting up to 75 per cent of flights nationally. That will massively inconvenience the public. It will further create difficulties for an industry which, as we all know, is regretfully facing awkward circumstances at the moment. As it seeks to recover its ground and as industries that depend upon it, like tourism, seek to recover their ground, I have to say that I think this action is highly irresponsible. It comes about largely as a result of an unreasonable union demand that Airservices withdraw from today’s scheduled hearing before the Industrial Relations Commission and that they agree to commence private mediation, presumably with a union friendly mediator.

The union’s demand is quite contemptible. It is an attempt to derail an established dispute resolution process under the Workplace Relations Act. I also think it represents a very unsatisfactory affront to Commissioner Deegan. Commissioner Deegan told them what they apparently did not want to hear last week which was that their demands were unreasonable, there was a satisfactory negotiating process which they could access and ought to participate in and they ought to go back to work. She urged them to do so in the strongest possible terms.

I think it ought to be placed on record that Airservices, which enjoy my full support in this matter, have been prepared to compromise on a number of significant matters. For example, they are prepared to treat all unions involved as a single bargaining unit; they are prepared to agree to a three-year certified agreement, as opposed to a one-year agreement; to maintaining existing redundancy entitlements; the offer of a three per cent annual pay rise plus a further one per cent base pay productivity increase; and they have offered to pay a two per cent annual cash bonus provided that profit margins are met—a very substantial offer that many Australians at the moment could only dream about. On the other hand, they cannot give way to union demands such as a 17½ per cent base pay rise—again, I stress, at a time when many people in aviation would be thankful just to have their jobs.

Last week I called on those opposite to join us in exercising some leadership on this matter and to state a position in relation to this matter. They feign great concern for the aviation industry, for the people who work in it, for the people in vital Australian industries like tourism but will not take a leadership position on this at all. Perhaps it would have been a triumph of hope over experience—hope that they might have taken a position—but all we saw was some regrettable remarks from the member for Batman, saying ‘Wasn’t it terrific that the unionists were exercising their right to take part in industrial action.’

It is worth noting that the Labor Party does pretty well out of some of these unions. Two of the five unions involved in this dispute, for example, contributed between them no less than $270,000 to the ALP during 2000-01. So perhaps we should not be surprised that we are not getting any exercise of leadership at all from the Leader of the Opposition in this matter. The ultimate irony is that the Leader of the Opposition and those opposite are so lacking in any policy position, in any leadership from the Leader of the Opposition, that their holding company and the shareholders in it are restless, they are walking away, they are not getting a return on their investment.

DISTINGUISHED VISITORS

The SPEAKER—I inform the House that we have present in the distinguished visitors gallery this afternoon the Rt Hon. Baroness Scotland of Asthal, QC, a parliamentary secretary at the Lord Chancellor’s Department. I also notice in the gallery Mr Bill Taylor, the Administrator of Christmas Island, and Mr Nick Dondas, a former member of the House and former Speaker of the Northern Territory assembly. On behalf of the House, may I
extend, particularly to the baroness, our warm welcome.

Honourable members—Hear, hear!

QUESTIONS WITHOUT NOTICE

Privilege: Senator Heffernan

Mr CREAN (2.18 p.m.)—My question is again to the Acting Prime Minister. Can the Acting Prime Minister confirm the information that the Special Minister of State has just provided to the Senate that government officials inspected 1992 Comcar extracts relating to Justice Kirby and determined they could not be authenticated? Acting Prime Minister, will you advise the House now when the government was first told these documents could not be authenticated?

Mr ANDERSON—In regard to the former part of the Leader of the Opposition’s question, I will ascertain whether or not the statement he made is correct, and if there is anything that needs to be added or pointed out to the House I will do so. In relation to the latter, I have nothing further to add to what I have already said.

Workplace Relations: Industrial Action

Mr SCHULTZ (2.19 p.m.)—My question is addressed to the Minister for Employment and Workplace Relations. Would the minister inform the House of current industrial action across Australia and what impact such strike action has on jobs.

Mr ABBOTT—I thank the member for Hume for his question. I can inform the House that, because of the workplace partnership that this government has tried to encourage through its policy and through its legislation, strikes in Australia have fallen to consistently low levels. In fact, the latest statistics show that strikes in Australia are at the lowest levels on record. That is good news for everyone, because strikes definitely cost jobs. While members opposite peddle their conspiracy theories, while members opposite run around parroting mindlessly, ‘What did you know, and when did you know it’, this government is getting on with the job of building a better Australia.

Unfortunately, there are still some pockets of ultra-militant unionism—union leaders who have not worked out yet that the Berlin Wall fell in 1989 and that communism has since been utterly discredited. I can tell the House that in the last few weeks Sydney bus commuters have been forced to walk to work because the New South Wales Labor government still allows the union movement to substantially control public transport in that state.

Perth building sites have been closed down regularly because the CFMEU is trying to intimidate the royal commission. I have to say that the Gallop government does not have the guts to use the legislative powers it has to stop this industrial action. Today and over the last fortnight tens of thousands of Australian air travellers have had their plans disrupted because of the campaign of strikes and stoppages by workers who are earning, on average, $75,000 a year. Let me say this: the public should not have to put up with capricious strikes fuelled by union bravado.

If the Prime Minister and a Comcar driver are supposed to be in a conspiracy because they once shared a vehicle, what does that say about union militants and the members of parliament opposite that they preselect, fund, instruct and send to Canberra? The Leader of the Opposition has completely and utterly wasted the time of this parliament over the last fortnight. He will not make any constructive contribution to public debate in Australia. He would use the moral authority, such as it is, conferred upon him by his position as a former leader of the ACTU, and he would condemn today’s strike. I call on the Leader of the Opposition to liberate his party from the dead hand of militant unionism by repudiating the notorious 60-40 rule.

Privilege: Senator Heffernan

Mr RIPOLL (2.23 p.m.)—My question is to the Acting Prime Minister, and it follows the last question from the Leader of the Opposition which he failed to answer. Acting Prime Minister, I refer again to documents purporting to be Comcar records from 1992. When was the government first told that these documents could not be authenticated?

Mr ANDERSON—As has been repeated many times in relation to this debate that the opposition is so intent on pursuing in this
place, the material that Senator Heffernan relied upon in making his allegations was given to the New South Wales police. When it was established to be false, certain very real actions and outcomes followed. That is the matter to which you might appropriately have referred your endeavours this week.

Mr Swan—Mr Speaker, I rise on a point of order on relevance. It was a very specific question about 1992 documents, not 1994.

The SPEAKER—The Acting Prime Minister was being entirely relevant. His remarks were related entirely to the incident to which the question referred.

Mr ANDERSON—In relation to other materials, I just do not regard them as germane to this debate.

Mr Kelvin Thomson—I bet you don’t!

Mr ANDERSON—They’re not. They are subject to appropriate investigations and detailed questioning. If they are believed to be of some relevance, the opposition ought to pursue that with the relevant minister.

Commonwealth-State Financial Arrangements

Mr CAUSLEY (2.24 p.m.)—My question is addressed to the Treasurer. Would the Treasurer provide the House with an update on the Commonwealth-state financial relationship under the new tax system? What role does the Ministerial Council for Commonwealth-State Financial Relations play in these new arrangements?

Mr COSTELLO—I thank the honourable member for Page for his question about Commonwealth-state financial relations, because normally one would get a question about this from the opposition in the lead-up to a Premiers Conference. I fear that the opposition have six more questions on when did you know and what did you tell, what did your mother think, what did Uncle Tom Cobley say, what happened in 1992 or, alternatively, 1996, so I am very pleased that the member for Page has asked about this very important issue of Commonwealth-state financial relations.

Tomorrow all the state treasurers and chief ministers will be coming to Canberra to determine the payments of GST revenue to the states for the forthcoming year. I can inform the House that every last dollar of GST revenue will be received by the Labor government in New South Wales and the Labor government of Victoria and the Labor government of Queensland and the Labor government of South Australia—every single last dollar. But, of course, if it had been up to their federal Labor Party colleagues, there would be no such revenue. There would be no such revenue because the Labor Party opposed Australia’s great and significant tax reforms. I think everyone on this side of the House will feel proud that we led and the Labor Party followed in relation to tax reform.

In the year 2001-02, the payments of GST revenue to the states are estimated to be $26.8 billion. In the year 2002-03, they are estimated to be $29.3 billion. GST will pay for every schoolteacher in every classroom in every school in every state in the next year. GST will pay for every policeman on the beat in every state next year. I wait with bated breath to see if any of those state treasurers will be asking about the roll-back policy tomorrow. I wonder if roll-back is still the policy of the Labor Party?

The SPEAKER—The Treasurer has the call.

Mr COSTELLO—Mr Speaker, I was just waiting for the interjection.

The SPEAKER—Interjections are out of order.

Mr COSTELLO—Remember for the last three years the then Deputy Leader of the Opposition used to come into question time—do you recall?—with his Hockey Bear pyjamas and his salads and complain about the GST which, if it was not going to throw Australia into recession, was going to put starving people out on the streets. We waited for three years for intense political attack and we waited and waited for the roll-back policy. Oh, he teased so much but he delivered so little. After three years we had waited for so much. The teasing had been so great that the disappointment was even greater.

As we now front up to the sixth year of the Labor Party in opposition, full of questions on when did you know, who did you tell, what did your mother think, what did Uncle Tom Cobley say, what happened in...
1992, what happened in 1994, you will not hear a question in this parliament about jobs for Australians. You will not hear a question in this parliament about interest rates for struggling families. You will not hear a question about Commonwealth-state financial relations. You will not hear a question about how we fund the schoolteachers in the classrooms in the schools of Australia. If you want some sensible leadership on these sorts of issues, you can go to the Labor Premier of Queensland. On 5 March 2002, Peter Beattie—a successful Labor leader compared with Labor leaders in this House—said:

The growth funding returning to the state government as a result of the GST will be largely invested in the education of our children and young people.

That investment would not have occurred if it had been for federal Labor. It only occurred because this side of the House had the decency to lead on matters of real policy, and we will continue to do it.

Privilege: Senator Heffernan

Mr CREAN (2.30 p.m.)—My question is again to the Acting Prime Minister, and it follows from his previous answer. Acting Prime Minister, isn’t it true that Senator Heffernan has admitted that he relied upon both the 1992 and 1994 documents and that those documents came from the same source? If the government knew two years ago that the 1992 documents could not be authenticated, why was Senator Heffernan allowed to persist with his allegations and why did the Prime Minister add to those allegations?

Mr ANDERSON—The Leader of the Opposition continues to try to build his conspiracy case. There is a problem, though: it washes with no-one. No-one believes him.

An opposition member—We do!

Mr ANDERSON—He does! There you go; he believes him. Can I just say it beggars description. Firstly, in terms of his question, he is absolutely wrong. Let me nail this once and again: Senator Heffernan was not ‘allowed’. He was not given authority; he was not encouraged—just the opposite. He was told not to make allegations he could not substantiate under parliamentary privilege. That is point one.

Opposition members interjecting—

The SPEAKER—The Acting Prime Minister is entitled to the same courtesy as the Leader of the Opposition is entitled to.

Mr ANDERSON—Put into some sort of context, understanding the personalities at play, understanding the relationships at work here and the commitment that members of the government display to one another, it beggars description that the ALP could actually believe that we would ask Senator Heffernan to go and do something if we believed that it was going to be based on a false assumption and would result in the outcomes it did. It is an absolute absurdity, and it highlights the shallowness and superficiality of the opposition’s conspiracy claim.

Education: Overseas Students

Mr BARTLETT (2.32 p.m.)—My question is addressed to the Minister for Education, Science and Training. Would the minister advise the House of the contribution that the higher education sector is making to Australia’s export earnings? Is the minister aware of any other policies in this area?

Dr NELSON—I thank the member for Macquarie for his question about education and in particular for his advocacy for the Blue Mountains International Hotel Management School, which takes a lot of students from overseas. Australia has changed enormously over the last half-century and also the last decade, and our country is changing very quickly. The agrarian land and labour-intensive industries that made Australia what it is are now competing alongside emerging industries in the services sector—in education, health, information and communication technology—which in many ways represent the future of the next generation, the basis of which is of course education.

This government is committed to education for all Australians—for young Australians and for those who are not so young. Since 1995, the number of overseas university students coming to Australia has increased by 66,000. In fact, in the six years from 1994 to 2000 there was an 84 per cent increase in the number of overseas students undertaking education and training in Aus-
Education is now Australia's fastest-growing export service sector. It is worth more than $4 billion a year, which in dollar terms makes it worth as much to Australia as wheat. It is worth more than sheep and it is worth more than beef.

There are now more than 188,000 overseas students enrolled in Australian education and training. The Australian Financial Review said last Friday:

Australia is still top of the list for its 130,000 international students at tertiary institutions when it comes to the affordability ... and living expenses.

In fact, a recent study by Australian Education International and IDP Education, which is the marketing arm of Australian universities, found that the United States is 300 per cent more expensive for international students, the UK 66 per cent more expensive and Canada up to 30 per cent more expensive. This, of course, is excellent news for Australia and Australian education and training providers.

I am asked about alternative policies, and there are alternative policies which could endanger this excellent result for Australia. It seems we have had some statements from the member for Jagajaga, but she appears not to be confident enough to put them on the Labor website. The member for Jagajaga's website still says 'Under construction', and presumably, like the Leader of the Opposition, it is a 1,000-day work in progress with the CFMEU. The member for Jagajaga recently implied that all qualified students should be entitled to a place at university. I ask honourable members to think about that for a moment: all eligible students in Australia should get a place in higher education. In fact, it was reported of the honourable member in the Australian newspaper on 6 March that:

She sees unmet demand—qualified students who do not get a place—as a "shocking waste".

The question I ask is: is it Labor Party policy that all qualified students should be entitled to a place in university? I have now been provided by my department with the latest estimate on unmet demand for university places this year. It is around 52,000 students.

The opposition has focused a lot today, and in the last few days, on the year 1992. A lot of Australians remember 1992. In 1992 there were 100,000 students in this country who could not get a place in higher education when applications to universities were only marginally less than they are now. We should also reflect on this—and this might give us some insight into why the member for Jagajaga has not chosen a Treasury portfolio—if you take 52,000 students and you multiply that by about $12,000, which funds an equivalent full-time student unit place, you are looking at more than $600 million more to fund what we understand is now Labor Party policy. Now, $600 million dollars is more than the total operating grants given to Sydney and Melbourne universities combined.

I will tell you what many Australians remember from 1992, apart from 100,000 students who could not get a place in university. I sat in a house in the northern suburbs of Hobart—a brick and tile three-bedroom house like many of the houses that Australians aspire to own—and it had been repossessed because the breadwinner of that house had lost his job. There were more than a million Australians without work, interest rates were just coming off a peak of 17.5 per cent to buy a house, and there were 100,000 Australian students who could not get a place in higher education. I say to the Australian Labor Party: you cannot have it both ways. You cannot go out there and say to Australians what they want to hear—you cannot cruelly raise the expectations of 52,000 people that the Labor Party say they will fund a place for in higher education at a cost in excess of at least $600 million—and then come in here every single day and defy everything that is done by this government to assist in the creation of wealth and the creation of employment. If you want to talk about 1992, I can tell you, we will be talking a lot about 1992 for the rest of the term of this government.

Mr Ripoll interjecting—

The SPEAKER—The member for Oxley denies the Leader of the Opposition the call.

Privilege: Senator Heffernan

Mr CREAN (2.39 p.m.)—My question again is to the Acting Prime Minister. Can he advise why, despite Senator Heffernan hav-
ing relied on both the purported 1992 Com-
car extracts and the forged 1994 Comcar re-
cord in his possession to make the allegation,
he only provided the forged 1994 Comcar
record to the New South Wales Police? Act-
ing Prime Minister, who in the government
told Senator Heffernan that the 1992 Comcar
extracts could not be authenticated, and why
didn’t they tell the Australian people of that?

Mr ANDERSON—I have nothing further
add to the substantial issues that have been
addressed in this place. In terms of those
matters that go to the understandable na-
tional interest and all of those sorts of things,
I really think they have been adequately dealt
with—I really do. I really think it is time to
move on, I am sorry to say that I genuinely
believe that the flimsiness of your case has
been exposed, that it is a ridiculous construct
that you are trying to mount. The suggestion
that we would willingly send in somebody
on evidence that we somehow or other knew
was false is just so absurd, so ludicrous, so
impossible that I do not think anybody would
see it as having any credibility. Can I say
that, since at last there seems to be some in-
terest in asking me some questions, there are
a number of matters out there that I would
really like to be asked about. There are some
issues that I think are important, that I would
like to hear explored—rail reform, natural
resource management, rural health, air serv-
ces, regional air services. What about it?

Aviation: Industrial Action

Mr NAIRN (2.42 p.m.)—My question is
addressed to the Minister for Employment
and Workplace Relations. In the light of to-
day’s action by air traffic controllers, would
the minister inform the House about the need
to reform the influence on political parties of
certain organisations registered under the
Workplace Relations Act? What is the gov-
ernment’s response?

Mr ABBOTT—While the Leader of the
Opposition is peddling his conspiracy theo-
ries, there are real issues out there that are
worrying the Australian people, such as the
outrageous strike which is disrupting the
travel plans of tens of thousands of Aus-
tralians. Let us just see how concerned the
Leader of the Opposition is with the sorts of
issues that really worry the Australian peo-
ple. This completely obsessed and fantasy
fixated Leader of the Opposition, when he
came into the House today, was doorstopped.
The question that he was asked was:

JOURNALIST: Flight schedules around the
country are being disrupted to day by an air traffic
controller’s strike ... Is that an industrial cam-
paign that you support?

That was the question he was asked. What
did the former President of the ACTU say?
You will be embarrassed, Mr Speaker, to
know. The Leader of the Opposition said:

CREAN: I’m not even aware of the issue I must
say.

Tens of thousands of Australians are dis-
rupted, and he is not even aware of the issue.

Mr ABBOTT—Today’s strike certainly has refocused
attention on the political links of registered
organisations. The trouble with unions today
is that there are far too many union officials
who are more interested in negotiating their
preselections in the ALP than they are in
negotiating a better deal for the workers of
Australia. But there is hope and I want to
congratulate some members opposite for
trying to break the union faction stranglehold
over the Australian Labor Party. It takes
courage to confront an entrenched and cor-
rupt establishment and in this respect the
member for Fremantle, the member for Mel-
bourne, the member for Barton, the member
for Werriwa, the member for Hunter and the
member for Griffith deserve the respect of
this House in this matter at least.

The Leader of the Opposition has ratted
on the reformers. He went to the ACTU and
said to them, ‘I’m no Tony Blair.’ You can
say that again! He certainly is not any Tony
Blair. Then this week he said:

I can never envisage a Labor Party without a re-
lationship with the trade union movement ...

The truth is the Leader of the Opposition has
sold out. He is scared of Kevin Reynolds. He
is scared of the man who believes that you
should go onto a workplace with 40 thugs in tow. He is scared of the man who gave $668,000 to the Labor Party last year. He is scared of Craig Johnson, the man who believes that the best way to enter a small business is to smash down the front door with a crowbar, who gave $437,000 to the Labor Party last year and who controls the largest single block vote inside the Victorian Labor Party even though he is actually a Trotskyite.

The one person the Leader of the Opposition does not seem to be scared of at the moment is the member for Werriwa. The Leader of the Opposition is not scared of the member for Werriwa—unlike the taxi drivers of Sydney. The member for Werriwa might be a brute, but he is a brute with brains, guts and ideas—unlike the Leader of the Opposition. That is something which the ABC faction inside the Labor Party, the ‘anyone but Crean’ faction, is quickly coming to realise. The Leader of the Opposition has wasted two weeks of parliamentary time. If he had any guts, any decency at all, he would do the one thing that he can control—he would repudiate the militant unions who are now holding the air travellers of this country to ransom.

Insurance: Public Liability

Mr ANDREN (2.48 p.m.)—My question is to the Treasurer, representing the Minister for Revenue and Assistant Treasurer. Treasurer, is the government aware that the New Zealand accident compensation scheme has been rejected in some quarters because of an alleged $6.5 billion unfunded liability which, according to the New Zealand ACC with whom I have spoken, is now actually $3.9 billion and falling and that the scheme has been revamped on a fully funded basis? Treasurer, is such a national scheme on the agenda for the 27 March meeting of federal and state ministers? If not, why not?

Opposition members interjecting—

The SPEAKER—Order! The members for Melbourne, Hunter and Blair!

Mr Fitzgibbon interjecting—
from each other’s experience and each other’s proposals. I hope there will be a positive approach brought to this very great problem and that, through cooperation between the states, progress can be made. The Commonwealth will have a facilitative role in relation to those states and their proposals to address what I believe is a very real problem in the community.

Tourism: Statistics

Mr JULL (2.52 p.m.)—My question is addressed to the Minister for Small Business and Tourism. Is any statistical data available showing the state of the Australian tourism industry post September 11, and are there any other impediments that would militate against the recovery of the Australian tourist industry?

Mr HOCKEY—I thank the member for Fadden for his question. I think everyone in this House recognises that he has an encyclopaedic knowledge of aviation and a very in-depth understanding of tourism. Some even refer to him as the father of tourism in the House.

Government members interjecting—

Mr HOCKEY—And they are beautiful children that he has had! The Australian Bureau of Statistics today at 11.30 released some very important figures in relation to Australian inbound tourism over the last few months. Until today, since September, the inbound tourist numbers have been dramatically lower than they were a year ago. I am pleased to advise the House—

Opposition members interjecting—

The SPEAKER—The minister has the call.

Mr HOCKEY—This is a serious issue, Mr Speaker.

The SPEAKER—I have recognised the minister, and he will be heard in silence.

Mr HOCKEY—I am pleased to advise the House—

Mr Zahra interjecting—

The SPEAKER—The member for McMillan is warned!

Mr HOCKEY—For the first time since September, tourism numbers in Australia are up, and I think we all welcome that. In February of last year 438,700 people came to Australia. In February of this year it is 443,400, which is up one per cent. That is the first positive gain in tourist numbers we have seen since September. It is a direct result of the recovery of the global aviation market, and it is a result of the increased contribution of the federal government to the Australian Tourist Commission’s strategic campaigns. For example, we launched a campaign at the beginning of this year into the American market. In September last year we obviously stopped marketing. We started again in January, and I am pleased to advise the House that the American arrivals are up two per cent on the same period last year. We have also launched a campaign into the United Kingdom and our numbers are up 6.1 per cent on last year. China is a massive increase, primarily because of the Chinese new year. The Chinese inbound market is up 84 per cent, which is a massive increase. It is of concern that New Zealand is down over 25 per cent. It reminds me of the fact that a week ago we launched a campaign in New Zealand, spending up to $1 million, promoting Australia as a tourist destination. It is a complete waste of time and money. It is a total waste of money spending that sort of sum in New Zealand if a New Zealand plane cannot get into Coolangatta because of an air traffic controllers’ strike today. It is a complete waste of money spending that sort of sum in New Zealand if a New Zealand plane cannot get into Coolangatta because of an air traffic controllers’ strike today. It is a complete waste of time and money.
Why won’t the Leader of the Opposition do that? Why?

**Opposition members interjecting—**

**Mr HOCKEY**—I will tell you. He is not aware that the issue is occurring.

**The SPEAKER**—The minister will address his remarks through the chair.

**Mr Swan**—On a point of order, this was a question about the growth in tourist numbers. The minister is not relevant to it. He has misplaced an airline and somehow he thinks it is the fault—

**The SPEAKER**—The member for Lilley will resume his seat. As the member for Lilley is aware, I always write down the questions as they are asked. The question was about growth in tourist numbers, and the minister was asked to comment on impediments. It was in that context that I was allowing him to continue.

**Mr HOCKEY**—The biggest impediment to tourism growth, the biggest impediment to tourism numbers, is uncertainty about the product supplied by the Australian tourist market. Having some of our major airports closed down by union officials and people who are blackmailing the Australian tourist market because of their industrial action is the biggest threat to the Australian tourist industry. I know why the Leader of the Opposition does not ring up his mates; it is because they supplied $270,000 last year to the Labor Party. They supplied over a quarter of a million dollars to fund the Labor Party. That is why the Leader of the Opposition will not ring them up. He is like a hair trigger on an empty water pistol: he has no effect.

**Health: Program Funding**

**Mr STEPHEN SMITH** (2.59 p.m.)—My question is to the Acting Prime Minister. I refer to the reports the Prime Minister has received from the department of finance and the department of health into the Michael Wooldridge House scandal. Has the government received comments on those reports from former ministers Wooldridge and Fahey? Is it not the case that the reports reflect adversely on the processes adopted by the government in making its secret decision to spend $5 million on a building in Canberra by diverting funds away from asthma and rural and regional health?

**The SPEAKER**—Would the member for Perth come to his question?

**Mr STEPHEN SMITH**—As the House is about to rise to close this scandal-ridden session, can the Acting Prime Minister advise the House when the Wooldridge House reports will be released publicly?

**Mr Snowdon interjecting—**

**The SPEAKER**—The member for Lingiari is warned! I accommodated the member for Perth and did not expect my accommodation to be so abused. There was more ar-
argument in that question than should normally have been tolerated.

Mr Stephen Smith—I rise on a point of order, Mr Speaker. Whilst you have said that there was argument in the question, the question was substantive and goes to matters of which the House has traditionally been able to hold a government accountable—namely, the receipt of reports by the government, the commentary on those reports by former ministers, as indicated to the House by the Prime Minister, and the need for the House to be informed as to whether those reports will be released publicly to enable scrutiny of a government in the normal way in respect of a scandal sweeping $5 million for a building in Canberra away from asthma and rural and regional health.

The Speaker—I had in fact intended to allow the member for Perth to rewrite the question and to call him later. Given the way in which he has just treated question time, I am not so inclined.

Mr Swan—Mr Speaker, I rise on a point of order. Under what standing order have you disallowed that question?

The Speaker—I was relying on standing order 144 and portions of standing order 144—

An opposition member—Send him home! Chuck him out!

The Speaker—I was relying on standing order 144 and on a number of portions of standing order 144—

Government members interjecting—

Mr Swan—Mr Speaker, I rise on a point of order. Under what standing order have you disallowed that question?

The Speaker—I was relying on standing order 144 and portions of standing order 144—

Mr Stephen Smith—On the point of order: firstly, Mr Speaker, I made a point of order, as is the right of any member of this House.

The Speaker—And I recognised you, as I always do.

Mr Stephen Smith—Absolutely. I do not know that you have ruled on that point of order, but that is not the point I am making. What you have now done is link the comments I have made in my point of order to
the question. At no stage did you indicate to me that I might have the opportunity of re-writing the question, which I am happy to do right now, consistent with the very strict regime which you have said previous speakers have not necessarily applied. I am happy to do that if that suits your convenience and the convenience of the House.

The SPEAKER—I indicate to the member for Perth that the regime has not changed and that a great deal of tolerance is exercised in the way in which questions are interpreted by the chair and allowed to stand, as anyone who has been in the House for any period of time would be well aware. What I have indicated to the member for Perth is that the question as he asked it is out of order.

Mr Stephen Smith—Mr Speaker, would you give me the opportunity of rewriting that question and doing it now?

The SPEAKER—The member for Perth will be recognised if he arises again, but the question now goes to the member for Makin.

Youth Affairs: Government Policy

Mrs DRAPER (3.09 p.m.)—My question is addressed to the Minister for Children and Youth Affairs. Would the minister update the House on coalition initiatives for Australia’s young people? How is the coalition government assisting our youth to be heard and recognised? Are there any alternative approaches?

Mr ANTHONY—I thank the member for Makin, who I know has got a very keen interest in youth issues. I had the pleasure of visiting some of her programs—the Reconnect service and the JPET program—in her electorate recently. There is a fundamental difference between this side of the House and that side of the House when it comes to youth policy and youth issues, and that is that on that side of the House they have been taken youth for granted for years and that is why young people have been deserting the Australian Labor Party in their voting pattern for the last 17 years and voting for this side of the House.

One of the reasons why young people are voting for the coalition is that we believe it is important to listen to their voice. I would like to acknowledge 50 young Australians who have come to this parliament in the last few days for the National Youth Roundtable, and indeed of course the contribution that has made by those members of the House who are still here, because we believe that getting the views of young Australians is particularly important when it comes to government policy formation.

One of the pieces of good news that came out for Australian young people this week was the government’s Youth Allowance Evaluation—Final Report, which absolutely supports the reason why the coalition government introduced Youth Allowance back in 1998. The reason is that, in the old days of Austudy, it was much easier for young people to access the dole than it was for them to go on to further education and training. That was absolutely disgraceful, and that was the policy that the Labor Party had prior to 1996.

Youth Allowance has meant that today more young Australians are involved in education and training than ever have been before. I notice the member for Goldstein nodding his head. He is a major architect of that success, I might add, and should be congratulated, because didn’t we cop a rubbishing from the Australian Labor Party back then! It is interesting to note that in the last three years there have been very few references made to Youth Allowance by the Australian Labor Party. Why? Because, for every year since its introduction in 1998 for 16-to 17-year-olds, 10,000 new students have gone on to continue year 12. We have today 385,000 young Australians who are directly involved in training or education because of Youth Allowance.

Further good news is the assistance that we have given—and I know the member for Gwydir, the Deputy Prime Minister, would verify this—in allowing rent assistance. They never had rent assistance before. In all the surveys that we have done, particularly for those in rural and remote communities, 75 per cent have said that if they could not have got rent assistance they could not have gone on to further studies. Isn’t that a good outcome? Even two-thirds of those who were not in rural or isolated areas have stated that getting rent assistance has allowed them to
continue education rather than go on the dole.

I have got to say that in this complacency by Labor there is a breath of fresh air, because a brand new frontbencher has come clean. The secret is out that the Australian Labor Party is failing our youth. I would like to quote the member for Gellibrand—she is a good shadow minister out there trying her hardest—in the *Australian*, where she said Labor does not work well for some; it is actively discouraging for others. She goes on to say:

... young people do not join or stay with us for very long.

I have got to say she deserves credit for being honest. But her cure for the Labor Party’s irrelevancy is a real worry. In this comprehensive article, which I am happy to table, she refers to the irrelevance of the branch structures. She says that what Labor needs are new types of branch structures like Green Labor, union Labor, community Labor, young Labor, family Labor, country Labor. Country Labor was an absolute failure! I say why stop there. Why don’t the Labor Party have branches of ‘hard’ Labor. They could have ‘new, better tasting’ Labor. They could have Labor ‘lite’ and they could even have ‘I can’t believe it’s not Labor’ Labor. The only policy they have here is ‘lazy’ Labor.

Mr Swan—On a point of order: Mr Speaker, will you put this minister out of his misery?

The SPEAKER—The member for Lilley! The member for Lilley knows that was an abuse of the forms of the House.

Mr ANTHONY—This is just lazy Labor and, no matter what they try to do to relabel their branches, it is about substance, and young Australians will not be conned by fresh packaging of a tired, old product.

Mr Martin Ferguson—On a point of order, Mr Speaker: the question was very specific; it went to the needs and aspirations of our wonderful young people—not something we should make fun of. I ask you to draw the minister back to the point of the question.

The SPEAKER—I would if the standing orders allowed me to be a little more precise with the way in which questions are answered, and I invite the Procedure Committee to give me that power.

Mr Wilkie—The minister’s a goose.

The SPEAKER—The member for Swan!

Mr Latham—Goose? Swan? Duck?

The SPEAKER—I warn the member for Werriwa! The minister, in conclusion.

Mr ANTHONY—Thank you, Mr Speaker. Well, Labor certainly were robbed, weren’t they? The Liberal and National parties are the only parties in this House that are dealing with the aspirations of, and providing the opportunities for, young Australians, not lazy Labor, who have got no substance—and it is all about labels.

Health: Program Funding

Mr STEPHEN SMITH (3.18 p.m.)—My question without notice—or perhaps with some notice—is to the Acting Prime Minister. I refer to the reports the Prime Minister has received from the department of finance and the department of health into GP House. Has the government received comments on these reports from former ministers Wooldridge and Fahey, a process initiated by the Prime Minister? Is it not the case that the reports reflect adversely on the processes adopted by the government in this matter? Can the Acting Prime Minister advise the House when the Wooldridge House reports will be made available either to the House or publicly?

Mr ANDERSON—I thank the honourable member for his very nice question with notice, and—

Honourable members interjecting—

The SPEAKER—Acting Prime Minister.

Mr ANDERSON—Mr Speaker, I thought I had the call.

The SPEAKER—You did have the call. I was merely trying to get a House that would at least exercise to you, from both behind you and in front of you, the courtesy to which you are entitled.

Mr ANDERSON—I again say that I appreciate the very nice question with notice. Let me make just a couple of points: as you know, the Prime Minister released a state-
ment on this shortly before he left. He indicated that he has received the report, he has passed it on to former ministers Fahey and Wooldridge. I am not in a position to advise as to whether they have yet responded, and I am happy to establish whether or not they have responded and, if necessary, come back to you. The government has not made a decision on whether the reports ought to be released.

We have heard a lot of wild allegations here about scandalous behaviour and what you have you. I just want to make a couple of points about that. Firstly, we have given a very clear commitment that neither of the two programs in question here—relating to asthma and medical specialist programs in rural and regional Australia—will be compromised in the amount of funding that we have provided to both. But I think the really important point that must be made here—always need a bit of balance in these things; there has been a bit of a focus on this issue and it has obscured the really important matter—is that this government has acted to address the quite scandalous crisis in the provision of rural and regional health involving GPs and specialists in particular but nurses as well, a crisis set up and almost, it would seem, deliberately mapped out and planned for by those responsible for health in this country during the years that Labor was in power. The intake—

**Opposition members interjecting—**

**Mr ANDERSON**—The fact of the matter is that it has been well known for a very long time in this country that, if you want to ensure an adequate supply of medical practitioners and allied health providers in rural and regional Australia, you have to train enough people from rural and regional Australia in those areas. Under your regime, the intake in some of our medical schools got down to one, two, three or four per cent—not the 25 or 30 per cent needed. The work that Dr Michael Wooldridge did with the government’s support, and in respect of which certainly I worked alongside him, to correct that situation I think was outstanding. He deserves commendation for it, and in any balanced assessment of the government’s performance in this area our record leaves yours for dead.

**Harmony Day**

**Mr CIOBO** (3.21 p.m.)—My question is addressed to the Minister for Citizenship and Multicultural Affairs. Minister, as you would be aware, today is Harmony Day. Would you outline to the House the significance of Harmony Day and how it relates to Australian citizenship?

**Mr Rudd interjecting—**

**The SPEAKER**—The member for Griffith is warned!

**Mr HARDGRAVE**—I thank the member for Moncrieff for his question. In fact, I look forward to joining him on the Gold Coast on Saturday morning, because Surf Lifesaving Australia are one of our Harmony Day partners. They have dedicated Saturday as Diversity Day, so they are doing their part to promote harmony in our very culturally diverse society. This year’s Harmony Day—just four years on since the senior minister, the Minister for Immigration and Multicultural and Indigenous Affairs, commenced this particular project—is in fact bigger than last year. There are some 2,234 organisations involved in events around Australia, while last year there were just 800. It proves that millions of Australians are embracing the concept of harmony in our culturally diverse society. In addition, 12,000 education kits have been distributed to primary schools. In fact, I was in the electorate of my ministerial colleague, the Minister for Children and Youth, the member for Richmond, at Centaur Public School to launch that in mid-February. Those kits have gone over very well. There are 750,000 stickers for kids and 550,000 ribbons—and it’s good to see the leadership of the Acting Prime Minister in wearing one today—and for those members who are minus their ribbons, there is next year, because Harmony Day next year is going to be bigger, if you do your part.

Members may care to consult the Adelaide Advertiser. Rex Jory, the columnist, today has really summed up, I believe, what Harmony Day is all about and the way that citizenship can unite us as a country. He says:

Harmony Day this year will highlight the potential benefits for business in harnessing the different languages, competencies and cross-cultural
skills of Australia’s community, but the overriding aim is to encourage Australia’s 900,000 eligible permanent residents who have not yet sought to become Australian citizens to take the step.

Whether you have been here for five years, five generations or you can actually trace your family history back thousands of years to the original Australians and their descendants, Harmony Day is a perfect opportunity for you to showcase who you are, your cultural beliefs and get to know your fellow Australians.

The Howard government allocated $2.5 million in last year’s budget, and that extended the Living in Harmony initiative, with 37 new grants and six new partnerships. Partners in the corporate sector—Ford, AMP, Coca-Cola Amatil, Cadbury Schweppes, Drake, Microsoft, McDonald’s, Telstra and Woolworths—ought to be congratulated, because these are businesses that recognise that out of our culturally diverse community come a great range of skills, a huge potential to advance the production and the capacity of all Australia’s businesses—a great way to promote additional trade because of the skills we have in our work force. Australia is a complex, cosmopolitan society. We cannot take any of all that we have achieved to date for granted and we have to keep working on it—and that is the significance of Harmony Day.

**Liberal Party: Queensland Branch Audit**

Dr Emerson (3.25 p.m.)—My question is to the Acting Prime Minister. Acting Prime Minister, do you recall the Prime Minister’s statement of 27 August last year that, when the tax office audit into the GST activities of the Queensland branch of the Liberal Party is completed:

... it should be made public. So, you know, how much more transparent can you possibly be?

Isn’t it the fact that the audit report has never been made public? As the House is about to rise to close this session, can the Acting Prime Minister advise the House when the tax office audit report into the Groom GST scam will be released?

Mr Costello—My recollection is that the outcome of the audit which was provided to the Liberal Party was announced by Lynton Crosby—I believe, late last year. Of course, any tax audit is a matter between the commissioner and the person that was actually audited; it is not a matter for the government to release it. It was an audit which was provided to the Liberal Party, and Mr Crosby released a statement in relation to that.

What I am not aware of is this: there was an undertaking by the now member for Brand for an audit of the Victorian ALP. That, of course, can only be requested by the Victorian ALP. As far as I know, the Victorian ALP has never been to the tax office to ask for that audit, nor has it ever released a statement about the conduct or outcome of that audit. I do recall very clearly that undertaking having been given by the member for Brand. We are still waiting for him to come good in relation to it.

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

**HOWARD GOVERNMENT Censure Motion**

Mr Crean (Hotham—Leader of the Opposition) (3.28 p.m.)—by leave—I move:

That this House censures the Government for its persistent failure to be accountable and to tell the truth, denigrating, in the process institutions fundamental to Australian democracy, including the public service, the defence forces, the Parliament and the courts, in particular the Government’s failure to:

1. prevent the raising of false allegations concerning a judge, its repetition and expansion of those false allegations despite its prior knowledge that documents used to support the allegations were bogus and the Prime Minister’s failure to apologise to the judge for his and the Government’s actions;
2. tell the truth about the Children Overboard Affair and its subsequent efforts to cover it up;
3. disclose the transfer of funding from rural and regional health and asthma programs for Wooldridge House and its ongoing efforts to cover that up;
4. its failure to release as promised a copy of the Australian Taxation Office’s audit report into the Queensland Branch of the Liberal Party of Australia’s Macfarlane GST Scam in an effort to cover it up; and
(5) admit that it spied on Australians and its efforts to cover these matters up.

This session is ending as it began: with a lie; with the PM ducking for cover—this time in London; and with another investigation—this time into a forged document, a forgery used as part of a campaign to smear Mr Justice Kirby. After today parliament is rising for seven weeks, with the government embroiled in yet another scandal. The ‘kids overboard’ scandal started this session. The government knew that the ‘children overboard’ claim was a lie. The government knew that within hours of the claim being made, and yet it covered it up over the next four months and it is still covering it up. The Prime Minister says that he was never told.

Now we have the Heffernan incident and it has all the hallmarks of the same pattern. The government knew two years ago that the Comcar documents in relation to Justice Kirby were not authenticated, but it did nothing to stop Senator Heffernan going around this building and into the other chamber and perpetrating the smear. It did nothing to stop it; worse, the Prime Minister fuelled the issue by reading into the Hansard in this chamber further allegations by Senator Heffernan, even though his government knew that the documents that Senator Heffernan was relying on were not authenticated. Again, it says it did not know about the forgery. But it did know about the 1992 documents. That has been the whole purpose of question time today.

There were two sets of documents: the 1992 documents, which the government knew two years ago were not authenticated, and the forgery. This government has been conveniently trying to say that it knew nothing of the forgery, but what about the other documents? Senator Heffernan says that the source of the 1992 and 1994 documents is the same person. We are still to find out who that actually is, because the government will not answer that question. Despite the fact that the question was asked in the parliament yesterday, the government still has not answered it.

Do not come in here and say that we have abused parliamentary privilege by asking the question about Mr Patterson. The allegation regarding Mr Patterson appeared that very morning in a newspaper article in which he was nominated as the source. I think it is legitimate for an opposition to ask a government whether the report is accurate. Why can’t we ask that? This government is trying to make out that that question is an abuse of parliamentary privilege. It is not. I will tell you who has abused parliamentary privilege: Senator Heffernan.

Mr McClelland—And the Prime Minister.

Mr CREAN—Yes, and the Prime Minister. Senator Heffernan claimed that there were records, when he knew that the 1992 records could not be authenticated. The Prime Minister came into this place on the Wednesday—the day after Senator Heffernan’s allegations—and added to them, but he claims subsequently that he knew nothing about the forgery. If we accept his word that he did not know about the forgery, then he was relying on information based on the 1992 documents, and the government knew that the 1992 documents could not be authenticated. So this is not just Senator Heffernan on a ‘frolic’ of his own; the Prime Minister is in a duet with him. The Prime Minister is the dancing partner for Senator Heffernan—the ballroom dancers’ final awards. This Prime Minister, together with Senator Heffernan, knew that the documentation was not authenticated yet relied on it to spread the smear in this parliament.

So, if the government knew that the 1992 documents were not authenticated, why didn’t it stop Senator Heffernan from making the allegations in the Senate? We heard the Acting Prime Minister say today that Senator Heffernan was told not to make those allegations in the Senate, but he was told no such thing; the Prime Minister merely cautioned him. The Prime Minister made a point of that when he came into the chamber—such that, when Senator Heffernan defied the caution, the Prime Minister said that he was not defied. I said at the time that, if the Prime Minister was not defied, one can assume that Senator Heffernan did it with the Prime Minister’s knowledge and authority.

But the most sinister dimension of this is the fact that the Prime Minister—without
knowledge, if we believe him, of the 1994 documents—was relying on the 1992 documents, yet his government was advised two years ago that those documents could not be authenticated. What are we going to get? The Prime Minister saying that no-one told him, again? Sounds a bit familiar, doesn’t it? It sounds like the ‘kids overboard’ affair. Everyone in the government knew: the head of the then Department of Finance knew that the documents were not authenticated and presumably the minister knew—or are we to believe that the head of the Department of Finance, Dr Peter Boxall, who has been a consultant to the Treasurer in both opposition and government, did not pass this information on? That sounds a bit familiar, too, doesn’t it? The whole of the Defence Force knew that there were no kids overboard, but they did not tell the government. It beggars belief, but this is the pattern of deceit which is emerging now in relation to this government.

It is not just one scandal; it is scandal after scandal. Every time the government gets caught, it only acts when Labor pursue, when Labor expose, when Labor prove. We had to get Senator Heffernan dismissed, because the Prime Minister would not do it on his own. We had to call for it, because we had to show that the document was a forgery. We showed it within 24 hours; and yet the government, which has had the document for at least a week—we would suggest that it had it for months before, but let us assume that it did not know about it until it appeared last week—sat on it. We established that it was a forgery within 24 hours but the government sat on it, hoping that no-one would notice. But there was Senator Heffernan peddling it through the newspapers, trying to get the front page splash to smear Justice Kirby—and the document was a forgery.

This is the circumstance and the sequence of events, and I think this is very important to have on the record. Several years ago Senator Heffernan made a freedom of information request of the Department of Finance for Justice Kirby’s Comcar records. His request was refused. He then approached Dr Boxall, former adviser to Treasurer Costello both in opposition and in government, then head of the Department of Finance, to overturn that decision. Dr Boxall did so. In other words, you have the Parliamentary Secretary to the Prime Minister in the role that he then was in going over the top of the FOI officer, going straight to the top of the department to a political appointment and asking for the decision to be overturned. Dr Boxall complied. He ordered a new search but again Senator Heffernan’s request was refused.

A second FOI request, similar to Senator Heffernan’s, was then sent to DOFA. In connection with this, Dr Boxall requested copies of the Comcar records to assist in finding the original. When he received the supposed extract of Comcar dockets in the year 2000 this was checked by the department. Long-serving Comcar administrative officers examined them and concluded unanimously that the extracts could not be authenticated. That has been confirmed today by the minister responsible in the other chamber, Senator Abetz. In other words, the government knew two years ago that the 1992 records produced by Heffernan were false. They knew two years ago, but they still allowed him to participate in his frolic.

On Tuesday last, Senator Heffernan said that he had Comcar records. I underline that point because he said ‘records’—plural. I notice the adviser in the Prime Minister’s box nodding to that. Senator Heffernan said that he had Comcar records showing that Justice Kirby had engaged in improper activities. Yet when the documents finally arrive, only one record is received—the forgery of a purported 1994 document. So why was only one document sent? This is the question that this government has to answer. Why was only one document sent? We believe it was because Senator Heffernan at the time was told that the 1992 Comcar documents were bogus and that they could not be authenticated, because the government knew that these documents could not be authenticated as far back as the year 2000. So who warned Senator Heffernan off and why? Why? Because there was knowledge in the government that the first basis of allegation,
the 1992 documents, could not be authenticated.

We now know that the Prime Minister ordered Senator Abetz last Wednesday to start conducting a full investigation. Bear in mind that Senator Heffernan was still saying on Thursday ‘records’—plural—although the search ordered by the Prime Minister commenced on Wednesday. When did the Prime Minister uncover the fact that the 1992 documents could not be authenticated and when was that communicated to Senator Heffernan? Was it in advance of him sending the document—not ‘the documents’—off to the New South Wales police? Here he is bandying around in the parliament all of these Comcar records which he says prove his claim and have been covered up by us when we were in government when he was seeking them way back then. Here he is waving them around and yet, in the end, he sends only one document.

The government has repeatedly dodged the question of when it knew the 1992 documents could not be authenticated. We also want to know who knew and when they knew because this is a critical part of the deceit involved in this whole issue. This is not something where you can run away and say it is the 1994 document alone. We know it is a forgery and there is a police investigation into it. We hope that that report is made public because it needs to be made public. We need to establish who the source of that document was. We think we know, but let us wait for the report.

What we are saying is that we also know Senator Heffernan was bandying around the 1992 documents in the hope that he could spark an interest or get some release of documentation from the department to justify his sordid claim. The government have been up in the press gallery and admitted that the non-authenticated documents related to just 1992. They think they are off the hook because Senator Heffernan alone put forward the forgery. We will find out about whether anyone else knew or not. But what the government cannot hide from is the fact that the documents of 1992 could not be authenticated and yet that was what Heffernan was relying on. He sent the Prime Minister into this House on Wednesday to put further information on the record based on the 1992 records. So the Prime Minister is complicit in this. He is in charge of a government that has had advice that the 1992 records are not authenticated. And yet not only did he allow Senator Heffernan to keep perpetrating the smear but the Prime Minister became part of spreading the smear himself in this very House last Wednesday.

Is not just the Heffernan affair that we are dealing with today; under this government we have got ‘Scandals “R” Us’. That is what they have been involved in over the last four weeks that we have uncovered so far. The ‘kids overboard’ is a scandal. It was a lie, the government knew it was a lie and it never corrected the record. We had the ‘Wooldridge House’ affair, where funds were diverted from a program for a building for an organisation that Dr Wooldridge was made a consultant to immediately after leaving this chamber—conflict of interest. Wooldridge was made a consultant to immediately after leaving this chamber—conflict of interest, scandal, a report alleging impropriety but the government will not release the report; covers it up. We have got the Macfarlane incident, the now Minister for Industry, Tourism and Resources, who was involved in defrauding his FEC in avoiding the GST payment—an inquiry ordered into it and they will not make that report public. We have also got the allegations into DSD spying on the Australian public—another report ordered but we have not seen it published. We have now got the Heffernan exercise—off with the police but no commitment today to release the outcome, the findings of that report, publicly.

This is a government of cover up. It is a government that has lied, spied and denied, and now it has falsified. It is continuing to cover up scandal after scandal and it thinks that the previous one will go away because it gets buried in the next one that envelops it. We have still got issues associated with the Governor-General; we have still got issues with Peter Costello asleep at the roulette wheel, losing $5 billion of Australians’ money. We know who is going to pay for that come the budget. We know it is going to be ordinary Australians, struggling Australians that are forced to pay for his bad gambling habit. I wonder what his brother thinks
of his gambling habit. This is a Treasurer asleep at the roulette wheel.

We have also got the circumstances of those scandals. We are awash with inquiries but we have got no accountability. This is a government that believes that it can shove it off to another inquiry, hope that people forget about it because they get embroiled in the next scandal and hope that the report never has to see the light of day. It must, and we will persist. I know the government does not like it. I know it does not like hearing these questions from us. I know that the Prime Minister has stayed in London when clearly he could have got back, after his success in London, for today’s parliament. He has avoided the questions over there in press conferences. He thinks this issue has moved on. He thinks it is only Senator Heffernan, but it is not; it is the Prime Minister. The Prime Minister is involved, and the government is involved. This is not a frolic of his own; this is John Howard involved, knowing that the basis of the documents could not be authenticated and, nevertheless, fueling the debate on the record in this parliament.

This is a government that deserves to be censured because it is a government that continues to deceive and lie to the Australian public; a government that thinks it can hide, but it will not be able to; a government that has run out of puff, has got no third-term agenda; a government that is enveloped in scandal after scandal. This is a government deserving of censure, and the Prime Minister should come and front us and face the music. (Time expired)

The SPEAKER—Is the motion seconded?

Ms Macklin—I second the motion and reserve my right to speak.

Mr ABBOTT (Warringah—Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service) (3.49 p.m.)—All I can say is that the Leader of the Opposition should have stuck with his MPI, because that was the flattest, weakest censure speech by a Leader of the Opposition in the eight years that I have been in this parliament—not a single member opposite could have followed the tortured, confused, labyrinthine, laboured argument put forward by the Leader of the Opposition. Every member opposite is interested in one thing and one thing only—that is, going to the dinner tonight for the former opposition leader, the member for Brand. And doesn’t the member for Brand look good compared with the member for Hotham.

Mr Cadman—He looks excellent—better every day.

Mr ABBOTT—Isn’t the member for Brand looking better every day in comparison to this weak and tortured effort by the current Leader of the Opposition. I have to say that it has been a very bad day for the Leader of the Opposition. He should have known it was coming. Fran Kelly on the ABC last night said that the Leader of the Opposition was going to have enormous trouble keeping this going for another 24 hours, and Fran Kelly is right. The Leader of the Opposition was greeted this morning when he walked into this parliament by the words of Senator Barney Cooney—

Mr Swan interjecting—

The SPEAKER—The member for Lilley! The same courtesy as was extended to the Leader of the Opposition will be extended to the Leader of the House.

Mr ABBOTT—Senator Cooney is an honourable man. Oh, here he is; he is just sneering at Senator Barney Cooney—

The SPEAKER—The Leader of the House will address his remarks through the chair.

Mr Crean—Mr Speaker, I rise on a point of order: I ask that the Leader of the House withdraw that allegation. I was doing no such thing.

The SPEAKER—As the Leader of the Opposition may have been aware, I was actually drawing the attention of the Leader of the House to the obligation he has to address his remarks through the chair. I did not, for that reason—because I had in fact mentioned that on two occasions—hear anything that he
said. If he said something that was offensive, I will ask him to withdraw it.

Mr Crean—I find it offensive because it is not true.

Mr Abbott—Mr Speaker, if the Leader of the Opposition wishes to be precious when his comments are picked up, I will withdraw.

Mr Crean—Mr Speaker, I just want him to be accurate and I don’t want any qualification on his withdrawal.

The Speaker—we have a censure motion, which is a serious motion by any measure—

Mr Ruddock—Quite inaccurate in parts.

Mr Crean—You couldn’t take a point in your life.

Mr Ruddock—Quite inaccurate.

Mr McMullan—Front up then. Come on.

The Speaker—the member for Fraser! The same courtesy as was extended to the Leader of the Opposition will be extended to the Leader of the House.

Mr Abbott—Thank you, Mr Speaker. I think the Leader of the Opposition is losing it, frankly. He has had a bad day, he has put in a pathetically weak performance in the censure debate and now he is taking these trivial points of order because he has been caught out with the kind of nonsense bully-boy interjections that he goes on with all the time across the table in this House.

The fundamental allegations made by the Leader of the Opposition have been exposed today by the Acting Prime Minister as utterly preposterous. What the Leader of the Opposition expects people to believe is that we deliberately mounted what was in effect a kamikaze attack on our own ships. It is an absolutely preposterous proposition, a ludicrous idea, and yet the Leader of the Opposition keeps insisting that it must be the case. This is his pathetic smokescreen for the fact that he has no ideas whatsoever about the future of this country and no ability at all to make any reasonable contribution to the great debates on the great issues facing this country.

Let us scotch this conspiracy once and for all. How could the government have been involved in a conspiracy with Senator Heffernan when the instant Senator Heffernan made his mistake we forced our coconspirator to step aside from his position as cabinet secretary and then, once we realised that he was relying on false information, we sacked him. That is not how you treat your coconspirator. That demonstrates clearly, absolutely and irrefutably that the proposition that the Leader of the Opposition keeps putting forward is utterly and absolutely preposterous.

I do not think the Leader of the Opposition has any real sense any more of how this parliament works and how a government works. Let us just suppose for argument’s sake that someone in the government one day might have said to Senator Heffernan that records could not be authenticated—and that certainly is not the same as saying that records are forgeries—why would anyone else other than Senator Heffernan know that? Why would anyone else be expected to be informed of that information?

Let us make it very clear that stuff-up beats conspiracy every time. What Bill Heffernan did was a stuff-up; it was not a conspiracy. It was a tragic mistake. He should not have done it. He did in the end, as we now know, abuse parliamentary privilege. He has paid a very high price: he has lost his job, he has jeopardised his career and he has apologised, as he should, unreservedly and abjectly to Justice Kirby, to the Senate, to the parliament and to the government. Senator Heffernan has apologised and Justice Kirby has accepted his apology. It is now time for the Leader of the Opposition to get on with his life, to move on and to forget about this,
because the only person who is obsessed by it is him. Not even his own side had any interest at all in the tortuous, laboured argument that he tried to make today.

It ought to be abundantly and absolutely clear that Senator Heffernan was on a frolic of his own. As everyone in this House knows, for years Senator Heffernan has been concerned about the issue of paedophilia. Good on him for being concerned about that. It is a serious issue, it is a serious problem and we do need to do more to try to protect the innocence of our kids, but everyone who has ever heard Senator Heffernan talking about this issue has said time and time again to him, ‘You cannot say these kinds of things without a cast-iron case.’ Senator Heffernan, on this issue, was an active volcano, and this idea that party leaders can control active volcanoes is simply ridiculous. On this issue, the Prime Minister had no more chance of controlling Senator Heffernan than the Leader of the Opposition has of controlling the member for Werriwa next time he gets into a taxi late at night after a big Labor Party dinner.

All the material relied upon by Senator Heffernan has been supplied to the Australian Federal Police. The Australian Federal Police will look into it. If anything wrong or untoward has been done, they will no doubt report it and they will take the appropriate action, and that is where this matter should lie.

While the Leader of the Opposition has been peddling his conspiracies, while he has been endlessly repeating his mantra of what did you know and when did you know it, the real life of this nation goes on. Unions under the control and influence of members opposite have been jeopardising the trips and the daily lives of the decent and ordinary people of Australia, and all the Leader of the Opposition can do is to run around fantasising in his fevered imagination about what Senator Heffernan did and with whom he might have done it. It is just not good enough.

You have to ask yourself: what is really motivating this obsessive campaign by the Leader of the Opposition? And it is clear that the Leader of the Opposition still cannot accept that he lost an election. What we are seeing from the Leader of the Opposition and such members of his team as can be bothered to be interested at this time on a Thursday afternoon in this ridiculous and unnecessary censure motion debate is a long cry of ‘We was robbed’. This is a further example of the great Labor dummy spit of 2002—a pathetic complaint from sore losers. When you actually look at all the issues that the Leader of the Opposition has been obsessed with over the last four parliamentary sitting weeks, the one thread that links all of them is a congenital hatred of this Prime Minister, who has out-thought, out-fought and out-performed a succession of leaders of the opposition.

Mr Crean—Mr Speaker, I would like to know the evidence upon which he asserts my hatred of the Prime Minister.

The SPEAKER—There is no point of order. If the Leader of the Opposition has been misrepresented, I will invite him to use the forms of the House to cover that misrepresentation.

Mr Abbott—Mr Speaker, if you look at what the Leader of the Opposition and his cohorts have been doing over the last four parliamentary sitting weeks, you will see that first of all they came into this House and blackguarded Admiral Barrie, the Chief of the Defence Force, because he had the temerity to say that the government was entitled to act upon official advice provided to it. The Leader of the Opposition then blackguarded an outstanding public servant of this country Jennifer Bryant, because she had the temerity to investigate matters and because the Prime Minister dared to rely on her report. The Leader of the Opposition, who is now posing as a defender of the institutions of this country, then demands that the Governor-General should resign on the basis of unproven allegations from 10 years earlier that dealt with incidents that may or may not have happened 50 years before that! This is the man who now poses as the champion of institutions. He demands that the Governor-General should resign. Is that still the Leader of the Opposition’s view? Do you still think the Governor-General should resign? Come on, defender of institutions, tell us the answer to that question.
The SPEAKER—The minister will address his remarks through the chair.

Mr ABBOTT—Mr Speaker, he salivated with glee at the tragic and terrible mistake that Senator Bill Heffernan made, because Senator Heffernan has been a longstanding friend of the Prime Minister. He is even prepared to come into this House and blackguard Comcar drivers because Comcar drivers might at some point in time have had a friendly relationship with Senator Heffernan. We see an opposition which has no ideas for the future—an opposition leader who has no idea about how to control his own party, an opposition leader who lacks guts, who lacks principles and who lacks integrity and who has been launching a massive smokescreen over the last four parliamentary sitting weeks to cover—

Mr Crean—Is that as good as you can do?

Mr ABBOTT—No, it is not as good as I can do. But it is a hell of a lot better than what he did. At last, some animation from the Leader of the Opposition! The man lives! He twitches! He comes to life! The fact of the matter is that, as the thinkers and reformers on the opposite side of this House know, if there is any problem in the body politic today, it is the unreconstructed, unreformed and corrupt nature of the Australian Labor Party, as the member for Melbourne had the guts to admit.

Mr Crean—Struggle, struggle, struggle.

The SPEAKER—The Leader of the Opposition will exercise more courtesy!

Mr ABBOTT—That is the one thing that the Leader of the Opposition can control—the state of the Labor Party—and it is the last thing that he will try to address. Bring back Kim Beazley. He was a great leader compared to this. (Time expired)

Ms MACKLIN (Jagajaga) (4.04 p.m.)—One thing is for sure about the censure motions that we have had day after day in this parliament: we have not seen anything of the Treasurer. We never see the Treasurer come in to defend the government. He is never to be found in here defending the Prime Minister or defending any of the scandals that this government finds itself enmeshed in. What we have here is a government obsessed with its own internal battles for leadership, as we have seen with the Treasurer’s absence here again today.

Mr Abbott—he’s running the economy.

Ms MACKLIN—Losing $5 billion—that is what the Treasurer is responsible for. He is certainly not going to come in here and defend the Prime Minister just like the Treasurer was not prepared to go out into the public and defend Justice Kirby. We have here a scandal-ridden government that is using Australia’s public institutions to cover up the mess that it has got itself into. The Australian public look to our public institutions to serve the people, not to be used by this government in scandal after scandal to cover up its disgrace.

This is a disgraceful government that is trying to use our institutions to cover its own political hide—to save its political hide—in each of these different scandals that it has got itself into since the 2001 election. The Australian people want to be able to trust their institutions but nobody trusts people who do not tell the truth. That is really what this comes down to: nobody will trust people who do not tell the truth, especially those who are serial offenders—and we certainly have some serial offenders in the Liberal Party at the moment. The Australian people have got the right to expect that the government will tell the truth. They certainly have a right to expect that of the Prime Minister when he makes a statement. They expect him to tell the truth and that that information is accurate.

We hear from the Leader of the House that Senator Heffernan was told back in the year 2000 that the Comcar dockets from 1992 could not be authenticated, and we are expected to believe that nobody else was told that. We happen to know that Dr Boxall, the then head of the Department of Finance and Administration, did know that these dockets could not be authenticated. Are we expected to believe, just as we were with the ‘children overboard’ saga, that senior people in the government and senior people in the Public Service knew the dockets were not true but did not tell anybody else? That is what this government expects us to believe.
The Leader of the House also said that the government dealt with Senator Heffernan immediately—that they swung into action immediately. They knew that he was off on this ‘frolic of his own’, and they immediately called him in and told him that he had to apologise and that he had to be removed as the Parliamentary Secretary to Cabinet. We know that is another untruth that has just been told, because that is not what happened. What happened was that, after Senator Heffernan made his remarks in the Senate, the Prime Minister—nobody less than the Prime Minister—came into this House and tabled a letter from Senator Heffernan containing false allegations about a justice of the High Court.

The public has a right to expect that the Prime Minister would check the facts before he comes in and lends his support to false allegations. Either the Prime Minister knew, as a result of Dr Boxall’s information, that the 1992 dockets were false—and he came in here knowing that Senator Heffernan’s allegations were based on false documents—or, just as we are expected to believe with the ‘children overboard’ saga, he did not bother to check. It has to be one or the other. That is what the situation is with this Prime Minister: either he comes in here and does not tell the truth or he comes in here not having bothered to check the facts.

We also heard from the Leader of the House that they were just dealing with a bit of a volcano that was not able to be controlled. This ‘volcano’ happened to be the Parliamentary Secretary to Cabinet, not some person that did not have an enormous amount of influence on this government. Yet we are expected to believe that he just went off on some sort of ‘frolic of his own’. The public does not accept these lame excuses from the Leader of the House in this House, who is the only person prepared to come in and try to defend the government with further falsehoods. We certainly know that he is not getting much support for his rather pathetic efforts.

The public do expect the Prime Minister to be honest with them. They also have the expectation that, when the Prime Minister addresses the National Press Club just before a federal election—and in this case it was about the famous photographs that supposedly proved that children were thrown overboard—that information is based on the truth and that the Prime Minister checked that it was the truth before he went to the National Press Club and before he spoke to the Australian people before a federal election. We now know that the Prime Minister spoke to the former Minister for Defence, Peter Reith, the night before, and we know that Peter Reith told him that there was some doubt about the veracity of the photographs. Did the Prime Minister tell the National Press Club that? Did he tell the Australian people that? No, of course not. Either he did not bother to check the truth or, if he knew the truth, he certainly did not pass the truth on.

We now have horrific examples of our Prime Minister misleading the Australian public. That is why we are censuring this government here today. It is because we have a Prime Minister who can no longer be trusted. That is the essence of what we are descending to a very dangerous place if the people of Australia can no longer assume that their Prime Minister is telling the truth. Our trust does depend on people who speak on the public’s behalf—including the Prime Minister, and some would say especially the Prime Minister—knowing the facts and telling the truth.

The frustration of the Australian people with this Prime Minister was accurately summarised by 6PR radio announcer Paul Murray, when he asked the Prime Minister last Thursday:

You say that Bill Heffernan didn’t tell you. You say Peter Reith didn’t tell you that the children overboard story was a lie. You say Michael Wooldridge didn’t tell you he was diverting money from asthmatic kids and the rural health crisis to give to his new employers. What do your close political allies tell you?

That is what we want to know: what do your close political allies tell you? I would have to say it is a bit like Manuel from Fawlty Towers, when he says, ‘I know nothing; I’m from Barcelona.’ Someone said to us that now we have a Prime Minister saying, ‘I know nothing; I’m from Kirribilli.’ That is what this
country has descended to: a very, very sick joke. This is the pattern of behaviour that we have come to expect from this Prime Minister, and it is not a pattern based on telling the truth. That is what we are censuring here today. It is a pattern that we unfortunately have come to expect from this Prime Minister—a pattern of not telling the truth and of not finding out the truth.

We also know that, unlike what the Leader of the House suggests, it is not that this government or this Prime Minister acted immediately—that is never the case; it is certainly not the case. In this instance, with Senator Heffernan, they acted only when they got caught by the member for Kingsford-Smith, after the Labor Party had done the work that was required to find out the truth. We know it was only then—only after the lie had been shown—that the Prime Minister acted.

We know that the government continues to exploit the trust and goodwill of the Australian people for its own political survival. We have here today a government that certainly does not have a third-term agenda. We all remember back to the election campaign. We remember that no new policies were put to the Australian people, so now we have a government that has to say anything and do anything to protect its political hide. What arrogance! That is what we have here: the most extraordinary arrogance from a government that is prepared to treat the Australian people in this way.

Each new scandal—every new scandal that this government embroils us in—is diminishing our country. Is it any wonder that the public does not feel that its institutions—the parliament, the High Court, the Public Service, even the Defence Force—are working for them, when those institutions are used by the government to cover this government’s untruths? The integrity of the Public Service has been diminished in the handling of the ‘children overboard’ affair. The respect that the Australian people have for our Defence Force has been reduced by the government’s handling of the ‘children overboard’ affair. The use of the parliament by a member of the government to peddle false allegations—

Ms MACKLIN—including the Prime Minister coming in here repeating those false allegations, has denigrated not only the parliament but also the High Court. The failure of the Attorney-General to stand up and defend our law courts has meant that the reputation of those courts has once again suffered at the hands of this government. Of course we had Michael Wooldridge before the election secretly—he did not tell anyone; he certainly did not tell the public—transferring $5 million to the College of General Practitioners to set up Wooldridge House, taking the money from asthma and rural health to build a building in Canberra. Once again, this was uncovered only by the opposition in the Senate estimates committee.

The government has acted only because of the Labor Party pursuing this scandal-ridden government. Scandal after scandal—that is what we have had since the federal election. That is what you have got our country into. It has diminished all of us. It has diminished all our institutions that are there to serve all Australians, not to be manipulated for any government’s political ends—and are certainly not there to save this scandal-ridden government’s political hide. It is a scandal-ridden government. It is certainly not addressing the needs that the public is concerned about. The public does not want to listen day in and day out to these issues—that is so true—but who created the ‘children overboard’ affair? Who created the Heffernan affair? Who created the Wooldridge House affair? On and on we go! Of course, it is only the government that we are censuring today—only the government that has no third-term agenda and that finds itself censured by this House because of the shocking way in which it is reducing the trust of the Australian people in all our critical, democratic institutions.

Let us not for one minute think that this Prime Minister is not right at the heart of it—he is. He is the Prime Minister who came in here straight after Senator Heffernan’s allegations and repeated them. He is the same Prime Minister who went on national television during the election campaign and refused to tell the truth about the ‘children overboard’ affair. It is our Prime Minister
who has reduced the public’s trust in our national institutions. Nobody less than the Prime Minister is responsible for what has happened in Australia since the federal election. It is the Prime Minister who has to take responsibility for what is happening in our country. That is why we are censuring the government today—for all these scandals that continue to confront our community—and it is high time that it figured out that it is in government to actually fix the things that it was elected to fix.

The DEPUTY SPEAKER (Mr H.A. Jenkins)—I call the Minister for Science.

Mr Swan—Mr Deputy Speaker—

The DEPUTY SPEAKER—Order! The Minister for Science has the call.

Mr McGAUrán (Gippsland—Minister for Science) (4.18 p.m.)—I have the call—as would be the normal convention and practice of this House, or do you want to trample on that as well? So it has come to this: the great Australian Labor Party will escape from Parliament House with barely a whimper. You do not have to be father of the House to know when a censure motion is without basis and has totally failed to ignite any interest, any excitement or any telling points. It is hard to believe that the tacticians on that side of the House, led by the member for Lilley, will escape the retribution of their colleagues. How much longer are compliant backbenchers in the Labor Party going to allow their so-called dream team of parliamentary tacticians to lead them down the garden path?

After the last federal election there were numerous unsourced complaints published in the media about how ‘we’ll never allow the hierarchy to again impose on us policies and tactics that we know are not true to the Labor Party and which are unacceptable to the general public’. Yet we have had four weeks of parliamentary sitting and 140 questions from the opposition to the government, but none of them were on issues of relevance to people in their daily lives, none of them on the economy, none of them on alternative policies the opposition may wish to unveil or at least foreshadow, nothing on jobs, nothing on interest rates, and nothing on the daily concerns and even, at times, worries of the Australian people. It is a pathetic opposition!

There was no excitement in the air, let alone any tension. There was laughter and giggling on the part of the opposition towards the end of question time. Yes, they are so fired up with the wrongdoings and the travesties of justice practised by the government that they spent most of question time, once they kept missing their targets—namely, the Deputy Prime Minister and others—that they gave up. Halfway through question time they had given up! They were just going through this perfunctory step because they had filed this matter of public importance.

Mr Stephen Smith—Are you still here?

Mr McGAUrán—It is a great disappointment to me that the member for Perth, who has just come into the House, does not play a more prominent role. Why is it, we have to ask, that the Leader of the Opposition has dominated in these four weeks of concocted conspiracies and fantastic notions of government conspiracies? He is the only one who fronts up. Where are all the other bright talents of the Labor Party? They will not associate themselves with such dismal and failed causes—causes that are certain to fail in the eyes of the general public. You have to ask: what is the motivation of the Leader of the Opposition to so hog the limelight and to conduct so many doorstop interviews and press conferences, apart from lifting his profile and apart from any personal demons that might be driving him? The Leader of the House touched on the Labor Party’s congenital and inherited dislike of the Prime Minister but, apart from that, the Leader of the Opposition is involved in the cover-up. He is not the only one who can peddle conspiracy theories. He is covering up!

What is he covering up? He is covering up all the problems he has on his plate that he steadfastly refuses to address. One is union dominance—the 60-40 rule. What is he going to do about the overt influence of the Australian trade union movement on the Labor Party to the point where they fund the Labor Party, they provide members of the Labor Party in parliament and, moreover, they dictate policy for those members? We
have heard nothing more about the 60:40 rule and I do not think we will. This is the real test for the Leader of the Opposition—amongst many. No Leader of the Opposition, let alone Prime Minister, has but one hurdle to clear to ever receive the support of the Australian public. But there are other issues.

What is he going to do about the administrative mess of the Labor Party? How many more of his frontbenchers and backbenchers need to sound the alarm on this issue for the Leader of the Opposition to act? You have the member for Melbourne, the shadow minister for telecommunications, talking about ‘five minutes to midnight’ and that the Labor Party is on the slide because it has been captured by a handful of activists pursuing single issue causes without regard to the working men and women of Australia. You have the member for Gellibrand, another frontbencher, who has spoken in recent days of the absurdity of the Labor Party branch structure and of the declining numbers. You have a number of backbenchers who are trying to separate out the union dominance from full participation and freedom within the branches, because at that moment they are mutually exclusive. He still will not act. The test of leadership is on the Leader of the Opposition with regard to union dominance with regard to the terminal decline of the Labor Party as a truly representative and democratic institution.

The third problem the Leader of the Opposition is covering up is a lack of policies. Six years after the government came to power, the Labor Party still does not produce any policies. We will not sheet this all home to him, although he has been a senior member of the opposition for those six years—indeed, deputy leader for a proportion of it. But now that he is the Leader of the Opposition it is entirely his responsibility. Almost six months into the third term of the Howard government nothing has surfaced. Sure, he has assigned his deputy, the member for Jagajaga, to head a review process, but precious little has come out of it and we hear they have only just started their work. And who tells us that? The member for Melbourne, the shadow minister for communications, in an interview on Meet the Press last Sunday. On two occasions, he used the phrase: we have a policy review process that’s going on, it’s just getting under way ...

A few minutes later, he states: we at the federal level are just starting the process of a very serious policy review ...

However, he does try to climb back from that very revealing statement that the Labor Party are just getting going. It must have been a long Christmas break but at least they are starting to get going. We look forward to a progression of rollouts—not roll-backs—of policy statements. We look forward to not just two pages of generalisations that go round the world in 48 hours—statements that please everybody, offend no-one but do not make any choices—but to detailed policies of the kind for which the Liberal and National parties were so well known in our years of opposition.

But the member for Melbourne does say later on in that same interview with regard to a question about asylum seekers policy: We have already made significant changes to our position on the asylum seekers issue ...

‘We have already made significant changes to our position’? There are two things about that. The first is that they went to the last election swearing on a stack of Bibles there would be no change to the policy on asylum seekers, which mirrored in every aspect the government’s policy. It was the then Leader of the Opposition who said, ‘You could not drive a cigarette paper between the policies of the two sides of politics.’ They changed it. That is the first thing: they changed it.

The second point is: how much have they changed it? What are these changes? You have made significant changes. Tell the Australian people about them because, if there is one thing the Australian people are very keen to know from both the government and the opposition, it is our policy on asylum seekers. Why don’t you tell the Australian people and let them be the judge of whether or not these changes go too far or not far enough? Oh, no, there is always a secret agenda with the Labor Party when it comes to sensitive issues like asylum seekers. They lack the courage of their convictions. They
did before the last election, as the member for Fremantle has told us. She is ashamed of her silence during that period. She is ashamed of the conspiracy of silence, if you want to talk about conspiracies during that period. That is why the Leader of the Opposition fails every leadership test. He has not even begun to address the towering issues of Australian public life and of great importance to the Australian Labor Party.

The government will be the beneficiary of this tactic of spending each and every parliamentary day, for four parliamentary weeks now, of attacking the government on imagined wrongdoings. You are putting off further and further the necessary recipe to ever win back the trust of the Australian people. The Labor Party is simply delaying the inevitable day of reckoning. You will not be able to hide forever from the Australian people’s demand—as they demand of every opposition—for detailed policy.

My colleague, the Leader of the House, said earlier in this censure motion, ‘Why can’t the Leader of the Opposition move on?’ But I ask: move on to what? What has the Leader of the Opposition got to move on to? He has no policies, he has a disintegrating party, he has union thugs dictating every move he makes. What has he got to move on to? To that extent, I can understand him wallowing in this dirt and filth and false accusation, because it is a lot worse outside the chamber when he has to face up to life’s realities within his party and within the community at large.

One thing that worries me more than anything else about the Australian Labor Party is its propensity for hypocrisy. Yesterday, during the debate on the matter of public importance, I asked the member for Barton, the shadow Attorney-General—after he attacked the government’s Attorney-General for his alleged failure to defend the High Court over Senator Heffernan’s despicable attack on High Court Judge Michael Kirby—where he was when the Labor Party was driving daggers at a rate of knots into the back of Judge Ian Callinan of the High Court in 1998? Where was he? Where was the defence of Judge Callinan at the time? I asked the member for Barton, ‘Why won’t you defend him now?’

Do you know what the member for Barton said by way of interjection—‘It was an issue for the Queensland Supreme Court.’ In other words, they attacked Judge Callinan because of his previous life as a barrister appearing before the Queensland Supreme Court. How is that? That is a fine line. Even though Senator Heffernan wrongly attacked Michael Kirby on a personal matter—he did not attack the court, its workings or its deliberations—the Labor Party expects the Attorney-General to defend Justice Kirby on a personal basis. The member for Barton draws a very fine and phoney distinction between the Labor Party’s attacks on Judge Callinan and the present circumstances.

The second thing I asked the member for Barton was whether he would apologise to the family of former Chief Justice of the High Court Garfield Barwick for the personal attacks made on him by the Labor Party in the early 1980s. They were vicious and unrelenting. They made personal attacks alleging fraud and tax evasion on the part of the Chief Justice of the High Court of Australia. By way of interjection, the member said, ‘Oh, he was a former judge at the time of the attacks.’ Again, this is a totally contrived and unconvincing distinction which lets the member for Barton and the Labor Party attack High Court judges when they want to and at will, but condemns the Attorney-General for his supposed failure to defend Justice Kirby.

That is the thing about the Labor Party: they will rewrite history; they will make up anything on the run to justify their political attacks. They are not fooling anybody, because the Labor Party have no traction on this issue. They should ask people in the community—people in pubs, at barbecues or in the retail sector—what they expect parliamentarians to concentrate on. Of course there are issues of probity and accountability—that is why we have an opposition. A government always has to be accountable. You cannot pursue issues using false accusations or concocted conspiracies borne out of your own frustrations and fertile minds. You are damning yourselves in the face of the
obvious. Moreover, you are alienating yourselves even further from the Australian community.

To that extent, we endorse and support your tactics, but we have greater concern for institutions than you do. The Labor Party’s wrong, false and untruthful attacks on the government and your exaggerated highlighting of statements about the government weaken those institutions. You will not be truthful or direct. When you get answers you will not accept them; you just rewrite them. The Labor Party asserts an untruth over and over again in the hope that if you do it long enough it will be believed. The Labor Party’s prolonged, unnecessary and vicious attacks on these issues, are undermining the institutions that we in government seek to protect and extend. I move as an amendment:

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

“the House censures the Leader of the Opposition for his wrongful and deceptive attempt to construct conspiracies without reliance on any truth or facts and for his total incapacity to present policy alternatives to the reform agenda of the Government”.

I totally reject the opposition’s censure motion and support the government’s amendment. (Time expired)

Mr SWAN (Lilley) (4.34 p.m.)—Mr Speaker—

Mr McGauran interjecting—

Mr SWAN—We did not have an agreement. We have a government that—

Mr McGauran interjecting—

The SPEAKER—The member for Lilley will resume his seat. I have recognised the member for Lilley. The chair is not aware of agreements as such. The member for Lilley has risen and has been recognised.

Mr SWAN—We have a government that says it defends liberty and freedom of expression but suppresses the truth. It makes claims of being compassionate, but at its core—

Mr McGauran (Gippsland—Minister for Science) (4.34 p.m.)—I move:

That the question be now put.

The House divided. [4.38 p.m.]

(The Speaker—Mr Neil Andrew)
Thursday, 21 March 2002

George, J. Gibbons, S.W. Jull, D.F. Kelly, D.M.
Gillard, J.E. Grierson, S.J. Kemp, D.A. King, P.E.
Griffin, A.P. Hall, J.G. Ley, S.P. Lindsay, P.J.
Hatton, M.J. Hoare, K.J. Lloyd, J.E. Macfarlane, I.E.
Irwin, J. Jackson, S.M. May, M.A. McArthur, S. *
Jenkins, H.A. Kerr, D.J.C. McGauran, P.J. Moylan, J. E.
King, C.F. Latham, M.W. Naim, G. R. Nelson, B.J.
Livermore, K.F. Macklin, J.L. Neville, P.C. Panopoulos, S.
Martin, S.P. McClelland, R.B. Pearce, C.J. Prosser, G.D.
McLeay, L.B. McMullan, J.R. Pyne, C. Randall, D.J.
Melham, D. Mossfield, F.W. Ruddock, P.M. Schultz, A.
Murphy, J. P. O’Byrne, M.A. Scott, B.C. Secker, P.D.
O’Connor, G.M. O’Connor, B.P. Slipper, P.N. Smith, A.D.H.
Plibersek, T. Price, L.R.S. Southcott, A.J. Stone, S.N.
Quick, H.V. * Ripoll, B.F. Thompson, C.P. Tieburhst, K.V.
Roxon, N.L. Rudd, K.M. Tollner, D.W. Truss, W.E.
Sawford, R.W. Sercombe, R.C.G. Tuckey, C.W. Vaile, M.A.J.
Tanner, L. Smith, S.F. Vale, D.S. Wakin, B.H.
Vamvakinou, M. Swan, W.M. Washer, M.J. Williams, D.R.
Windsor, A.H.C. Thompson, K.J. Worth, P.M.
* denotes teller

Question agreed to.
Question put:
That the amendment (Mr McGauran’s) be agreed to.
The House divided. [4.46 p.m.]
(The Speaker—Mr Neil Andrew)

Ayes…………… 77
Noes…………… 61
Majority………. 16

AYES

Abbott, A.J. Anderson, J.D.
Andrews, K.J. Anthony, L.J.
Bailey, F.E. Baird, B.G.
Baldwin, R.C. 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, J.R.
Charles, R.E. Ciobo, S.M.
Cobb, J.K. Costello, P.H.
Downer, A.J.G. Draper, P.
Dutton, P.C. Elson, K.S.
Entsch, W.G. Farmer, P.F.
Forrest, J.A. * Gambano, T.
Gash, J. Georgiou, P.
Haase, B.W. Hardgrave, G.D.
Hartseyker, L. Hawker, D.P.M.
Hockey, J.B. Hull, K.E.
Hunt, G.A. Johnson, M.A.

NOES

Adams, D.G.H. Beazley, K.C.
Bevis, A.R. Byrne, A.M.
Byrne, A.M. Cox, D.A.
Crosio, J.A. Edwards, G.J.
Emerson, C.A. Evans, M.J.
Ferguson, L.T. George, J.
Fitzgibbon, J.A. Gillard, J.E.
Gibbons, S.W. Grierson, S.J.
Hall, J.G. Hoare, K.J.
Hoare, K.J. Jackson, S.M.
Kerr, D.J.C. Kerr, D.J.C.
Latham, M.W. Latham, M.W.
Macklin, J.L. Macklin, J.L.
McClureland, R.B. McClelland, R.B.
McMullan, R.F. McMullan, R.F.
Mossfield, F.W. O’Byrne, M.A.
O’Connor, B.P. O’Connor, B.P.
Price, L.R.S. Price, L.R.S.
Ripoll, B.F. Ripoll, B.F.
Rudd, K.M. Rudd, K.M.
Sercombe, R.C.G. Sercombe, R.C.G.
Smith, S.F. Smith, S.F.
Swan, W.M. Swan, W.M.
Thomson, K.J. Thomson, K.J.
Wilkie, K. Wilkie, K.
Zahra, C.J. Zahra, C.J.

* denotes teller
Question agreed to.
Question put:
That the motion, as amended, be agreed to.

The House divided. [4.50 p.m.]
(The Speaker—Mr Neil Andrew)

| Ayes | 77 |
| Noes | 61 |
| Majority | 16 |

AYES
Abbott, A.J. Abbott, J.D.
Andrews, K.J. Anderson, J.L.
Bailey, F.E. Baird, B.G.
Baldwin, R.C. 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, J.R.
Charles, R.E. Ciobo, S.M.
Cobb, J.K. Costello, P.H.
Downer, A.J.G. Draper, P.
Dutton, P.C. Elson, K.S.
Entsch, W.G. Farmer, P.F.
Forrest, J.A. * Gash, J.
Gash, J. Geogiu, P.
Haase, B.W. Hardgrave, G.D.
Hartseyker, L. Hawker, D.P.M.
Hockey, J.B. Hull, K.E.
Hunt, G.A. Johnson, M.A.
Jull, D.F. Kelly, D.M.
Kemp, D.A. King, P.E.
Ley, S.P. Lindsay, P.J.
Lloyd, J.E. Macfarlane, I.E.
May, M.A. McArthur, S. *
McGauran, P.J. Moylan, J. E.
Nairn, G. R. Nelson, B.J.
Neville, P.C. Panopoulos, S.
Pearce, C.J. Prosser, G.D.
Pyne, C. Randall, D.J.
Ruddock, P.M. Schultz, A.
Scott, B.C. Secker, P.D.
Slipper, P.N. Smith, A.D.H.
Southcott, A.J. Stone, S.N.
Thompson, C.P. Ticehurst, K.V.
Toller, D.W. Truss, W.E.
Tuckey, C.W. Vaile, M.A.J.
Vale, D.S. Wakelin, B.H.
Washer, M.J. Williams, D.R.
Worth, P.M. Danby, M. *

NOES
Adams, D.G.H. Beazley, K.C.
Bevis, A.R. Bereton, L.J.
Byrne, A.M. Corcoran, A.K.
Cox, D.A. Crean, S.F.
serjeant. I know that all members will join me in thanking her and wishing her well in her future service in the House.

BUSINESS

Mr ABBOTT (Warringah—Leader of the House) (4.53 p.m.)—On indulgence, Mr Speaker, I inform the House of the likely program for the rest of the day. The government wishes to introduce four bills shortly, there are a number of messages from the Senate to deal with, and there is at least one debate of a bill in this place to be completed. It looks like the House will not rise until after 7 o’clock this evening. In order to meet this timetable it will be necessary not to have the adjournment debate at the normal time of 5.30, although it is currently the government’s intention to allow an adjournment debate at the close of government business. I am afraid we are going to have to sit beyond the normal time.

QUESTIONS TO THE SPEAKER

Provision of Newspapers to Members

Mr EDWARDS (4.54 p.m.)—Mr Speaker, you would be aware that daily papers from all states have previously been made available to members. Are you aware that newspapers from the lesser cities like Sydney and Melbourne are still available but newspapers like the West Australian are not? I wonder if you could have this matter looked at and perhaps when we come back in May let us know what the situation is. It would be greatly appreciated.

The SPEAKER—Firstly, I should say that I am not, as the Speaker, aware of any change in policy. Secondly, as the South Australian papers are still being made available, it may be that the delay is in some way related to changed aircraft schedules. I do not know, but I will follow the matter up.

Attendants: Retirement

Mr LEO McLEAY (4.55 p.m.)—Mr Speaker, I understand that tomorrow Doug Mitchell, who has been Speaker Snedden’s attendant and Speaker Child’s attendant and a long-term employee of this department, will retire. I think Doug has been here for 22 years. Would you, on behalf of members, convey to him our appreciation for the work that he has done? He is the fellow who moves us when our offices are changed and he has always been a man who has been very generous in the work that he has done for people, who always wants to do his best. After 22 years of providing services for members, it would be very nice if you could convey the appreciation of the House to him.

The SPEAKER—I rise to indicate that I not only endorse the sentiments expressed by the member for Watson but also will happily pass those sentiments on to Mr Mitchell. There are four attendants who are retiring: Mr Mitchell, Alexis Mackenzie—who is well known to many of you—Ian Young and Bill Christie. I have sent each of them a note on behalf of members of the House, but I will pass the sentiments on as well.

Petitions: Presentation

Ms ROXON (4.56 p.m.)—I have a question to you, Mr Speaker, regarding the issue of petitions. I ask the question of you because it is a situation that has arisen by virtue of the fact that Monday was a public holiday and the Monday of budget week is not a sitting day. It means that the petition that I have from 600 students relating to the Youth Allowance cannot be presented until 27 June this year. I think that where university students want their voices to be heard at the start of the year on the issue of the adequacy of the Youth Allowance it is of concern that the parliamentary sitting timetable does not allow that to happen. Are there any other forms or procedures that would allow this to happen? Otherwise, I draw attention to the issue, which I think makes the petition process in the House a little inadequate.

The SPEAKER—The member for Gellibrand has raised an unintended consequence of the sitting pattern. As she would be aware, thanks—I hope I am correct in saying—to some actions by the member for Chifley and no doubt others, there is more flexibility in the presenting of petitions. However, that flexibility has been frustrated by this pattern. I will follow up the point she has raised to see if there are any further occurrences where the sitting Mondays are, for reasons beyond the control of the House, not available for sitting, so making it difficult for petitions to be tabled. I am not aware of any
other facility for the presenting of petitions, even though the guideline has been relaxed.

PAPERS

Mr Abbott (Warringah—Leader of the House) (16:58)—Papers are tabled as listed in the schedule circulated to honourable members. Details of the papers will be recorded in the Votes and Proceedings and I move:

That the House take note of the following paper:


Debate (on motion by Mr Swan) adjourned.

QUESTIONS TO THE SPEAKER

Members of Parliament: Telephone Records

The Speaker (4.59 p.m.)—Yesterday the member for Kingsford-Smith asked me whether either the Australian Federal Police or the Defence Security Branch of the Department of Defence had sought or been given access to the telephone records of his office in Parliament House. I undertook to investigate the matter and to inform him, which I have done, and the House. I have sought advice from the area responsible for telecommunications services in Parliament House and the security controller, who is the first point of contact at Parliament House for the AFP.

The answer to the honourable member’s question is that neither the AFP nor the Department of Defence sought or were given any information relating to telephone call records from his office in Parliament House.

I was also asked what questions of parliamentary privilege may be involved in respect of access to telephone call records by law enforcement or security agencies. The ability of members to work freely and privately in the pursuance of their parliamentary duties is fundamental to the effective operation of the House. I will treat any request for telephone or telecommunications records in the same manner as I would deal with a proposal concerning a search warrant or other requests from the AFP for information in relation to members.

Parliament House: Security Cameras

The Speaker (5.00 p.m.)—Yesterday the member for Watson asked me about security cameras in Parliament House. By way of background, I will first outline a general overview of the situation, but let me stress that at this stage there are no security cameras located in the office wings occupied by either the House of Representatives or the Senate. There are currently some 222 security cameras installed in and around Parliament House. These cameras are installed in the chamber galleries, the ministerial wing, the building entrances, the basement areas, the car parks, the public areas of the building, the loading dock and the external areas of the building. They are also in some common areas in the central zone of the building, such as the Mural Hall, which is used for functions but is outside the freely accessible public areas of the building.

Increased use of security cameras since occupation of the building has been directed at providing closer monitoring of areas such as the central energy plant, the main computer room, the sound and vision centre and the PABX room. In addition, some additional cameras were installed to improve monitoring of crossover points between the public and non-public access areas and to increase monitoring in the public areas of the building and in some parts of the ministerial areas of the building. The Parliamentary Security Controller, in an answer to a question in a Senate estimates committee on 28 May 2001, advised that access to information recorded by security cameras ‘is strictly limited to authorised persons, such as the Australian Federal Police, and is only released on the authority of the Presiding Officers on the advice of the security controller’ and that ‘such circumstances would only occur when tapes contain details relating to serious security incidents or matters which may afford evidence relating to the investigation of a criminal offence’.

As members know, since the events of September 11 last year, there has been a heightened threat environment. Accordingly, with the President of the Senate, I am pres-
ently considering proposals to install security cameras in the corridors of the House of Representatives and the Senate wings of Parliament House. When we have received full details and the associated protocols to ensure proper management and protection of members’ privacy, the President and I will consider the most appropriate consultative processes before any installation proceeds. These will include the Joint House Committee, as suggested by the member for Watson.

Department of the House of Representatives

The SPEAKER (5.03 p.m.)—Yesterday the member for Watson asked me a question about an Audit Office report. The ANAO noted in its audit of the financial statements of the Department of the House of Representatives for the period ended 30 June 2001 two significant internal control issues. These two issues related to bank and general ledger account reconciliations and to segregation of duties. I am advised as follows: these matters had been drawn to the attention of the department in March 2001 and by close of the financial year there were already practices in place to address them.

The first issue concerning arrears of monthly reconciliations and lack of evidence of managing review and sign-off has been addressed in the current financial year, with regular monthly reconciliations being completed and signed off by management. The second issue concerning an unsatisfactory level of segregation of duties in relation to key accounting functions has been addressed with the appointment of a new director of finance and assistant director and with a review of the roles and responsibilities of staff involved in the accounting functions. The department is confident that the measures adopted to address the ANAO’s findings have been successful and that this will be confirmed with the removal of these internal control notes in the next ANAO audit report into the financial statements.

House Committees: New Funding

The SPEAKER (5.05 p.m.)—The Chief Opposition Whip has raised the important issue of funding for committees, given the decision to establish additional House committees. I am advised as follows: the Department of the House of Representatives is introducing a flexible system of budgetary distribution of resources amongst the committees. This is being done to help meet the increased resource requirements due to the additional number of committees it has to service and is part of the department’s internal budget allocation process. The department will seek to ensure that the trial of this internal management system for funding committees will not diminish the quality and level of service the department will be able to provide all committees it supports. The department will obviously need to monitor the issue of committee resources very carefully.

MATTERS OF PUBLIC IMPORTANCE

Howard Government: Denigration of Government Institutions

The SPEAKER—I have received letters from the honourable member for New England and the honourable Leader of the Opposition proposing that definite matters of public importance be submitted to the House for discussion today. As required by standing order 107, I have selected the matter which, in my opinion, is the most urgent and important—that is, that proposed by the honourable Leader of the Opposition, namely:

The persistent failure of the Government to be accountable and to tell the truth, denigrating in the process institutions fundamental to Australian democracy, including the public service, the defence forces, the Parliament and the courts.

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 CREAN (Hotham—Leader of the Opposition) (5.06 p.m.)—This is a government of deceit and cover-up. It never stops. The scandals just keep—

The SPEAKER—The Leader of the Opposition will resume his seat.

Mr ABBOTT (Warringah—Leader of the House) (5.07 p.m.)—I move:

That the business of the day be called on.
Question agreed to.

SPECIAL ADJOURNMENT
Mr ABBOTT (Warringah—Leader of the House) (5.07 p.m.)—I move:
That the House, at its rising, adjourn until Tuesday, 14 May, at 2.00 p.m., unless the Speaker or, in the event of the Speaker being unavailable, the Deputy Speaker fixes an alternative day or hour for the meeting.

Question agreed to.

LEAVE OF ABSENCE
Mr ABBOTT (Warringah—Leader of the House) (5.07 p.m.)—I move:
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.

Question agreed to.

BUSINESS
Mr ABBOTT (Warringah—Leader of the House) (5.08 p.m.)—by leave—I move:
That standing order 48A (adjournment and next meeting) and standing order 103 (new business) be suspended for this sitting.

Question agreed to.

MARRIAGE AMENDMENT BILL 2002
Report from Main Committee
Bill returned from Main Committee without amendment; certified copy of the bill presented.
Ordered that this bill be considered forthwith.

Bill agreed to.

Third Reading
Mr WILLIAMS (Tangney—Attorney-General) (5.09 p.m.)—by leave—I move:
That this bill be now read a third time.

Question agreed to.

GOVERNOR-GENERAL’S SPEECH
Report from Main Committee
The SPEAKER (5.10 p.m.)—I have to report that the order of the day relating to the resumption of debate on the address-in-reply to the speech of His Excellency the Governor-General has been returned to the House from the Main Committee. I present a certified copy of the report.
Ordered that the report be considered forthwith.

The SPEAKER—The question is that the address be agreed to.

Question agreed to.

BROADCASTING SERVICES AMENDMENT (MEDIA OWNERSHIP) BILL 2002
First Reading
Mr McGAURAN (Gippsland—Minister for Science) (5.10 p.m.)—I ask leave of the House to present a bill for an act to amend the Broadcasting Services Act 1992 and for other purposes.

Leave not granted.

Mr McGAURAN (Gippsland—Minister for Science) (5.11 p.m.)—I move:
That so much of the standing orders be suspended as would prevent the minister for science from presenting the Broadcasting Services Amendment (Media Ownership) Bill 2002 to the House.

Mr TANNER (Melbourne) (5.11 p.m.)—What we have today is a further example of the incompetence and the malignant approach of the Minister for Communications, Information Technology and the Arts on the issue of reform of the cross-media ownership laws.

Mr ABBOTT (Warringah—Leader of the House) (5.11 p.m.)—I move:
That the question be now put.

The House divided. [5.15 p.m.]

(The Speaker—Mr Neil Andrew)

AYES
Abbott, A.J. Anderson, J.D.
Andrews, K.J. Anthony, L.J.
Bailey, F.E. Baird, B.G.
Baldwin, R.C. 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.

Noes............. 61

Majority......... 16
Charles, R.E.
Cobb, J.K.
Downer, A.J.G.
Dutton, P.C.
Entsch, W.G.
Forrest, J.A. *
Gash, J.
Haase, B.W.
Hartsuyker, L.
Hockey, J.B.
Hunt, G.A.
Jull, D.F.
Kemp, D.A.
Ley, S.P.
Lloyd, J.E.
May, M.A.
McGauran, P.J.
Nairn, G. R.
Neville, P.C.
Peach, C.J.
Pyne, C.
Ruddock, P.M.
Scott, B.C.
Slipper, P.N.
Southcott, A.J.
Thompson, C.P.
Tollner, D.W.
Tuckey, C.W.
Vale, D.S.
Washer, M.J.
Worth, P.M.

Ciobo, S.M.
Costello, P.H.
Draper, P.
Elson, K.S.
Farmer, P.F.
Gambard, T.
Georgiou, P.
Hardgrave, G.D.
Hawker, D.P.M.
Hull, K.E.
Johnson, M.A.
Kelly, D.M.
King, P.E.
Lindsay, P.J.
Macfarlane, I.E.
McArthur, S.
Moylan, J. E.
Nelson, B.J.
Panopoulos, S.
Prosser, G.D.
Randall, D.J.
Schultz, A.
Seeker, P.D.
Smith, A.D.H.
Stone, S.N.
Ticehurst, K.V.
Truss, W.E.
Vaile, M.A.J.
Wakelin, B.H.
Williams, D.R.

Quick, H.V. *
Ripoll, B.F.
Roxon, N.L.
Sercombe, R.C.G.
Smith, S.F.
Swan, W.M.
Thomson, K.J.
Wilkie, K.
Zahra, C.J.

* denotes teller

Question agreed to.

Original question put:

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

The House divided. [5.22 p.m.]

(The Speaker—Mr Neil Andrew)

Ayes............ 78
Noes............ 60
Majority......... 18

AYES

Abbott, A.J.
Andrews, K.J.
Bailey, F.E.
Baldwin, R.C.
Bartlett, K.J.
Bishop, B.K.
Brough, M.T.
Cameron, R.A.
Charles, R.E.
Cobb, J.K.
Downer, A.J.G.
Dutton, P.C.
Entsch, W.G.
Forrest, J.A. *
Gash, J.
Haase, B.W.
Hartsuyker, L.
Hockey, J.B.
Hunt, G.A.
Jull, D.F.
Kemp, D.A.
Ley, S.P.
Lloyd, J.E.
May, M.A.
McGauran, P.J.
Nairn, G. R.
Neville, P.C.
Peach, C.J.
Pyne, C.
Ruddock, P.M.
Scott, B.C.
Slipper, P.N.

Anderson, J.D.
Anthony, L.J.
Baird, B.G.
Barresi, P.A.
Billson, B.F.
Bishop, J.I.
Cadman, A.G.
Causley, I.R.
Ciobo, S.M.
Costello, P.H.
Draper, P.
Elson, K.S.
Farmer, P.F.
Gambard, T.
Georgiou, P.
Hardgrave, G.D.
Hawker, D.P.M.
Hull, K.E.
Johnson, M.A.
Kelly, D.M.
King, P.E.
Lindsay, P.J.
Macfarlane, I.E.
McArthur, S.
Moylan, J. E.
Nelson, B.J.
Panopoulos, S.
Prosser, G.D.
Randall, D.J.
Schultz, A.
Seeker, P.D.
Smith, A.D.H.

NOES

Adams, D.G.H.
Beasley, K.C.
Byrnes, T.L.J.
Corcoran, A.K.
Crean, S.F.
Edwards, G.J.
Emerson, C.A.
Ferguson, L.D.T.
Fitzgibbon, J.A.
Gibbons, S.W.
Grierson, S.J.
Hall, J.G.
Hoare, K.J.
Jackson, S.M.
Katter, R.C.
King, C.F.
Livermore, K.F.
Martin, S.P.
McLeay, L.B.
Melham, D.
Murphy, J. P.
O’Connor, G.M.
Plibersek, T.

Andren, P.J.
Bevis, A.R.
Byrne, A.M.
Cox, D.A.
Danby, M. *
Ellis, A.L.
Evans, M.J.
Ferguson, M.J.
George, J.
Gillard, J.E.
Griffin, A.P.
Hatton, M.J.
Irwin, J.
Jenkins, H.A.
Kerr, D.J.C.
Latham, M.W.
Macklin, J.L.
McClelland, R.B.
McMullan, R.F.
Mossfield, F.W.
O’Byrne, M.A.
O’Connor, B.P.
Price, L.R.S.

Arend, P.J.
Bevis, A.R.
Byrne, A.M.
Cox, D.A.
Danby, M. *
Ellis, A.L.
Evans, M.J.
Ferguson, M.J.
George, J.
Gillard, J.E.
Griffin, A.P.
Hatton, M.J.
Irwin, J.
Jenkins, H.A.
Kerr, D.J.C.
Latham, M.W.
Macklin, J.L.
McClelland, R.B.
McMullan, R.F.
Mossfield, F.W.
O’Byrne, M.A.
O’Connor, B.P.
Price, L.R.S.

Ripoll, B.F.
Roxon, N.L.
Sercombe, R.C.G.
Smith, S.F.
Swan, W.M.
Thomson, K.J.
Wilkie, K.
Zahra, C.J.

Ripoll, B.F.
Sawford, R.W.
Sidebottom, P.S.
Snowdon, W.E.
Tanner, L.
Vamvakouin, M.
Windsor, A.H.C.

Ripoll, B.F.
Sawford, R.W.
Sidebottom, P.S.
Snowdon, W.E.
Tanner, L.
Vamvakouin, M.
Windsor, A.H.C.
The communications environment is experiencing a period of rapid change. Existing and potential media operators are forging new commercial strategies to maintain or establish their position in the new marketplace. Consolidation and diversification have brought about the emergence of substantial global communications groups. Consumers are no longer confined to the traditional media of radio, free-to-air television and newspapers available in their local area.

The regulatory framework in relation to the ownership and control of Australian media assets is out of place in such a dynamic environment. The current restrictions impede commercial flexibility and access to capital for infrastructure and content investment. They hinder the ability of Australian media organisations to succeed in the new market environment.

The government is committed to reforming the regulatory framework governing foreign and cross-media ownership of media assets. This bill seeks to give effect to this commitment and allows Australian media organisations to take fuller advantage of the rapidly evolving communications environment.

The government is introducing this legislation with a view to enabling the commencement of sensible debate on these important media ownership issues. The government will seek to have this legislation immediately sent to a Senate committee to enable public input into the proposed changes prior to debate in either house of parliament. The government recognises that this input may result in recommendations for further changes and safeguards and is willing to give these suggestions due consideration so that there is every opportunity for this important reform to be progressed with widespread support.

Like other sectors of the economy, Australia’s media industries are under pressure to become more global in their technology and equity links. Media convergence encourages existing players to take strategic positions in the marketplace and to strengthen their competitiveness through better use of economies of scale and scope.

These measures are necessary because technological change in the communications sectors has resulted in increasing pressure on media operators to invest in digital technologies. Digitisation of production and transmission could enable new types
of interactive services to be offered and reduce the cost of producing content. However, investment in digital technologies requires large capital outlays.

Giant media companies which own both content and the means of delivery have emerged in the US and Europe. Preventing increased foreign investment in Australia restricts the capacity of Australian media enterprises to access technology and managerial expertise and be in a position to compete on an equal footing.

The current foreign ownership and control restrictions in the Broadcasting Services Act 1992—hereinafter referred to as the BSA—which apply to free-to-air and subscription television services serve as a major deterrent to the degree of investment which can take place in Australian media organisations.

The bill repeals the media-specific foreign ownership and control restrictions contained in the BSA. Foreign ownership of Australian media assets will continue to be regulated by the Foreign Acquisitions and Takeovers Act 1975 and Australia's general foreign investment policy. These provisions have the ability to address national interest concerns that might arise in relation to a particular investment.

Repealing these restrictions will improve access to capital, increase the pool of potential media owners and act as a safeguard on media concentration.

I turn now to measures to reform the cross-media rules.

Technological progress and globalisation are changing the structure of the Australian media market and patterns of media consumption—undeniably. Australian media organisations are responding to these changes by investing in new technology enterprises and forming broader strategic partnerships, but the regulation of ownership and control of Australian media has been largely static. This creates ongoing tension between the trend towards convergence in the communications market and a regulatory framework which is based on sector-specific regulation and an assumption that influential sources of news and opinion are limited to the traditional domestic media outlets.

Reform of the media ownership rules will clear the way for renewed market interest in Australian media assets and will allow media companies to take fuller advantage of investment opportunities as they arise.

The government is committed to the need for ongoing diversity of opinion and information in the Australian media. It does not believe that diversity of ownership is necessary to achieve this. Nevertheless, the government recognises the need to ensure that media owners do not exploit their co-ownership of media organisations in a way which prevents those organisations from exercising separate editorial judgements.

To this end, the bill provides for a transparent and effective public interest test in relation to maintaining separate editorial decision making processes in cross-controlled media organisations.

Diversity of opinion is further protected by existing provisions in the BSA relating to limitations on the number of licences able to be controlled by an individual organisation, and on the percentage of audience share able to be controlled by a person or organisation. These provisions will be preserved.

The Trade Practices Act 1974 will continue to apply to proposed media mergers and acquisitions. Any such proposals will be subject to a test for the effect on competition, which is administered by the Australian Competition and Consumer Commission.

The bill provides for a process whereby exemption certificates are issued to applicants who would otherwise be in breach of the cross-media provisions. Holders of exemption certificates will not be in breach of the cross-media rules in relation to media entities which they control, provided the conditions of the certificate are satisfied. Certificates become active upon a person assuming control of two or more media entities in a way which would otherwise breach the cross-media rules. The Australian Broadcasting Authority (ABA) must maintain a register of active cross-media exemption certificates which is to be available on the Internet.

The certificate must be issued if the ABA is satisfied that the conditions included in the
application will meet the objective of editorial separation for the set of media operations concerned. This objective is that separate editorial decision making responsibilities must be maintained in relation to each of the media operations.

Three mandatory tests are prescribed for the objective of editorial separation to be met. They are the existence of:

1. separate editorial policies;
2. appropriate organisational charts; and
3. separate editorial news management, news compilation processes and news gathering and interpretation capabilities.

These requirements will not preclude the sharing of resources or other forms of cooperation in newsgathering between organisations that could assist owners seeking to realise efficiencies from jointly owned organisations.

The conditions for exemption included in the bill are straightforward, reasonable and transparent. They provide certainty for industry by clearly setting out expectations for editorial separation. They also provide a guarantee to the Australian public that diversity of news and opinion will continue to be protected.

It is important that there be adequate monitoring and compliance measures to ensure public confidence in the new provisions.

The BSA allows for specific requirements to be placed on broadcasters as licence conditions. Provisions include financial penalties for breaches and suspensions, and removal of licences in the case of repeated or severe breaches of licence conditions. The BSA provides for the ABA to have the ability to investigate bona fide complaints of failures to adhere to conditions and to publish the outcome.

If the ABA determines that a licence condition has been contravened, it may issue a notice requiring the licensee to address the contravention within a specified time frame. The ABA could impose financial penalties or as a last resort suspend or withdraw the relevant broadcasting licence.

Enforcement options are also available against controlling parties. When an undertaking is not adhered to, the exemption certificate will cease to apply and the controlling party will therefore be in breach of the cross-media provisions. In these circumstances the BSA allows the ABA to require the controlling party to divest.

The government recognises public concern about declining levels of local and regional news and information programs on both television and radio. Local services are important for developing community identity and ensuring that important information is relayed in a timely fashion. The government’s election commitment stated that organisations seeking exemptions from the cross-media rules would be required to make undertakings in relation to minimum levels of local television and radio news and current affairs. This bill strengthens the nature of that commitment to ensure that substantial measures are taken to ensure the continuation of local news services.

The bill amends the BSA to impose a condition on broadcasting licences in relation to which cross-media exemptions have been granted that requires broadcasters to comply with prescribed minimum levels of local news and information services, or to retain existing levels of local news and information (where these are higher than the prescribed minimum).

The prescribed minimum levels include at least five news bulletins per week containing matters of local significance, broadcast of local community service announcements and the ability to broadcast emergency warnings if and when required.

This bill provides for the timely reform of the regulatory framework governing the ownership and control of Australian media organisations. It balances the need to encourage competition and innovation with the need to safeguard diversity of opinion and ensure the continued provision of local news and information services. It facilitates greater investment from both domestic and foreign sources in the Australian media to enable greater roll-out of new and exciting communications services and the continued production of high-quality Australian content.
The bill will ensure that Australian media organisations, as well as the Australian public, are positioned at the forefront of an exciting new communications era. I commend the bill to the House and present the explanatory memorandum.

Debate (on motion by Ms Livermore) adjourned.

BUSINESS
Rearrangement
Mr SLIPPER (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (5.36 p.m.)—I move:

That orders of the day Nos 2 to 5, government business, be postponed until a later hour this day.

Question agreed to.

PARLIAMENTARY ZONE
Approval of Proposal
Mr TUCKEY (O’Connor—Minister for Regional Services, Territories and Local Government) (5.37 p.m.)—I move:

That, in accordance with section 5 of the Parliament Act 1974, the House approves the following proposal for works in the Parliamentary Zone which was presented to the House on 20 March 2002, namely: temporary works in the Parliamentary Zone for the National Capital Canberra 400 V8 supercar race carnival.

All works in the parliamentary zone require the approval of both houses of this parliament. I have tabled plans and drawings for temporary works or structures in the zone associated with the Canberra 400 V8 supercar race carnival which is proposed by the ACT government to be held in Canberra in June 2002. The temporary structures will be removed following the race. The race carnival has been held at the same time for the past two years. The proposed course for this year’s race is the same as for the 2000 and the 2001 races and it is partly on national land administered by the National Capital Authority and partly on territory land. Only a part of the circuit falls within the parliamentary zone and no part of the proposed course is within the parliamentary precincts. The proposed period for necessary road closures is the same as for the 2001 event and will be advertised as required under section 4 of the Roads and Public Places Ordinance 1937.

I am advised that the site establishment works will commence on 6 May 2002 and the reinstatement is to be completed by the end of June 2002. The National Capital Authority has advised me that it is willing to grant the works approval for the structures under section 12 of the Australian Capital Territory (Planning and Land Management) Act 1988.

The authority has also advised that it is willing to issue to the proponents a permit to occupy unleased Commonwealth land under the Trespass on Commonwealth Lands Ordinance 1932. The permit will set conditions including the following: all Commonwealth assets including landscape are to be reinstated to the satisfaction of the authority and at no cost to the Commonwealth; a $200,000 bond is to be lodged with the authority to fund any necessary additional remedial work; and the race organisers indemnify the Commonwealth against any claim resulting from the conduct of the race.

The authority has advised that it has stressed the need for stringent adherence to the safety and placement of concrete barriers on the roads. I am advised that a treatment for the removal of burnt rubber deposits on the roads was introduced for the 2001 race and that there is no adverse environmental impact from this treatment. The treatment is to be employed again in 2002. I therefore seek approval for these temporary works under section 5(1) of the Parliament Act 1974. I undertake to notify the parliament of significant changes, should there be any, and to lay any advised plans with such changes before both houses.

Ms ELLIS (Canberra) (5.40 p.m.)—I give the government an undertaking that I will be brief. There are a couple of comments I wish to make in relation to this particular notice on the Notice Paper. Obviously, this is not the first V8 supercar race planned to be held within the national capital parliamentary zone; I think it is the third. As a long-standing member of the Joint Standing Committee on the National Capital and External Territories of this place, I put on the record that on every occasion up until now that committee has had the opportunity of receiving adequate briefings from the Na-
The committee met very briefly for the first time this morning. I noted at that meet-
ing my astonishment that this particular item was not part of the agenda for the committee meeting. Like similar issues that have been brought to this chamber this week, this issue would normally have gone straight to the Joint Committee on the National Capital and External Territories, but because of the gov-
ernment’s tardiness—if I can use that word in describing the government’s methodol-
gy—in creating the committees for this particular parliamentary term, we are seeing another example of a motion coming into this House when it should have gone through the proper committee process.

As the member for Canberra, I have a very direct interest in the temporary capital works in this electorate. Most of this area, if not all of it, is within my electorate. This building and the buildings that will be af-
fected by the temporary capital works deemed for the V8 race are in my electorate. I obviously have no option but to support the motion moved by the minister. But I put on the record my disappointment that we are having to do this without due regard for the processes of the Joint Committee on the National Capital and External Territories which would have allowed a briefing to be carried out in an appropriate fashion. I appreciate the opportunity to put those views on the record of this House.

Question agreed to.

INSURANCE: PUBLIC LIABILITY

Mr WINDSOR (New England) (5.43 p.m.)—by leave—I move:

That so much of the standing and sessional orders be suspended as would enable the Member for New England, to move the following motion forthwith:

That the House’s program be altered to allow Members to debate the serious issue of public liability insurance to guide the Federal representatives before they attend the inter-government Summit scheduled on the issue for Wednesday 27 March 2002, and that this House—

(1) recognises the widespread distress being caused by the insurance crisis and requires a multi faceted approach by all levels of Gov-
ernment and the community to solve this di-
lemma;

(2) recognises the comments made by the Prime Minister in Question time last week “that there is not one level of government that can tackle the problem”;

(3) notes with alarm the Treasurer’s reply in Question time today that the only Federal Government role will be to facilitate talks on the issue;

(4) acknowledges that under paragraph 51(xiv) of the Australian Constitution insurance is very much a Federal issue and demands that the Prime Minister takes a leadership role in relation to the National Insurance Summit being held on Wednesday 27 March 2002;

(5) acknowledges that this is the last opportunity for this House to send a message to the Gov-
ernment and the States, the views of our con-
stituents prior to the insurance summit;

(6) recommends that a Joint Select Committee of Federal Parliament be established to address this import issue of public liability insurance with the widest possible terms of reference; and

(7) recognises and acknowledges that until a permanent and systemic solution to the pub-
lic liability insurance crisis is found, the Government must implement emergency measures to allow public life and events to continue without fear of unreasonable public liability exposure.

The DEPUTY SPEAKER (Hon. I.R. Causley)—Is the motion seconded?

Mr Andren—I second the motion and re-
serve my right to speak.

Mr WINDSOR—We have had a month sitting in this parliament and there have been a lot of issues discussed, from boat people to the Governor-General to what Wayne Carey actually did in someone’s home, and the most important issue that is currently before the Australian people—it may not be viewed as such in the eyes of this parliament; judg-
ing from the activity that has occurred in the last month it definitely has not been—is public liability insurance and insurance gen-
erally.

This issue is having a particularly disas-
trous effect on country people. I am not sug-
gesting that it is restricted to country people, but the impact on country people is going to
occur first. Unless the government, and particularly the Prime Minister, take a more prominent role in this debate, we are going to see the demise of society as we know it in country communities and in many of our city communities as well.

This debate needs to be addressed at a federal level. It does need a national solution. I am fully aware of the states’ position in relation to tort law and workers compensation legislation and those sorts of things where the states do have a role, but I think to raise the status of the summit next week we really do need the Prime Minister to play a lead role. The Australian community do not want to see a talkfest, and that is a great concern that many people have—and I do not denigrate anybody that will be attending; I would imagine they are all going to be there hoping that something will be achieved. But unless the leaders of this nation—the Prime Minister, the premiers—come together and try to address this problem, we will just see another talkfest. We cannot, in my view, allow that to happen.

I am rather disgusted that we have had a month of sittings, we have had a rush of bills coming through the House at the moment and, other than a few Independent questions at question time, the issue of insurance has not been raised by the government or the opposition. There has been a constant plea by the Treasurer and the Leader of the House from time to time that ‘We are very keen to address real issues. Let’s get away from who was where in 1992,’ but there has been no attempt by either side of the parliament to actually address this issue of great importance to real people in our community. It is a disgrace that that has not taken place.

As the House would be aware, I have tried to use the processes of the chamber, and I have listed this issue as a matter of public importance on three occasions this week so that debate could take place in that forum of the parliament. This has not been granted as a matter of public importance on three occasions this week so that debate could take place in that forum of the parliament. This has not been granted as a matter of public importance and we have fiddled around with where everybody was in 1992. The parliament itself should start to listen to what the community is saying. They are not particularly concerned about who was where in 1992, but they are very concerned about whether they are going to have their annual show next year, whether they will have their art show, their fundraisers, their various community events. They are very concerned about how they can actually afford to pay for those events next year. Some are very concerned about even operating illegally at the moment in terms of not being able to receive insurance from anybody. It is not just a matter of the insurance premiums becoming too high; it is a matter of some very worthy charitable and voluntary events not being allowed to take place because insurance companies will not cover them at all.

I am aware that there is other business to go through the parliament, but I would urge the government and the opposition to start addressing this issue. If it does mean we have to sit for a few more hours tonight, so be it. This is the most important issue before the parliament. We will not be back for seven weeks. This parliament must express the concern of its constituents to the federal delegation that will be attending the summit next week. Those views must be expressed today so that hopefully the Prime Minister—and if not the Prime Minister then the Treasurer and the Assistant Treasurer—may be able to guide the views of this chamber through that summit debate next week.

Mr ANDREN (Calare) (5.50 p.m.)—There is no matter of more public importance in regional Australia—

Mr ABBOTT (Warringah—Leader of the House) (5.50 p.m.)—I move: That the debate be adjourned.

Question agreed to.

AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION LEGISLATION AMENDMENT (TERRORISM) BILL 2002

First Reading

Mr WILLIAMS (Tangney—Attorney-General) (5.50 p.m.)—I ask for the leave of the House to present a bill for an act to amend legislation relating to the Australian Security Intelligence Organisation to enhance the Commonwealth’s ability to combat terrorism and for related purposes.
The DEPUTY SPEAKER (Hon. I.R. Causley)—Is leave granted?

Mr Andren—Mr Deputy Speaker, I would have thought that you would have asked if a division was required on the previous question.

The DEPUTY SPEAKER—I did not hear anyone call for one.

Mr Katter—I did, Mr Deputy Speaker.

The DEPUTY SPEAKER—You must speak up, because I did not hear it. I did not hear anyone call for a division. That is why the question was put that way.

Mr Andren—It was called for behind me.

The DEPUTY SPEAKER—I did not hear it.

Leave granted.

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

Second Reading

Mr WILLIAMS (Tangney—Attorney-General) (5.51 p.m.)—I move:

That this bill be now read a second time.

The Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002 is designed to strengthen Australia’s counter-terrorism capabilities by enhancing ASIO’s investigative powers.

The horrific and tragic events of September 11 marked a fundamental shift in the international security environment.

That day showed us that no country is safe from the devastation that can be inflicted by terrorism.

Since that day, the Howard government has taken strong and decisive steps to ensure that Australia is well placed to respond to the new security environment in terms of our operation capabilities, infrastructure and legislative framework. The Howard government has been vigorously pursuing important measures to ensure that Australia is in the strongest possible position to protect the Australian people and Australian interests.

On the legislative front we have introduced a package of counter-terrorism legislation designed to ensure that we are in the best possible position to protect Australians against the evils of terrorism. I am pleased to note that one of the elements of the package, the anti-hoax legislation, successfully passed through the Senate today.

Importantly, we have introduced a range of new terrorism offences.

In order to ensure that any perpetrators of these serious offences are discovered and prosecuted, preferably before they perpetrate their crimes, it is necessary to enhance the powers of ASIO to investigate terrorism offences.

The amendments contained in this bill empower ASIO to seek a warrant which allows the detention and questioning of persons who may have information that may assist in preventing terrorist attacks or in prosecuting those who have committed terrorism offences.

The government recognises the need to maintain the balance between the security of the community and individual rights and to avoid the potential for abuse. These warrants are a measure of last resort. And they are subject to a number of strict safeguards.

In order for ASIO to detain and question a person, the Director-General of Security will have to obtain the consent of the Attorney-General before seeking a warrant from a ‘prescribed authority’.

A ‘prescribed authority’ will be either a federal magistrate or a member of the Administrative Appeals Tribunal with legal qualifications.

The Attorney-General must be satisfied that there are reasonable grounds for believing that issuing the warrant will substantially assist the collection of intelligence that is important in relation to a terrorism offence.

The Attorney-General must also be satisfied that reliance by ASIO on other methods of collecting the intelligence would be ineffective.

If the warrant being sought requires a person to be taken into custody immediately and detained, the Attorney-General must be satisfied of a number of conditions. Importantly, the Attorney-General must be satisfied that the person may alert another person involved in a terrorism offence of the investigation, or the person may fail to appear before the prescribed authority, or the person may alter or...
destroy a record or thing that they may be requested to produce.

Without this provision, terrorists could be warned before they are caught, planned acts of terrorism known to ASIO could be rescheduled rather than prevented, and valuable evidence could be destroyed.

Further, if the warrant being sought requires a person to be taken into custody immediately and detained, such warrants must specify all persons whom the person is permitted to contact while in custody or detention under the warrant. Such persons may include a legal adviser. Or, depending on the circumstances, such warrants may provide for custody and detention incommunicado. However, at a minimum, such warrants must provide that the person has a right to communicate with the Inspector-General of Intelligence and Security and the Ombudsman.

If a person is to be taken into custody immediately and detained, this will be the responsibility of police, normally the Australian Federal Police.

A person may be detained for a period of up to 48 hours.

In the extraordinary circumstances in which a further warrant is sought in relation to a person who has already been detained under two consecutive warrants, the Director-General must seek the warrant from a deputy president of the Administrative Appeals Tribunal.

The bill contains a number of safeguards to ensure that a person is treated fairly whilst in custody or detention.

Questioning of a person under a warrant will always take place before a prescribed authority.

When a person first appears before a prescribed authority, that authority must explain what the warrant authorises ASIO to do, the period the warrant is to be in force and the possibility of criminal sanctions if the person does not cooperate.

If the person does not speak English, an interpreter will be arranged.

The prescribed authority must also explain that the person has a right to complain to the Inspector-General of Intelligence and Security in relation to the conduct of ASIO, and to the Commonwealth Ombudsman in relation to the Australian Federal Police.

The person must be given the facilities for making these complaints.

The bill also provides that any person taken into custody or detained must be treated with humanity and with respect for human dignity, and must not be subjected to cruel, inhuman or degrading treatment.

A video recording must be made of any appearance before a prescribed authority. These recordings must be provided to the Inspector-General of Intelligence and Security, along with a copy of any warrant issued and a statement containing details of any detention that has taken place.

ASIO is also required to report to the Attorney-General on all warrants issued under the new provisions.

In some situations, a person with highly relevant information may refuse to volunteer it.

For example, a terrorist sympathiser who may know of a planned bombing of a busy building but who will not actually take part in the bombing may decline to help authorities thwart the attack.

In order for the new powers to be effective, it is necessary that penalties apply in relation to the failure to answer questions accurately or produce documents or other requested things.

The maximum penalty for the offences will be five years imprisonment.

A person will not be able to decline to give information or produce a document or thing on the ground that to do so would tend to incriminate them.

Evidence obtained as a result of the questioning will be available for use in subsequent criminal proceedings for terrorism offences or offences related to noncompliance with a warrant issued under the bill.

Finally, the Parliamentary Joint Committee on ASIO, the Australian Security Intelligence Service and the Defence Signals Directorate will be asked to review the new powers and provide a report on their operation 12 months after their commencement.
These measures are extraordinary, but so too is the evil at which they are directed. The measures are transparent and subject to considerable safeguards. I am confident that the limits placed on these new powers will ensure that they are appropriately used.

It is important that, six months after the events of September 11, Australia does not forget the catastrophic results that terrorism can produce.

We must be fully prepared to be able to prevent such attacks. We must direct all available resources, including the might of the law, at protecting our community and ensuring that those responsible for threatening our security are brought to justice.

This bill is part of the Howard government’s package of counter-terrorism legislation that delivers on the Howard government’s commitment to ensure we are in the best possible position to protect Australians against the evils of terrorism.

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

Debate (on motion by Mr Melham) adjourned.

AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION LEGISLATION AMENDMENT (TERRORISM) BILL 2002

Reference to Committee

Mr WILLIAMS (Tangney—Attorney-General) (6.00 p.m.)—by leave—I move:

That so much of the standing orders be suspended as would prevent the Attorney-General moving a motion to refer the Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002 to the Parliamentary Joint Committee on the ASIO, ASIS and DSD for consideration and an advisory report by 3 May 2002.

Question agreed to.

Mr WILLIAMS (Tangney—Attorney-General) (6.00 p.m.)—I move:

(a) the Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002 be referred to the Parliamentary Joint Committee on the ASIO, ASIS and DSD for consideration and an advisory report by 3 May 2002; and

(b) the terms of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

(2) That a message be sent to the Senate acquainting it of this reference to the committee.

Question agreed to.

COMMITTEES

Public Works Committee

Reference

Mr SLIPPER (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (6.02 p.m.)—I move:

That, in accordance with the provisions of the Public Works Committee Act 1969, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Proposed Christmas Island common-use infrastructure—Christmas Island Airport.

A proposal for common-use infrastructure facilities was referred to the Public Works Committee on 6 August last year. The reference lapsed when the previous committee ceased to exist with the proroguing of parliament on 8 October 2001. The government is now re-referring that project with a changed scope of work. The Department of Transport and Regional Services proposes to upgrade common-use infrastructure to support the proposed space centre project on Christmas Island. The proposed upgrade will be in the form of improvements to the airport. Works to upgrade the existing port and construct an alternative port and associated access road on the east coast of the island will also be required for the space centre.

These works are to be undertaken as part of the new immigration reception and processing centre.

Australia needs to pursue aggressively strategic investment proposals which help to ensure Australia acquires leading-edge technologies and skills that help develop and add value to our resources. In so doing, sometimes there may be a need to provide specific incentives to secure a strategic investment for Australia. The proposal consists of strengthening, reconstruction and extension of the airport runway by 550 metres and ex-
pansion of the airport runway and taxiway. This upgrade is required to enable use by Boeing 747, Antonov, Airbus and Beluga aircraft.

The upgrading of the common-use infrastructure in this and other proposals that the government has for Christmas Island would support the objectives of the government for Christmas Island, allow for a more flexible approach to air services for the Indian Ocean territories by increased strength and length of runway, secure for Australia the world’s first commercially constructed satellite launch facility that would be the foundation for an Australian space industry and create short- and long-term job opportunities for the local community to help relieve unemployment and develop the skills base of the island.

The proposed upgrades are designed to balance the commercial and social benefits for all Christmas Islanders in this unique Commonwealth territory. All the works on Christmas Island will be designed to ensure the new infrastructure balances the commercial and social benefits with the optimal protection of the environment. All works will be undertaken to ensure that any potential environmental damage to the area is minimised. A comprehensive community consultation program will be implemented throughout the planning and development stages of the proposed common-use infrastructure upgrading involving the Christmas Island administration, stakeholders and the local community. The estimated cost of the common-use infrastructure upgrade is $51.3 million. Subject to parliamentary approval, tenders are likely to be called in the first half of next year. I commend the motion to the House.

Mr SNOWDON (Lingiari) (6.05 p.m.)—As shadow parliamentary secretary for the northern Australian territories, and as the member for Lingiari, it gives me great pleasure to speak to this motion. Whilst I am very happy to support the reference to the Public Works Committee and am pleased to see that this matter is finally being looked at, those of us who know Christmas Island will understand the importance of extending the runway for a whole range of purposes other than for the space launch facility. It is nevertheless very important in that context because it will allow heavy lift aircraft which would otherwise not be able to use the existing runway to come to the community and therefore assist in the process of the development of the space facility. It will also allow larger passenger aircraft and long-haul passenger aircraft onto the island and that will, in the future, make a great deal of difference to the transport infrastructure and the accessibility of the community to Australia and elsewhere in the world. I am very pleased to be able to support the motion from that point of view.

I do have a number of questions, however. As I understand from the parliamentary secretary’s speech, the common-use facilities, apart from the port, are to be the subject of this reference. I would like some clarification of that, because I think he said that the port facility was to be part of the immigration processing centre, which of course I find pretty hard to understand, given the fact that they are quite separate entities. Why shouldn’t we be amending this particular document to ensure that the reference which relates to the port facility is not also referred to the Public Works Committee? Whilst I understand the need for the port facility, I cannot understand why we would not be opening this up to the same sort of public consultation as you are saying is going to be set up under this proposal for the other common-use facilities and the airport.

I would like to get some understanding of the exact nature of the common-use facilities. I appreciate the importance of this, but I do want to know exactly what is being proposed here, and I am uncertain as to what is being proposed because it has not been made clear to me by the parliamentary secretary. Parliamentary Secretary, if you could give me some assurance as to what you are doing, that might make it easier for us to contemplate how we might behave.

Whilst the parliamentary secretary is getting some guidance as to what in fact is happening, the other issue I want to address is the question of what employment strategy the government is putting in place for the satellite launch facility. Whilst it is important...
that this infrastructure development take place, it is also imperative that the community get the maximum benefit out of it, and that means working with the community to ensure that there is an employment strategy created which deals with the needs of the island community, that there is some sort of reasonable skills assessment and that island community residents are given first cut at possible job opportunities and any business opportunities that may arise from the project.

The other issue which is relevant and quite important is community consultation. The parliamentary secretary has said that the community will be involved in an extensive process of consultation with the administration on the island and the stakeholders. I assume that means primarily the shire council and that they are appropriately involved in that process. I am concerned that the land use imperatives that might otherwise be involved on the island are being gazumped by the expediency with which the government is seeking to make changes to the island’s infrastructure—most importantly, as we will come to later in the evening, with the immigration centre. Parliamentary Secretary, could you advise us exactly what you are intending to do in this reference? If the port facility is not included in this reference, why is it not included?

Mr SLIPPER (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (6.10 p.m.)—These matters of course will be canvassed at the Public Works Committee hearing, if the House carries this referral. The port facilities, as the honourable member opposite would be aware, will be required for the construction of the immigration facilities. There will no doubt be some discussion later on this evening, and my understanding is that the member for Lingiari will be making a contribution to that debate. If he wants to comment on the port, the immigration facilities or what the government is proposing to do, he will have ample opportunity to do so at that time.

Question agreed to.

BUSINESS
Rearrangement

Mr SLIPPER (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (6.11 p.m.)—I move:

That notice No. 9, government business, be postponed until a later hour this day.

Question agreed to.

FINANCIAL SECTOR LEGISLATION AMENDMENT BILL (No. 1) 2002
First Reading

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

Second Reading

Mr SLIPPER (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (6.11 p.m.)—I move:

That this bill be now read a second time.

I introduce the Financial Sector Legislation Amendment Bill (No. 1) 2002 that continues the legislation amendments to improve the efficiency and operation of a range of financial sector legislation.

Most of the amendments are minor and technical in nature.

The bill contains amendments to nine acts. Amendments to the Life Insurance Act 1995 and amendments to section 50 of the Australian Prudential Regulation Authority Act 1998, the APRA Act, need to be made by 30 June of this year.

The Life Insurance Act 1995 amendments will remove sunset clauses on the right to appeal prudential decisions to the Administrative Appeals Tribunal. By removing the right to appeal to the tribunal, APRA will be able to act more quickly in the event of a financial crisis to prevent contagion across the financial system. This amendment is consistent with the Insurance Act 1979, which has also removed the right to appeal prudential financial decisions. As the sunset clauses expire on 30 June this year, it is necessary for the amendments to occur by that date.

The amendments to section 50 of the APRA Act 1998 will ensure that levy revenue is treated on an accrual basis, consistent with government policy. This amendment will also address concerns raised by the
Australian National Audit Office in relation to APRA’s financial accounts. To enable APRA to make the necessary changes and for its financial statements to reflect changes for the 2001-02 financial year, the amendments need to apply from 1 July 2001.

The second part of this amendment will modify the wording of section 50 of the act so that the Treasurer can specify an amount for each of the levies collected by APRA to be hypothecated to the Commonwealth costs of customer protection and market integrity. This amendment will enable APRA to better manage its cash flow.

Amendments to the Financial Sector (Transfers of Business) Act 1999 will ensure that the Australian Tax Office has a formal role in assessing applications to transfer a financial sector business between regulated bodies. Currently, only the Australian Securities and Investments Commission and the Australian Competition and Consumer Commission need to be consulted for business transfers. This amendment will ensure that the tax implications from a transfer of a business are considered on application decisions.

Amendments to the Reserve Bank Act 1959 will simplify and clarify the process for the appointment and termination of appointments of Reserve Bank Board members, Payments System Board members and senior Reserve Bank officials. Other amendments to the Reserve Bank Act 1959 will remove administrative complexity from the Reserve Bank’s superannuation arrangements and remove an unnecessary restriction on the location of the Reserve Bank head office.

The proposed changes to the Insurance Acquisitions and Takeovers Act 1991 will remove the current requirement to approve the application for a merger or acquisition within 30 days. The current 30 day limit does not give enough time for a comprehensive investigation to take place, resulting in the need to place a temporary restraining order on the merger or acquisition. Removing the 30-day time limit will give more time to undertake the necessary investigations prior to making a fully informed decision on the merger application.

The first proposed amendment to the Superannuation Supervision Levy Imposition Act 1998 will remove uncertainty about the amount of levy payable by a superannuation entity that becomes a superannuation entity during a fiscal year.

One of the proposed amendments to the Superannuation Industry Supervision Act 1993 will remove the unintended penalties imposed on superannuation funds that have fewer than five members and are in the process of winding up. The second amendment will allow the Australian Tax Office to provide currently protected information to APRA in relation to breaches of the act. This amendment will align the Superannuation Industry Supervision Act 1993 with section 56 of the APRA Act and is consistent with the current application of the Privacy Act.

A number of amendments will be made to the Financial Institutions Supervisory Levies Collection Act 1998, some of which will rectify drafting errors. Other amendments will have the effect of changing due dates for the payments of levies, to address some of the administrative problems APRA faces with the current levy payment structure. Another amendment to the act will give APRA the right to act on behalf of the Commonwealth to recover financial sector levy debts to overcome the current possible legal ambiguity of APRA recovering debts.

There are a number of proposed amendments to the Insurance Act 1973. Some amendments simply delete redundant sections of the act with other amendments ensuring harmonisation and consistency in the wording of the act.

Amendments also refine the ‘fit and proper’ requirements for directors or senior managers of general insurers or authorised non-operating holding companies. The amendments will maintain consistency with other APRA administered legislation.

Lastly, amendments were included to prevent a person who is linked to a general insurer or related group from sitting as a member of the Administrative Appeals Tribunal when hearing appeals about general insurance.
These bills build on the financial sector reforms already undertaken and they emphasise the commitment to ongoing improvements which will ensure that Australia is at the forefront of world’s best practice in financial regulation.

The financial sector is a key driver in the economy. The benefits that these amendments will provide include increased efficiency of the financial industry and will improve the operation of the acts.

I am very pleased to commend this bill to the House and I present the explanatory memorandum.

Debate (on motion by Ms Livermore) adjourned.

VETERANS’ AFFAIRS LEGISLATION AMENDMENT BILL (No. 1) 2002

First Reading

Bill—by leave—presented by Mrs Vale, and read a first time.

Second Reading

Mrs VALE (Hughes—Minister for Veterans’ Affairs and Minister Assisting the Minister for Defence (6.19 p.m.)—I move:

That this bill be now read a second time.

This bill is a package of minor, technical and consequential amendments to the Veterans’ Entitlements Act 1986 and related acts. Some of the amendments implement minor policy changes for the Veterans’ Affairs portfolio relating to the income support and disability compensation systems. The bill also includes consequential amendments to the Social Security Act 1991 and the Social Security (Administration) Act 1999.

The proposed social security amendments result from the introduction of the payment of the income support supplement to war widows and widowers under the Veterans’ Entitlements Act 1986 in 1994.

The income support supplement is an income and assets tested payment made to war widows or widowers who do not receive the age or service pension. In 1994, the responsibility for income support payments previously paid to war widows and widowers through the social security system was transferred to the Department of Veterans’ Affairs. The introduction of the income support supplement under the VEA enabled war widows and widowers to receive both the war widows or widowers pension and income support supplement from the Department of Veterans’ Affairs.

To implement this payment, amendments were made to the VEA, with consequential amendments made to the Social Security Act 1991. Subsequent acts have made further consequential amendments to both of those acts.

This bill completes the consequential amendments, removing some minor anomalies which may have had an adverse effect on some widows and their partners. Some of these anomalies have resulted in a small number of instances where it has been necessary to make an act of grace payment to the surviving partner of a widow or widower, because they have been ineligible for a bereavement payment.

Most of the remaining amendments made to the VEA and related acts are consequential, minor or technical in nature. Some of them involve minor changes in policy to eliminate some unintended anomalies that have become evident in the original legislation.

Other changes involve a clarification of the legislation to reflect the original purpose of provisions, or changes to further improve the management of the Veterans’ Affairs portfolio.

This bill demonstrates the government’s ongoing commitment to improving the repatriation system to benefit those in the veteran community who most need our help.

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

Debate (on motion by Ms Livermore) adjourned.

MIGRATION LEGISLATION AMENDMENT (TRANSITIONAL MOVEMENT) BILL 2002

Consideration of Senate Message

Bill returned from the Senate with an amendment.

Ordered that the amendment be considered forthwith.

Senate’s amendment—
(1) Schedule 1, item 5, page 5 (after line 18), after section 198B, insert:

198C Certain transitory persons entitled to assessment of refugee status

(1) If a transitory person is brought to Australia under section 198B and remains in Australia for a continuous period of 6 months, then the person is entitled to make a request under this section.

(2) The person may make a request to the Refugee Review Tribunal for an assessment of whether the person is covered by the definition of refugee in Article 1A of the Refugees Convention as amended by the Refugees Protocol.

(3) On receiving such a request, the Tribunal must notify the Secretary. The Tribunal cannot commence the assessment earlier than 14 days after notifying the Secretary.

(4) The Tribunal cannot commence, or continue, the assessment at any time when a certificate by the Secretary is in force under section 198D.

(5) Divisions 4, 6, 7 and 7A of Part 7 apply for the purposes of the assessment in the same way as they apply to a review by the Tribunal under Part 7.

(6) Subject to section 441G, the Tribunal must notify the person and the Minister of its decision on the request.

(7) The decision of the Tribunal is final and cannot be challenged in any court. However, this is not intended to affect the jurisdiction of the High Court under section 75 of the Constitution.

(8) If the Tribunal decides that the person is covered by the definition of refugee in Article 1A of the Refugees Convention as amended by the Refugees Protocol:

(a) the Minister must determine a class of visa in relation to the person for the purposes of this subsection; and

(b) if the person later makes an application for a visa of that class, then section 46B does not apply to the application.

(9) A person who has made a request under this section is not entitled to make any further request under this section while the person remains in Australia.

198D Certificate of non-cooperation

(1) If the Secretary is satisfied that a transitory person has engaged in uncooperative conduct, either before or after the person was brought to Australia, then the Secretary may issue a certificate to that effect to the Tribunal.

(2) A decision of the Secretary to issue, revoke or vary a certificate is final and cannot be challenged in any court. However, this is not intended to affect the jurisdiction of the High Court under section 75 of the Constitution.

Note: Subsection 33(3) of the Acts Interpretation Act 1901 allows the certificate to be revoked or varied.

(3) In this section:

uncooperative conduct means refusing or failing to cooperate with relevant authorities in connection with any of the following:

(a) attempts to return the person to a country where the person formerly resided;

(b) attempts to facilitate the entry or stay of the person in another country;

(c) the detention of the person in a country in respect of which a declaration is in force under subsection 198A(3).

Mr RUDDOCK (Berowra—Minister for Immigration and Multicultural and Indigenous Affairs and Minister Assisting the Prime Minister for Reconciliation) (6:23 p.m.)—I move:

That the amendment be agreed to.

As members are aware, the Migration Legislation Amendment (Transitional Movement) Bill 2002 amends the Migration Act to allow people who will be termed transitory persons to be brought to Australia from a declared country in exceptional circumstances. This relates to those people who were transferred to certain offshore processing centres in relation to possible asylum claims that they might have been intending to make had they arrived in Australia. It is part of the number of steps that the government has taken to contain people-smuggling operations and persons using refugee related
processes to attempt to achieve migration outcomes.

As I stated in the House last week during the second reading debate, the government’s approach is a comprehensive approach involving Operation Relex, addressing push factors and dealing with those who might make it to Australia through a mandatory detention regime. The complex arrangements have led to a situation where we have experienced very significant reductions in the attempts to bring people to Australia unlawfully by boat. The point I have made—and which some people have contested—is that we have now gone in the order of 4½ months without a boat arrival on the Australian mainland or our territories that has originate[ned in Indonesia. The fact is that, while some people have said it is because of the monsoons, in the monsoon season of the year before it was 1,300 people, and in the monsoon season two years ago it was 2,600 people. Those measures are working, but we need to remain vigilant and continue to send messages that the government is determined to deal with these issues with rigour.

This bill will ensure that the Pacific solution, as it has been characterised, will be able to operate. It will enable us to deal with any emergencies that might arise in a humane way and with situations where people who have been found not to be refugees might need to transit Australia in order to be returned home. Some may move quickly and others may move less quickly. In an effort to ensure that we were, if people were cooperating in relation to removals, facing individuals who may have substantive claims that ought to be reconsidered, we have agreed to certain amendments, which I have discussed with the opposition. I gave assurances in relation to those matters. The Senate has passed the legislation with amendments to include that provision, which will enable a fair and equitable way to deal with failed asylum seekers on Nauru or Manus who may be brought to Australia while arrangements are made for their further travel.

I thank the opposition spokesman for the constructive approach in relation to dealing with this legislation. I think it is important that we are able to respond humanely. It is also important that we are able to deal with the transfers that may be necessary. I certainly hope that, within the next few weeks, we will see the outcomes of that processing. I will have something further to say about that. I might say that we were able to remove, I hope in the course of today, four people from Nauru, who are going home—one to Pakistan and three to Sri Lanka—but had to be routed through Fiji. This bill will ensure that those arrangements can be made for people who are on their way home in a more appropriate way. I commend the amendments and I thank again the opposition for the constructive approach it has taken to ensure that this bill be given effect quickly.

Ms GILLARD (Lalor) (6.28 p.m.)—I am aware that the House’s time is under significant pressure, so I will only make some brief statements. In this House last Thursday, in the second reading debate of the Migration Legislation Amendment (Transitional Movement) Bill 2002, the opposition moved a second reading amendment that had two positive suggestions. One was that persons returned to Australia and who remained within Australia for more than six months ought to have the opportunity to have their cases assessed by the Refugee Review Tribunal. We were pleased that the government acceded to that opposition suggestion. We were also pleased that the government has agreed to enter into constructive discussions with the opposition about the best way of catering for the needs of asylum seekers from Afghanistan, given that it is apparent that those persons will be able to return to Afghanistan at some point but that point is not now due to the lack of safety and stability factors there. We look forward to progressing those discussions after the House rises and in the course of the coming weeks.

The opposition indicated last week that this bill is the second concession by the government that the so-called Pacific solution is now in its death throes. We have viewed the first concession being the government’s announcement that it needed to construct a 1,200-person detention facility at Christmas Island. We now know that asylum seekers from the Tampa, as well as asylum seekers who originated from other vessels, will now
be brought back to Australia, contrary to the representations that the government made during the election campaign. So we well and truly believe that we are witnessing the end of the so-called Pacific solution.

However, the opposition did not want to play politics with this bill. We view it to be in the best interests of asylum seekers that, if they need to be transited through Australia, that can happen. We also view it in the best interests of Australia that, if that assists with the removals process, that be done for those people who have not made the test of being genuine refugees. Obviously for those people who have made the test of being genuine refugees, it would be foolish for the opposition to stand in the way of having them conveniently transited to Australia or to third-country resettlement options. But we think that those persons who are returned to Australia for a longer period ought to get the sorts of rights that other asylum seekers who have come to Australia have had—that is, they get to complete the appeals process, designed by the government, that they would have had access to had they landed onshore. We welcome this amendment and, without further comments, we can see this bill progress through the House.

Mr RUDDOCK (Berowra—Minister for Immigration and Multicultural and Indigenous Affairs and Minister Assisting the Prime Minister for Reconciliation) (6.31 p.m.)—There was another matter that I intended to raise. The suggestion was put to me by my adviser that the opposition may have wanted some assurance in relation to the nature of visas that might be granted if there were an intervention by the Refugee Review Tribunal. I just want to make it clear that, if I were to intervene in the circumstances outlined here, which I would intend to do if the Refugee Review Tribunal had made such a recommendation, subject only to other issues relating to character which may be germane, it would be disingenuous of me if I were to grant a bridging visa where clearly a substantive visa were more appropriate. I just confirm that that was my intention.

Without wanting to reopen matters, I am glad that we are not playing politics with this. As that is the case, the Pacific solution was always predicated on the basis that people who were found not to be refugees would be going home and that, with those who were found to be refugees, we indicated that Australia would play its role in a burden-sharing arrangement which we hope will be seen. There is nothing in this that detracts from the way in which we outlined the Pacific solution would work. This is really legislation to ensure that it would work as was intended. In saying that, I am not trying to make a political point; it is just to put beyond doubt in the minds of those who may have had another view that that was the government’s intention.

Question agreed to.

TAXATION LAWS AMENDMENT (BABY BONUS) BILL 2002
Consideration of Senate Message
Bill returned from the Senate with an amendment.
Ordered that the amendment be considered forthwith.

Senate’s amendment—
(1) Schedule 1, page 11 (after line 14), at the end of the Schedule, add:

8 Review of operation of Schedule

(1) The Minister must cause a review of the operation of this Schedule to be undertaken jointly by the Departments of Employment and Workplace Relations and the Treasury.

(2) The review is to conduct an assessment of the operation of the first child tax offset (baby bonus) with particular reference to the:

(a) benefits derived from the payments; and

(b) analysis of the benefits by income, gender, household structure and other relevant indicators.

(3) A report of the review conducted in accordance with this item must be tabled in both Houses of the Parliament before the expiration of the 2005 financial year.

Mr SLIPPER (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (6.34 p.m.)—I move:

That the amendment be disagreed to.
The government will not be supporting the Democrat and Labor sponsored amendment to the Taxation Laws Amendment (Baby Bonus) Bill 2002. This amendment of the Democrats seeks to cause a review of the operation of the first child tax refund, or baby bonus. This review is to be undertaken jointly by the Department of Employment and Workplace Relations and the Department of the Treasury, and it is to be tabled in both houses of the parliament by the end of the 2005 financial year. This adds nothing to the policy intent behind the baby bonus, but instead it adds to the complexity of its administration.

The Labor Party support for this amendment is contrary to an agreement with the government that the proposed Democrat amendments would not be agreed to. However, the government understands that this was as a result of a communication breakdown in the opposition. For these reasons, the government will oppose the amendment.

I welcome the Australian Labor Party’s subsequent agreement with the government to also oppose the amendment.

In addition, I now seek an indication from the shadow minister and the opposition generally that they will not be insisting on the amendment in the other place. This will allow the Australian Taxation Office to proceed with the documentation and the administration of the baby bonus on the basis that the bill will not be amended. A delay in the passage of this bill would jeopardise the effective communication of the benefits of the baby bonus to families. Any delay will not be of the government’s doing.

Mr Latham (Werriwa) (6.35 p.m.)—I will just clarify for the benefit of the parliamentary secretary that this was never a Labor Party sponsored amendment.

Mr Slipper—I did not say that.

Mr Latham—You did. You described this as a ‘Democrat and Labor Party sponsored amendment’. I want to clarify that this was a Democrat proposal in the Senate that we supported. Why did we support it in the Senate? The government would be familiar with the criticisms that the opposition have made of the baby bonus provisions. We have raised concerns about the regressive nature of the provisions. We have raised concerns about the complexity of the legislation. It is not unreasonable for the ALP to want to support an amendment that provides for a policy review that can analyse these particular problems.

That amendment has been passed by the Senate, but it is also not unreasonable for the opposition to note the government’s disagreement with the amendment. We do not want to stand in the way of the prompt and effective implementation of this proposal. We have made clear our assessment that this is part of the government’s limited electoral mandate. We want it to pass through both houses as promptly as possible, and for that reason I indicate to the parliamentary secretary and to the House that the opposition will not be insisting on this amendment when it returns to the other place.

Question agreed to.

Mr Slipper (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (6.37 p.m.)—I present the statement of reasons for the House disagreeing to the Senate amendment and I move:

That the reasons be adopted.

Question agreed to.

REGISTER OF MEMBERS’ INTERESTS

Mr Haase (Kalgoorlie) (6.38 p.m.)—As required by resolution of the House, I table a copy of the Register of Members’ Interests for the 40th Parliament. I ask leave of the House to present copies of nominations of alterations of interest received after 28 September 2001 and before dissolution of the House on 8 October 2001.

Leave granted.

Mr Haase—I present copies of the notifications.

DISABILITY SERVICES AMENDMENT (IMPROVED QUALITY ASSURANCE) BILL 2002

Second Reading

Debate resumed.
Ms ELLIS (Canberra) (6.39 p.m.)—I am pleased to speak in the debate today on the Disability Services Amendment (Improved Quality Assurance) Bill 2002. This bill was first introduced in the last parliament and was subsequently sent to the Senate Community Affairs Legislation Committee. That committee considered a number of submissions and called five witnesses. Because of the timing of the election, no formal report was made. However, as a result of the submissions to this inquiry, the new bill has some small but significant changes which augur well for its acceptance within the disabilities sector.

This bill will impact on the employment of people with disabilities. If the government is serious in pursuing the bill’s apparent intent to treat people with disabilities as genuine, rather than pseudo, workers, then they could have a very positive, even revolutionary, impact. This will, however, require considerable financial support and resources, possibly for longer than the three years the bill suggests it will take for all agencies to gain certification.

The agencies concerned are primarily those known as business services—sometimes in the past they were referred to as sheltered workshops. These agencies were set up when families, community organisations and other interested groups responded to the need to provide some form of occupation for people with disabilities. In those days, it is fair to say, the primary aim was humanitarian and not profit making. This history is important in gaining an understanding of how these services began and the possible apprehension in the minds of some about the changes now facing this sector.

Today there are over 500 business services throughout Australia, providing employment for around 15,000 people, the majority of whom would have intellectual disabilities. Increasingly, as these enterprises began to receive government funds, they were required to become more accountable and were obliged to operate more like businesses—hence the name change, and, with that, a change in emphasis. Today, business services can be found in every region of Australia—in large cities, country towns, rural and even remote areas. Some employ a mere handful of people; others are multi-site operations employing well over a thousand individuals.

The Disability Services Act 1986 heralded a new era for people with disabilities. It covers the whole gamut of issues affecting people with disabilities, including the management of business services. Under this act, business services had five years to meet certain standards of service to employees. Yet in 1992 the sunset clause had to be removed because in those five years only one agency had managed to meet the required standard. In an effort to move the process along a bit, the government made two changes: in 1993 the disability services standards were accepted; and resources were made available to help the funded agencies work through a three-tiered process of service improvement.

However, the process was still to be voluntary and assessment was to be done internally, with a government audit only after five years. By 2001, 39 per cent of agencies—that is, approximately 341 of the services—met the standards at the minimum level. Since this is the only statistic available, I think we can presume that the other 51 per cent failed to reach even that level.

The Disability Services Amendment (Improved Quality Assurance) Bill 2002, when coupled with the foreshadowed disallowable instrument, proposes a new and potentially more sophisticated system of quality assurance, overseen by an external body—the Joint Accreditation System of Australia and New Zealand, commonly referred to as JASANZ. Importantly, the process will include a person with a disability on the audit team to ensure that the consumers’ experiences and views are carefully considered by that team.

It is very clear that the changes evident in the 2002 bill result from the long consultative process over recent years. The standards and the key performance indicators are the key to the success of this bill. They are to be presented as a disallowable instrument. It is equally clear that the detail contained in the disallowable instrument must go through a similar process—that of full and honest consultation. For the government to do otherwise could jeopardise the outcome. I understand this disallowable instrument will only
be tabled after this present bill has received royal assent. We seek the minister’s guarantee that there will be no delay in the presentation of that disallowable instrument.

The standards were designed to give people with disabilities the rights that most of us take for granted: services close to where we live; the right to privacy and respect; opportunities to grow and develop as individuals; good working conditions and on-the-job training; a complaints mechanism and workplace participation; confidence that the managers are competent as managers, understand their duty of care and their duty to ensure that workers fully understand how the organisation functions, where to take problems and how to contribute; and, above all, a fair wage. There are 12 standards in all, virtually unchanged since 1993. However, now the import of each standard is made clearer by the addition of 26 key performance indicators, or KPIs. There is reasonable consensus within the industry about all but two standards, and there are ongoing discussions about those differences between the Department of Family and Community Services and the business services and employee representatives.

A major area of contention involves KPI 9.1, regarding the appropriate wage assessment tool. While some in the sector believe the supported wage system, the SWS, should be the assessment tool, the contrary view argues there are a number of significant limitations when applying the SWS to business services. The SWS is currently used in open employment for people with disabilities, and in a few business services. I understand the government has begun a consultation process to develop an assessment tool for use in the business services sector. The contract is to be let by the end of this month, with a reporting time of November this year. The outcome would lead to a reintroduced disallowable instrument covering, obviously, the inclusion of the new wage assessment tool, and in the meantime the standards in KPI 9.1 would apply. We share the concerns of the sector at large: that an acceptable outcome be reached which will ensure fair and proper consideration of the salary paid to the employees in these business services and that they enjoy the service and workplace standards expected by all of us.

I made reference earlier to the fear or uncertainty some may have when considering the full implications of this bill. Clearly there are employees, families and organisations who are very anxious about the potential changes. Frankly, I understand that reaction. Many of the business services run at a very low profit level; many run at a loss. It is also true that a number of business services run far from satisfactory operations in which employees do not experience ideal workplace conditions. Some business services will not reach the level of certification, be it by choice or outcome. How many of those will face closure? How can that be avoided or at least limited? Will the employees facing closure of their business service be supported? What guarantees will the Commonwealth offer these people? These are serious questions requiring serious consideration.

We are fully supportive of the intentions of this bill and want to see the outcome we believe it offers. However, the government must give serious thought to these areas of concern. The minister must give assurances that, firstly, the government is fully aware of the possible outcomes and, secondly, the government will provide whatever support is required to the services and employees affected. My major concern centres on those high-dependency employees whose productivity may be low but whose right to work must be preserved. What we do not want to see is those people facing loss of employment and being left to find alternative services through the programs of the states and territories.

This would represent cost-shifting and would be an abrogation of Commonwealth responsibility. I am mindful of the current negotiations under way between the Commonwealth and the states and territories for the new Commonwealth-State Disability Agreement. It is more important now than ever before that the Commonwealth not walk away from its moral responsibilities. The community is looking for national leadership in the disability sector, and I believe this bill offers a wonderful opportunity for Minister Vanstone and the federal government to
demonstrate that leadership. In the cases of both the quality assurance process and the Commonwealth-State Disability Agreement, leadership will inevitably entail an additional financial commitment from the federal government. Realistically, we have to face the fact that some employees, hopefully a small number, may find themselves moving into alternative programs. The government has an enormous responsibility to ensure that they are looked after.

As I have said, we support this bill and want to see it work. We seek the following assurances from the government: that business services receive the level and kind of support which will maximise the number of business services receiving certification; that where closures or amalgamations are inescapable the employees and/or their families affected are consulted and offered the appropriate level of support and service; and that, in consultation with the states and territories concerning the CSDA, fair and equitable additional funding arrangements are put in place to cater for the possible increase in services required following any adverse implications from this bill. We cannot afford to see the level of unmet need in the disability sector increase. Adequate funds simply must be available. This year’s budget will demonstrate the degree to which the government is serious about this bill. Its intent is applauded by all, and we will support it through this place. The disallowable instrument must guarantee that this bill’s intent is delivered.

In finishing, I want to quote from the Senate Hansard of yesterday when Minister Vanstone said she wished:

... to point out that I firmly believe this is a very firm statement of the government’s commitment to ensuring quality services for people with disabilities.

I feel very strongly that the bill is now in the government’s court.

Ms GRIERSON (Newcastle) (6.50 p.m.)—I also rise to speak in support of the Disability Services Amendment (Improved Quality Assurance) Bill 2002. As the member for Canberra has clearly outlined, this legislation is important under the Family and Community Services area of responsibility. It has a specific target group—that is, the providers of employment services and rehabilitation support services for people with disabilities. But, more importantly, the indirect target of this legislation is the people who receive those employment and rehabilitation services. They are the people with disabilities who look to these services to play an important part in improving the quality of their lives and assuring satisfaction is gained from their daily activities. Those people, people with disabilities of diverse kinds, reside in every electorate in Australia.

This legislation attempts to ensure that all of these people gain access to a high-quality and high-performing service. If this bill succeeds, it will ensure consistent standards across the country and across all service providers. After considerable scrutiny and advice, this legislation now separates more clearly the different types of disability service providers. This will mean that in future those providing such services as accommodation, advocacy, independent living training, information, print, recreation and respite are distinguished from those providing the important services of employment and rehabilitation. The former category of disability support services and providers will receive government funding without falling under the control of this bill. The latter two categories, employment and rehabilitation services, will have to attain new accreditation standards in order to gain government funding.

Because of the individual and specific nature of many disabilities, those affected seek the support of specialised employment and rehabilitation services. They need to know that these services are efficient and effective in assisting them to gain and keep suitable employment. If this legislation is effective, it should improve the confidence in these services of those that need them.

Prior to this legislation, performance against the standards that were mentioned—the current 12 standards that have been there since Labor introduced them in 1993—was left to self-assessment annually by such organisations and then audited by the Department of Family and Community Services. Fortunately, this bill will now make it much more predictable and, hopefully, the standards now will be such that a quality service
results. The proper accreditation and certification system that will be introduced should assist to ensure that quality.

Although $17.2 million will be allocated to support the accreditation process, the real work will be done by the people who actually work for the disability employment and rehabilitation service providers. It is hoped that the implementation of this legislation will be manageable and will not have some of the negative impacts that accompanied the introduction of quality assurance into the aged care sector. Given this prior experience, it is important that the Department of Family and Community Services does not underestimate the impact this legislation will have on the disability employment services sector. Therefore, hopefully it will provide sufficient support and adequate funds to ensure a smooth process that does not compromise client service.

Hopefully we have learned some lessons from the introduction of that accreditation program into the aged care industry. Having been directly involved with an aged care hostel at that time, I observed the demands on staff increase dramatically. I also saw a shift in the emphasis in the initial period from client service to meeting the extensive administration demands of the accreditation process. It also seemed that a lot of accreditation support funds were spent on facilitators and consultants instead of being spent on directly improving service delivery.

The real test of the effectiveness of this legislation, though, will be an analysis of the jobs gained and kept by people with disabilities. Easy access to appropriate work would satisfy the test. Unfortunately, actually assisting people with disabilities to find and keep paid employment will not be guaranteed by this legislation—if jobs are not there, this legislation will have little effect. With unemployment remaining unacceptably high in regional and rural Australia, there is still a major need for government intervention in regions such as Newcastle and the North Coast of New South Wales.

The member for Richmond would be aware that his electorate has the highest rate of unemployment in the state of New South Wales. Many people in rural and regional Australia, with or without disability, are competing for an ever-shrinking job pool. Government needs to do much more than pass this legislation to provide better employment access for people with disabilities. Restoring Commonwealth public services to regional and rural Australia would assist.

Another issue of importance to smaller communities may be the need to recruit new personnel to assist them with the accreditation process, but in smaller rural areas this may not be easy. Therefore, transitional support and some flexibility will be important if we are to ensure the survival of these smaller services, not just the survival of the large and more competitive organisations. If we lose choice, diversity and locally based services, we will not have improved services for people with disabilities through this legislation.

This legislation will improve a service that is essential for people with disabilities, but the other area that the government must address is the need for people with disabilities to have the skills to put themselves up for employment. That, of course, depends on adequate funding for education and training.

To illustrate the challenge, I draw the House’s attention to the example Kotara High School in my electorate, a school which provides special education programs for students with hearing impairment. This year that high school will receive only a third of what the professional staff consider is needed to provide effective programs for these students. Instead of being able to prepare their students adequately for the vocational challenges they will face when leaving school, they will have to reduce programs and limit that focus to foundation learning. Government failure to support our students with disabilities too often results in more people with disabilities facing immense difficulty in gaining appropriate employment.

In concluding, I do urge support for this bill. It is an important measure in assisting people with disabilities into the work force and, if successfully implemented, should result in a consistent, high-standard service throughout Australia—one that is better able to achieve the best employment outcomes for people with disabilities. I also wish the Department of Family and Community Services
Mr ANTHONY (Richmond—Minister for Children and Youth Affairs) (6.57 p.m.)—in reply—I would like to thank all speakers, particularly the previous speaker for her well thought out contribution, and I also thank the opposition for their support. The Disability Services Amendment (Improved Quality Assurance) Bill 2002 provides the legislative framework for an improved quality assurance system for disability employment and rehabilitation services. It marks an important step in the reform of specialist employment services for people with severe disabilities.

The government indicated its intention to develop a new quality assurance system when it first came to office. Over the years it has worked closely with people with disabilities and the disability sector to build a quality assurance system designed to improve the quality of support services and deliver better employment outcomes for people with disabilities. At each point in the process it has consulted widely and thoroughly. The national service providers—ACROD and ACE—support the legislation. ACROD has said in a recent statement that, because it believes that the new system will improve the quality of services and opportunities available to Australians with disabilities, it will support the passage of the bill. National consultations with consumers indicate strong support for the quality strategy.

The national consumer peak bodies also support the change, although they have raised concerns with a view of the key performance indicators. The key performance indicators are not part of this legislation: they will form part of the disallowable instrument that will be tabled in the parliament at a later stage. The proposed standards and key performance indicators are included in a quality assurance handbook that has been distributed to the disabilities sector and made publicly available—certainly on my department’s web site.

Existing specialist employment and rehabilitation services have three full years to meet the requirements of the new QA system—from 1 January 2002 through to 31 December 2004. The system was introduced on a voluntary basis from 1 January 2002, and over 90 per cent of services have formally registered their intention to seek certification before December 2004. This is certainly a major vote of confidence from the sector for these reforms.

Under this legislation, the quality assurance system will be formally commenced on 1 July 2002, with all services to be certified by the end of December 2004. Essentially, only quality services will be funded from January 2005. This quality assurance system is firmly based on a system of accreditation and certification that is well established in Australian industry and is based on international standards of best practice. Independent, skilled auditors from accredited certified bodies will certify disability employment services against the disability services standards and related key performance indicators. Audit teams will include a person with a disability, who will have a critical role in ensuring that the views of the service consumers are fully considered.

The new quality assurance system has been based on significant research and on trials. An independent evaluation of a trial of the quality assurance system concluded that it provides a robust and credible system for measuring service quality. Not only is this proposal an effective system of quality assurance, but it is also cost effective and it uses an existing system as its base.

In the 2001-02 budget, the government provided $17 million over four years for this initiative. Funds will be used for the certification costs of service providers during the transition period. A study will be commissioned during this time to look at the ongoing funding options for services, and an independent complaints and referral system is under development so that we can have clear feedback and be in the loop for quality assurance and the continuous improvement of programs.

A key feature of the complaints system is the Disability Service Abuse and Neglect Hotline, which commenced in October last year. The broader complaints system will be implemented by July this year. I note that the
shadow parliamentary secretary for family
and community services, the member for
Canberra, Ms Ellis, put out a media state-
tment today supporting the government in
this legislation.

In summary, this legislation provides a
clear statement of this government’s com-
mitment to ensuring quality services for peo-
ple with disabilities. It provides time for
services to address deficiencies, with the
support of the disability sector and the
Commonwealth government, and from Janu-
ary 2005 if it is not an accredited quality
service it will not be funded.

Question agreed to.

Bill read a second time.

Third Reading

Mr ANTHONY (Richmond—Minister for
Children and Youth Affairs) (7.02
p.m.)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

FINANCIAL SERVICES REFORM
(CONSEQUENTIAL PROVISIONS)
BILL 2002

Debate resumed from 19 March.

Second Reading

Mr SLIPPER (Fisher—Parliamentary
Secretary to the Minister for Finance and
Administration) (7.03 p.m.)—I move:

That this bill be now read a second time.

The Financial Services Reform (Consequen-
tial Provisions) Bill 2002 makes amendments
to Commonwealth legislation that are conse-
quential to the Financial Services Reform
Act 2001 and the Family Law Legislation
Amendment (Superannuation) Act 2001.

The Retirement Savings Accounts Act
1997 allows banks, building societies, credit
unions and life insurance companies to pro-
vide superannuation without a trust structure
in the form of a retirement savings account.
The bill amends the Retirement Savings Ac-
counts Act 1997 to facilitate implementation
of the government’s superannuation and
family law reforms contained in the Family
Law Legislation Amendment (Superannua-

Under the superannuation and family law
reforms, couples will for the first time be
able to divide their superannuation interests
on marriage breakdown in the same way as
their other assets. The consequential bill will
ensure that a retirement savings account pro-
vider can comply with proposed regulations
which will allow a retirement savings ac-
count to be divided and a new interest cre-
ated in the name of the retirement savings
account holder’s former spouse.

The bill makes an urgent but minor
amendment to the Corporations Act to cor-
rect a drafting error in the Financial Services
Reform Act. The Ministerial Council for
Corporations has been consulted about the
amendment and has approved it.

The bill also narrows the application of
certain antihawking provisions in the Corpo-
rations Act and extends the scope of the ex-
ceptions to the insider trading offence that
relate to a person’s knowledge of their own
trading activities or intentions.

These amendments are intended to ensure
antihawking and insider trading provi-
sions contained in the Financial Services
Reform Act will not adversely impact on the
legitimate commercial activities of financial
services providers.

The Ministerial Council for Corporations
has been consulted in relation to the remain-
ing amendments to the Corporations Act.

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

Mr LATHAM (Werriwa) (7.06 p.m.)—
The opposition supports the Financial
Services Reform (Consequential Provisions)
Bill 2002, so I do not intend to delay the
House excessively. I will make just a few
remarks, following the fine explanation of
the provisions of the bill given by the
Parliamentary Secretary to the Minister for
Finance and Administration. The financial
services reform bill debated last year was
supported by Labor. That bill provided for
the establishment of consistent and comp-
parable financial products disclosure. It also
provided for consumers to have access to
appropriate consumer handling mechanisms
for resolving disputes with financial services
providers. It was argued that these measures
was argued that these measures would enable consumers to make better financial decisions, and on that basis Labor supported the bill.

At that time, the opposition also moved amendments regulating the manner in which unsolicited telephone calls to sell financial products could be made. Labor recognises that many legitimate businesses employ telemarketing techniques and that it would be inappropriate to ban such techniques altogether. However, where aggressive, unsolicited calls are being made in relation to financial products, some consumers may be coerced into investing in products that are not in their best interests. It is appropriate, then, that the manner in which unsolicited calls can be made is regulated.

The industry since then has asked for clarification of these amendments to correct some unintended consequences. The two main areas of concern were that the term ‘unsolicited personal contact’ was not defined and that the amendment applied both to retail investors and to sophisticated investors. In the Senate the government moved amendments to this bill to address those concerns. Following discussions with industry and with consumer representatives, Labor supported the government’s amendments and we continue to do so.

The government also moved amendments in the Senate to address some other unintended consequences arising from the introduction of the act. The industry is concerned that some of the provisions in the act which relate to insider trading were drafted too narrowly and did not adequately accommodate the full range of derivative products that now will be subject to the Corporations Act. These amendments were also supported by Labor. The opposition continues to support the reforms included in the Financial Services Reform Act. The act aims to enhance the information available to consumers to enable them to make informed financial decisions. These aims need to be followed through in the regulations and in ASIC’s implementation of the act.

The principles of transparency, fairness and full disclosure must be observed in that process. Only then can consumers make informed decisions and the benefits of the act be realised. Only then can the protections included in the statute be achieved. Over the next two years Labor hopes to see a vast improvement in the disclosure of commissions, fees and charges applicable to all financial products and financial services. These amounts must also be disclosed in a meaningful way to consumers. That is something we will be monitoring. We want consumers to be able to fully understand the financial products that they are using and to be able to make comparisons across products. Mindful of the history of this provision and of the situation of the House ending its last sitting day for the session, Labor is pleased to support this provision without any opposition, but I do point out that the issues contained in the bill will remain a top priority for our side of the House in the area of financial service policy.

Mr SLIPPER (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (7.09 p.m.)—In reply—In my concluding remarks. The amendment to section 41 of the Retirement Savings Accounts Act 1997 is another important part of the government’s superannuation and family law reforms. Without this amendment RSA superannuation interests cannot be split in the accumulation phase, which is generally the time when couples are divorcing or separating. The amendment ensures that an RSA can be split and a separate interest created for the RSA holder’s former spouse.

The amendments to the Corporations Act in this bill will address widespread concerns that the antihawking and insider trading provisions of the Financial Services Reform Act would prevent financial institutions from carrying on legitimate commercial activities that were not previously subject to regulation. They will limit the antihawking provisions in section 9(ix)(2)(a) to the use of genuine pressure selling tactics involving retail clients. They will ensure that financial service providers will not be prevented from engaging in legitimate marketing activities.

The amendments will also ensure that the OTC market’s makers will not be prevented
from managing risk through the use of derivative products as a consequence of their knowledge of their trading activities in underlying financial products. The amendments will provide valuable certainty for these key participants in the financial system.

Finally, the bill will restore an important definition inadvertently omitted from previous legislation. I thank the member for Werriwa for his contribution and cooperation and honourable members for their hopefully positive consideration of this bill. I commend the bill to the House.

Question agreed to.

Bill read a second time.

Third Reading

Mr SLIPPER (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (7.12 p.m.)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

TAXATION LAWS AMENDMENT BILL (No. 1) 2002

Consideration of Senate Message

Bill returned from the Senate with amendments.

Ordered that the amendments be considered forthwith.

Senate’s amendments—

(1) Schedule 1, item 1, page 3 (line 14), after “2 October 2001”, insert “and on or before 30 June 2006”.

(2) Schedule 1, item 9, page 8 (line 5), after “2 October 2001”, insert “and on or before 30 June 2006”.

(3) Schedule 1, item 9, page 8 (line 10), at the end of subitem (3), add “and before the taxpayer’s income year that includes 1 July 2006”.

Mr SLIPPER (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (7.14 p.m.)—I move:

That the amendments be agreed to.

Given time constraints, I just want to point out to the House that the government reluctantly accepts these amendments in acknowledgment of the need of industry for certainty and, I suppose, in acknowledgment of the realities of the numbers in the other place.

Mr LATHAM (Werriwa) (7.14 p.m.)—Briefly, I congratulate the government on its fine judgment in supporting the Labor sponsored amendments in the Senate. We welcome the government’s decision to provide certainty for the industry. We welcome the government’s support of our sunset clause as carried by the Senate. This is a good outcome all round and one with which the House can be most pleased indeed.

Question agreed to.

QUARANTINE AMENDMENT BILL 2002

Consideration of Senate Message

Bill returned from the Senate with an amendment.

Ordered that the amendment be considered forthwith.

Senate’s amendment—

(1) Schedule 1, Part 1, page 9 (after line 30), at the end of the Part, add:

17A  Amendments made by items 1 to 17 cease to have effect in certain circumstances

The amendments made by items 1 to 17 of this Schedule cease to operate at the expiration of 18 months after the commencement of this Part unless the Commonwealth, within that period:

(a) has developed, in consultation with all of the States, the Australian Capital Territory and the Northern Territory, agreed guidelines for a cooperative approach between the Commonwealth, those States and those Territories, for the control and eradication of epidemics, and the removal of the danger of epidemics, including guidelines for the exercise of quarantine measure or measures incidental to quarantine in accordance with the Quarantine Act 1908 for that purpose; and

(b) has laid a copy of the guidelines before each House of the Parliament.

Mr TRUSS (Wide Bay—Minister for Agriculture, Fisheries and Forestry) (7.16 p.m.)—I move:

That the amendment be agreed to.
Thursday, 21 March 2002

The amendment to the Quarantine Amendment Bill 2002 has been put forward by the opposition. The government believes that the bill without this amendment already addresses the issues that were raised by the opposition in relation to this bill. The amendment refers particularly to agreed guidelines between the Commonwealth and the various governments which relate to the exercise of the new powers that are available under these amendments. The government has been working with the relevant state and territory authorities, mainly through the Standing Committee on Agriculture and Resource Management task force on uniform agricultural plant and animal health legislation, in the development of this bill. I understand the states and territories support the development of national whole of government planning for the management of major animal disease outbreaks. It is certainly our objective to reach an early memorandum of understanding with the various states so that we have the mechanisms in place to deal with emergency disease outbreaks should they occur.

Having said all of that, the government is prepared to agree to the amendment put forward by the opposition for the sake of expediency. We do not want further delays in this very important legislation, and we do not believe that the amendment will seriously inhibit the intentions of the government in relation to reaching rapid agreement with the states to ensure that this legislation can be effectively administered. I commend the amendment therefore to the House.

Question agreed to.

THERAPEUTIC GOODS AMENDMENT BILL (No. 1) 2002

Consideration of Senate Message

Bill returned from the Senate with amendments.

Ordered that the amendments be considered forthwith.

Senate’s amendments—

(1) Schedule 1, item 1, page 5 (after line 22), after subsection (9), insert:

Exemption etc. to be disallowable

(9A) An exemption covered by paragraph (2)(a), and a revocation or variation un-

der subsection (8) of an exemption covered by paragraph (2)(a), are disallow-
able instruments for the purposes of section 46A of the Acts Interpretation

Act 1901.

(2) Schedule 1, item 1, page 5 (lines 25 and 26), omit paragraphs (10)(a) and (b), substitute:

(a) an exemption covered by paragraph (2)(b); and

(b) a revocation or variation under subsection (8) of an exemption covered by

paragraph (2)(b);

(3) Schedule 1, item 1, page 5 (lines 34 and 35), omit paragraphs (11)(a) and (b), substitute:

(a) an exemption covered by paragraph (2)(b); and

(b) a revocation or variation under subsection (8) of an exemption covered by

paragraph (2)(b);

Ms WORTH (Adelaide—Parliamentary Secretary to the Minister for Health and Ageing) (7.18 p.m.)—I move:

That the amendments be agreed to.

It should be noted that the government does not consider these amendments to be necessary but has agreed to this change in the interests of ensuring that this important legislation can be given effect to as soon as possible. It is expected that in many instances the disallowance of a decision to exempt an unapproved medicine for stockpiling will have little effect on the action already taken to import or manufacture the medicines for stockpiling. It should also be noted that any exercise of a power to disallow should not be taken lightly. The disallowance of a decision to exempt goods would remove the minister’s power to impose conditions to continue to control exempted goods that are already in Australia. Having said all of that, I do thank the opposition for the painstaking measures that have needed to be taken as this has been negotiated and thank them also for seeing that this was dealt with in a speedy fashion. I therefore commend the amendments to the House.

Mr STEPHEN SMITH (Perth) (7.19 p.m.)—I thank the Parliamentary Secretary to the Minister for Health and Ageing for her, as ever, professional and courteous conduct in these matters. Like the government, I have some regrets about these amendments. My
view is that they do not go far enough. The effect of these amendments is to make the minister’s exemptions in relation to stockpiling, but not emergencies, disallowable instruments under the Acts Interpretation Act. Given the nature and extent of the powers in this bill, the opposition believes that all exemptions under these amendments should be disallowable. Regrettably, the government has indicated that, irrespective of what occurred in the Senate, it would not accept such an amendment in this House, and we accept that this is important legislation which does need to pass this session and see no value in succeeding in the Senate to be defeated here. On that basis, we agree to the amendments, but I again put on the record the view of the opposition: our concern at the government’s refusal to put these significant powers beyond the formal scrutiny of the parliament.

Question agreed to.

CHRISTMAS ISLAND: CONSTRUCTION OF IMMIGRATION RECEPTION AND PROCESSING CENTRE

Mr SLIPPER (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (7.21 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 proposed work be carried out without having been referred to the Parliamentary Standing Committee on Public Works: Construction of a purpose built immigration reception and processing centre on Christmas Island.

The government wishes to proceed urgently to construct a purpose-built permanent immigration reception and processing centre on Christmas Island. This would be the first such purpose-built and designed facility on an Australian territory, and its construction will send a clear message that the Australian government is standing firm on mandatory detention.

In 2001 the government excised Christmas Island from the migration zone for unauthorised arrivals and established new offshore processing arrangements for such people who do not reach mainland Australia. During late 2001, in preparation for the wet season, temporary reception facilities for unauthorised boat arrivals were established on Christmas Island on a site on Phosphate Hill. Prior to the availability of these facilities, unauthorised arrivals had been accommodated in the island’s sports hall and in tents erected nearby. This accommodation was really only suitable for very short-term detention.

On 12 March this year the government announced the construction of the first purpose designed and built immigration reception and processing centre to be constructed on Christmas Island, together with the construction of essential associated infrastructure. The existing temporary reception facility at Phosphate Hill is inadequate in size, amenity and security for the detention of unauthorised boat arrivals on an ongoing basis. The planned development of permanent facilities is necessary to provide appropriate facilities for the humane detention of unauthorised boat arrivals and to support the mandatory detention and border protection policies of the government, including new offshore processing arrangements for unauthorised boat arrivals. The construction of the facility is being fast-tracked to ensure substantial completion and usability prior to the onset of the next wet season, with the full facility being completed in the last few months of this year. In response to the urgency of the situation, the government proposes that the project proceed without referral to the Public Works Committee.

The new permanent facility will provide infrastructure to support the provision of a full range of detention services consistent with immigration detention standards. These include the provision of appropriate education and health services. The proposed infrastructure works include construction of a 1,200-place purpose designed and built immigration detention facility on mining lease 138, which is located in the north-west of the island—the site is fully encircled by the national park but does not form part of the park; connection of the facility to infrastructure services such as electricity, water and communications; a temporary construction camp to house the necessary construction workers; construction of single- and/or multi-occupant dwellings for up to 300 peo-
ple—these will be interspersed with existing housing on the island where possible but will also involve one or two sites which will require subdivision and infrastructure servicing; and construction of a second seaport and connecting roads to provide year-round port services, including during the swell season. This will ensure continuity of food and other essential supplies for the effective operation of the immigration reception and processing centre without adversely impacting on the island community.

The likely cost of the project has yet to be determined. Since the new detention facility will be the first such facility, there is no precedent upon which cost estimates can be accurately established. The design of the facility will impact on the staffing level required to operate it and the consequent requirement for associated support infrastructure, particularly housing, which will impact on costings.

The Department of Immigration and Multicultural and Indigenous Affairs has undertaken consultation with a broad cross-section of the Christmas Island community and a range of Commonwealth agencies. I am very pleased to advise the House that the island community is very supportive of the intentions of the government to build this facility. I commend the motion to the House.

Mr SNOWDON (Lingiari) (7.26 p.m.)—I move:

That all words after ‘1969’ be omitted with a view to substituting the following words:

“the following work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Construction of a purpose built immigration reception and processing centre on Christmas Island”.

I am most concerned about the process that the government has undertaken to this point. I am alarmed, from what I have just heard, about the lack of planning and foresight from the department and the government. It is very clear that this has been policy making on the run. As admitted by the parliamentary secretary, no work has been done on the design, no cost estimates have been done and the scope of the work is unclear. The design and engineering has not been done or finalised—if it has, we would like to know who undertook it, what design work has been done and with whom you consulted. What input has the Christmas Island community had into the design? It is all very well to talk about consultation. I know what consultation has taken place, and it has not been very good. I am advised by the community that they are very concerned about the lack of information about this facility.

It is worth pointing out that this facility will be built on mining lease land. It is some 10 kilometres away from the nearest services. I do not know what the government have done about the cost of providing that infrastructure or exactly what infrastructure will be provided, but it is very clear to me that they have no idea. I am alarmed that they should be saying to this parliament that the Public Works Committee should not be given the opportunity to look at this project. It is clear that the Public Works Committee would be able to look at this project in a timely fashion and meet the deadlines of the government. That is not at risk. What we know now, though, is that the committee have nothing to look at because the government have not done the work.

It is also clear that they have not finalised the arrangements with other land users. What is happening here is that they have actually appropriated mining lease land and are in discussions with the mining company about how they might accommodate the mining company’s interests in other sites. There has been no coherent discussion with the wider community about the impact of this proposal on those sorts of issues or about the public amenity that might result from transferring land that is currently in the control of the Crown to other people. There has been no analysis of the impact of this proposal on the land use planning on the island community. That is very clear—there has been none. I am concerned about that. I will say, though, that we are not opposed to the project. I think that the project is essentially a good idea. However, it is important that we all understand where we are coming from here and that we understand that the government has done very little to address my legitimate concerns and those of the people of Christmas Island.
We know that around 70 per cent of this island community is national park. We do not know what the implications of the building of this proposed centre will be for the environment and the national park. We know that there is a question about the Abbott’s booby. While you may be building on a mining lease, I am uncertain what the impact might be on the Abbott’s booby. I am advised that a shire councillor informed the minister during his visit on 12 March that, in October 2001, the North West Point area of Christmas Island was investigated by locals as a potential site for a refugee reception centre. The minister was then advised that it was not believed that it was a suitable site primarily because of questions relating to environmental impact. Further, the road from the main settled area of the island to the proposed site traverses a main route for the red crab migration. I do not know what work is being done in relation to that. Increased traffic on the road would cause a huge increase in red crab fatalities. The environment question is extremely important and it is very unclear what the government proposes to do in terms of that issue.

There is no suggestion from the government that they are proposing to do a social or cultural impact assessment. It is very important that we understand what is happening here. We are talking about a camp of potentially 1,200 clients with 300 or 400 staff. The current population of the Christmas Island community is around 1,200 to 1,500. We will effectively have a doubling of the population. There has been no assessment of the impacts that that will have on the community. It is very important that this parliament be given the responsibility to oversee this development and monitor its performance. There needs to be total transparency and accountability.

There has been no assessment of the impact of the proposal on the local shire in respect of the increase in population. These impacts range from increased road maintenance, a doubling of waste and sewage sludge, diminished life of landfill sites and the need for extra staff and equipment to service the detention centre. We are also unclear what the impact will be on the current emergency services. The fire brigade, St John’s Ambulance and the SES are only tasked with operating within the current town sites. They have no authority or suitable equipment to respond to or operate as far away as North West Point, which is where this site will be. Does the Commonwealth intend to review the emergency services operating on the island and fund the necessary equipment?

I understand that we need to close this debate, but I am very frustrated by the way in which the government has dealt with this issue. Whilst the minister responsible for territories has blaggard us for having the temerity to ask legitimate questions about this facility, I want the minister and the government to understand that we are not opposed to it. However, we want appropriate measures to be taken to ensure that the legitimate concerns of the people on Christmas Island and the question of jobs are properly dealt with. There is no jobs plan associated with this. There is no assessment of the economic outcomes on the island or of the jobs that will be going specifically to the island community. There is no question that there ought to be a process by which those people employed at the site undertake a cultural awareness program so that they properly understand their role in the island community and the relationship they should have with the community, which is largely Chinese and Malay.

I will conclude my remarks at that point. I am sure that the minister understands my frustration and I hope that he will address the questions that I have asked.

The SPEAKER—Is the amendment seconded?

Mr Kerr—I second the amendment.

Mr SLIPPER (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (7.34 p.m.)—Given the lateness of the hour, I will be quite brief. There was a little inconsistency on the part of the honourable member for Lingiari. The government thanks him for his support of the construction of this centre. He mentioned that it ought to be referred to the Public Works Committee and he has moved an
amendment to that effect. He will not be surprised to know that the government rejects that amendment. We consider this to be an urgent matter. It is important to construct the facility prior to the onset of the wet season.

The member for Lingiari also referred to consultation and queried the level of consultation which the government has undertaken with the local community. He admitted that the minister has been to the island, but consultation has also been undertaken with a broad cross-section. I am very pleased to reassure him that there has been a very substantial level of consultation with a broad cross-section of the Christmas Island community and a range of Commonwealth agencies. The Christmas Island bodies which have been consulted include the Christmas Island Shire Council, the Christmas Island Workers Union, the Christmas Island Chamber of Commerce, the Christmas Island Tourism Association, Phosphate Resources Ltd and Christmas Island residents at public meetings.

I pointed out in my initial speech that the island community is very supportive of this decision, which will be of substantial economic benefit to Christmas Island. We oppose the opposition amendment and we commend the motion that I originally moved to the chamber.

The SPEAKER—The question is that the words proposed to be omitted stand as part of the question.

Question agreed to.

Original question agreed to.

COMMITTEES

Education and Training Committee

Membership

The SPEAKER (7.37 p.m.)—I have received advice from the Chief Opposition Whip nominating a member to be a supplementary member of the Standing Committee on Education and Training for the purpose of the committee’s inquiry into boys’ education.

Question agreed to.

National Crime Authority Committee

Membership

The SPEAKER (7.37 p.m.)—I have received a message from the Senate acquainting the House that Senator George Campbell has been discharged from the Parliamentary Joint Committee on the National Crime Authority and that Senator Hutchins has been appointed a member of the committee.

BILLS RETURNED FROM THE SENATE

The following bills were returned from the Senate without amendment or request:

- Ministers of State Amendment Bill 2002
- Criminal Code Amendment (Anti-hoax and Other Measures) Bill 2002
- Taxation Laws Amendment (Superannuation) Bill (No. 1) 2002
- Income Tax (Superannuation Payments Withholding Tax) Bill 2002
- Therapeutic Goods Amendment (Medical Devices) Bill 2002
- Therapeutic Goods (Charges) Amendment Bill 2002
- Veterans’ Entitlements Amendment (Gold Card Extension) Bill 2002
- Veterans’ Affairs Legislation Amendment (Further Budget 2000 and Other Measures) Bill 2002

STATES GRANTS (PRIMARY AND SECONDARY EDUCATION ASSISTANCE) AMENDMENT BILL 2002

Consideration of Senate Message

Message received from the Senate returning the States Grants (Primary and Secondary Education Assistance) Amendment Bill 2002 and acquainting the House that the Senate does not insist on its amendments Nos 1 to 9 disagreed to by the House.
Mr SLIPPER (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (7.38 p.m.)—I move:
That the House do now adjourn.

Privilege: Senator Heffernan

Mr BRERETON (Kingsford-Smith) (7.38 p.m.)—What a week it has been. Only on Tuesday a week ago the Prime Minister’s parliamentary secretary launched his attack on Justice Kirby. As is so often the case, the Prime Minister protests that he knew nothing. I do not propose to work over the details of this episode. Rather, I would like to put it in a historical context—after all, this is familiar territory to the Prime Minister. He first observed the use of dodgy documents and zealotry when Andrew Hay manufactured Phillip Lynch’s attack on Rex Connor during the so-called loans affair in 1975. Then newly elected to this parliament, our current Prime Minister noted the damage. He also took note when the Liberal Party arranged for Danny Sankey to pursue Gough Whitlam, Jim Cairns and Rex Connor in private life for things they may or may not have done in public office. He watched those former ministers stew, as they had to mortgage their homes to pay their legal bills and before Malcolm Fraser put a stop to it. Our current Prime Minister was a conscientious objector to Malcolm Fraser’s halt order.

The Prime Minister also took note when the Liberal Party operatives pursued another High Court judge, Lionel Murphy, principally because they objected to his social philosophy and his Labor credentials. They pursued him into bad health and ultimately the grave. The Prime Minister took note when another Liberal Party zealot, Gary Sturgess, made it his personal crusade, with the help of Nick Greiner, to label Neville Wran corrupt, helping Greiner set up ICAC to get Wran, only to find—a bit like the Wiley Coyote chasing the Roadrunner—that it got him instead.

The Prime Minister was all so neutral and unresponsive when as opposition leader he sooled his then parliamentary hit man, the member for O’Connor, on to Paul Keating when he was Treasurer, raising personal issues in Keating’s life from documents purloined from the New South Wales Supreme Court Registry. Despite Keating’s requests of John Howard to desist from what was a vicious personal campaign, the Prime Minister supported the member for O’Connor in his actions. He supported and encouraged another very close friend and confidant, Senator Michael Baume, in raising smears and innuendos each day in the Senate against the former Prime Minister—innuendos that came to nothing.

As the Prime Minister supported and encouraged Senator Heffernan and Tony Staley in their black propaganda campaign against Paul Keating, he supported the elusive John Seyffer, working from this very building under the Prime Minister’s nose in Senator Heffernan’s office. He did so on a salary financed through a prominent Melbourne businessman, an arrangement that skirted the Electoral Act. The Prime Minister was not at all affronted when the ABC’s Four Corners program caught Senator Heffernan and Mr Staley attending a meeting at a Sydney cafe, designed to keep the attendees quiet about Seyffer’s dirt digging activities. It is for the Prime Minister par for the course that his Parliamentary Secretary to Cabinet should be trawling the political depths, provided of course he is doing something useful, trying to pull something together on the Prime Minister’s predecessor in office.

Could this House imagine Bob Menzies doing this to Ben Chifley, using a ‘yoo-hoo’ man as an operative, having a party president out there raising money for a covert political assault against an opponent? And now Justice Kirby: same hit man, Senator Heffernan. Justice Kirby’s sin? He has many: his social philosophy, his homosexuality, his Labor appointment. Senator Heffernan was stalking him for a long time—damn the High Court or any convention about the independence of the judiciary! The aim was to hound this Labor appointed judge from office. When it all unravelled, our Prime Minister said he had no hand in it, just as he did not know about Baume, Staley, Seyffer or Heffernan’s earlier exploits. The Prime Minister sees no evil and hears no evil—he does not need to, because he knows in his own neutral, commenting
way that evil is being done, and he is happy to let it happen.

Imports: Banana Industry

Mr KATTER (Kennedy) (7.43 p.m.)—I rise once again in this place, as I will continuously, to express my very grave fears concerning the Australian banana industry. If the Philippines application is to succeed then the whole of Australia will be held in the gravest of jeopardy of introduced diseases from that country. Recently, spiders have been found in fruit and vegetable boxes going overseas, both to New Zealand and Australia. Clearly, if spiders can be found then bacteria can most certainly abound and survive getting into Australia and into our native flora as well as our commercial crops.

We are quite happy to fight this on the basis of black sigatoka, moko and a number of other diseases which are rife and endemic in the Philippine islands and that we do not have here in Australia. But nothing happens in a vacuum. Some 9,500 employees will go in this industry, directly and indirectly, and probably a further 1,500 to 2,500 employees will go in the pineapple industry, because there would be little hope of it surviving—as once the bananas come in from the Philippines they will bring in pineapples.

It must also be noted that the reason we cannot compete against these countries is that they pay their workers nothing. They have no responsibility to deliver industrial awards to their employees. In fact the profits from their labours, from all these bananas in Australia, will go to companies like Del Monte, Holt and Co. and Chiquita in the United States. They will be the beneficiaries of the broken backs and the destruction of this industry and the destruction of those tens of thousands of workers in that industry.

To a very significant degree the tourism industry in North Queensland is a by-product of the banana industry. Places like Mission Beach are alive, well and vibrant with youth because these people know that they can do a bit of banana picking and have a couple of weeks holidaying, a week or so more of banana picking and then another couple of weeks holidaying. They add a vibrancy, a personality and a partying regime which makes these places very attractive indeed.

We wait in desperate fear of what may be done by this government and its agencies. The sugar industry has been, for the last four years except for one year, making well below cost of production. On top of that, we have had numerous problems—historically low production levels, historically low CCS levels and historically low prices. There is nothing on the horizon that would indicate anything but, if anything, a lowering of the price of sugar over the next two years—and there is no way that this industry can hold out that long.

We are up against subsidies in Europe, the dominant world market, of between 114 and 509 per cent. To those people who come into this place and talk about free trade, how in heaven's name can you seriously talk about free trade when these people are enjoying a 220 per cent support level from the government in Europe? These people determine what is the world price of sugar. So don't preach to us about free trade; preach to them.

Ethanol will clean up the environment in this country. This week we saw the United States Senate, in a very enlightened move, move to put as much ethanol in their petrol tanks as we put petrol in our petrol tanks in Australia. It will be phased in over a period of ten years because these things obviously cannot happen over night. The precondition that we need for this industry to come on stream is an agreement on cost of production. We cannot regear our whole grains or sugar industries without some confidence that we have a cost of production figure. This will not raise the price of petrol. In fact, it will probably lower the price of petrol.

There must be some agreement about the break-up between millers and farmers so that there is a proper division between the millers, in the case of the grain industry, the corporations running the plants and the farmers. It is silly to do this unless you are going to introduce a statutory requirement of a 15 per cent blend. That is the way the Americans are doing it, and that is the way all the countries that I know of—France and Germany—are doing it as well. And we need an
environmental rebate desperately to keep foreign sugar out. *(Time expired)*

**Environment: Rainfall**

Mr FORREST *(Mallee)* *(7.48 p.m.)*—I would like to put on the record my concerns about the prospects for our nation in respect of rainfall. I spoke on this matter in the early part of last week. I wanted an opportunity to highlight how serious this issue is becoming. The climate scientists will argue that Australia’s rainfall average is increasing. The record can clearly show that so I will not contest it. I am concerned about how it has changed. The aggregate for the nation may be increasing—or there is no trend to show it is decreasing—but it has changed for distinctly different parts of the continent of Australia.

I am very interested, therefore, in what can be done to turn that around. I have been watching the international work conducted by Professor Daniel Rosenfeld, from the Institute of Earth Sciences at the Hebrew University in Jerusalem. He has been watching pollution plumes from Australian pollution centres like our great cities and, using satellite imagery, he is able to measure the direction of these plumes. More than that, he is able to measure the capacity of the ensuing rain clouds, which have moisture in them, and the impact that the airborne pollution has on the cloud in limiting rainfall.

I am disturbed to find that those plumes drift across the southern part of our continent from Adelaide right across to the Snowy Mountains, which happens to be where our major storage is for water supply to many thousands of communities. I mentioned last week just what a seriously depleted situation we have in some of our major storages. It disturbs me that our own venerated CSIRO are not attributing significant scientific merit to Professor Rosenfeld’s work. I have been very proud of the work of the CSIRO here in Australia, and years ago we led the charge in the scientific research associated with cloud seeding and trying to impact our rainfall patterns. So I am disturbed that Professor Rosenfeld’s work is not regarded as having scientific merit which is worthy of some research commitment here in Australia. If we do not get smart about looking at other expert evidence and application then the crisis that is already upon us will become so severe that it could well be too late.

It is time to catch up. Water restrictions are already in place over significant parts of the southern continent and I think Professor Rosenfeld’s work is worthy of some considered research and support. His work is already endorsed by the US National Aeronautic and Space Administration, NASA, who have been measuring the microphysical structure of clouds using his satellite technology and expertise.

Pollution tracks are clearly visible, and Professor Rosenfeld’s work has been used in a number of places around the world. By way of example, cloud seeding has been practised in parts of Texas, which has used this technology almost continuously over the last 25 years with great success. One particular district in Western Texas, the Colorado River Municipal Water District, has used cloud seeding to augment run-off into its storages virtually every summer since 1971, with great success.

The same technology has been used identically to seed rain clouds in Thailand. Forty-six experimental units have been obtained through the spring and through various parts of the seasonal drift. This project is known as the applied atmospheric research program. The science is more to do with how the cloud is seeded—whether it is seeded from above the cloud or from the CSIRO’s traditional technique of flying silver iodine through the cloud. Professor Rosenfeld has shown there is a better way to do that, either from the ground—at mountain level—or above the cloud. I think it is worthy of consideration, and I bring it to the attention to the parliament. I call upon the CSIRO to take a serious look at Professor Rosenfeld’s work. *(Time expired)*

**Zimbabwe: Election**

Mr RUDD *(Griffith)* *(7.53 p.m.)*—It is sad when government ministers seek to politicise Australia’s bipartisan missions abroad. Regrettably this occurred with statements by the Minister for Foreign Affairs, Alexander Downer, in the context of my participation in the recent Commonwealth observer mission to Zimbabwe. I spoke to Mr Downer in per-
son before going to Zimbabwe on 2 March, and he welcomed my participation in the observer group. However, on 4 March, when I was in midair over the Indian Ocean, he released a statement attacking me as ‘an expedient hypocrite’ for being an advocate of targeted sanctions and for imposing myself over other parliamentary colleagues to be a member of the observer group because of my ‘passion for international travel’. How the minister could regard observing the Zimbabwe elections for two weeks in what was an exceptionally violent campaign as reflecting a ‘passion for international travel’ defies my imagination. More disturbingly, however, this attack by Mr Downer was taken up extensively by the pro-Mugabe media in Zimbabwe on 5 March, which was problematic because the part of the country I had been assigned to was a predominantly ZANU-PF area—that is, a Mugabe area—potentially compromising my work on the ground.

Mr Downer’s further partisan intervention in this matter was an extraordinary letter in which he complained, firstly, about the unacceptability of any media commentary by me while in Zimbabwe, despite the fact that both his Liberal parliamentary colleagues on the observer group—Senator Ferguson and Julie Bishop, the member for Curtin—had done exactly the same; and, secondly, about the unacceptability of my leaving Zimbabwe before the conclusion of the observer group report, despite the fact that both of his colleagues subsequently did so.

Following the publication of an article in the Bulletin yesterday on these matters, Senator Ferguson made an extraordinary statement to the Senate. Senator Ferguson said that as a matter of principle shadow ministers should not participate in observer missions—a curious observation because Minister Downer enthusiastically supported my nomination to the Commonwealth secretariat. Senator Ferguson criticised me for extending my time in Harare on three occasions to meet the extending timetable for the drafting of the Commonwealth Observer Group report—again, a curious criticism because that is what Minister Downer had asked me to do.

Senator Ferguson criticised me for writing to Minister Downer about the content of the final observers report on 15 March, outlining those recommendations that I had drafted and argued successfully for their inclusion in the final report. As the sole remaining Australian political representative at that time, I thought it was responsible to do so, as well as to ensure that the minister—and, through him, the Prime Minister—had an early copy of that report prior to the Prime Minister’s travel to London. Senator Ferguson stated that the draft report which he had participated in was virtually the same as the final report. That is not so, particularly in terms of the text of the report’s recommendations. Senator Ferguson and the member for Curtin had made excellent contributions to the work of various of the six drafting groups working on separate chapters of the report on 14 March. On 15 March, these draft chapters were then considered and amended, paragraph by paragraph, in plenary session for final approval.

For reasons beyond their control, Senator Ferguson and the member for Curtin had to leave at noon on 15 March, 11 hours before the conclusion of the final negotiation session. This is a matter of fact for which they are in no way culpable, nor have I said that they were culpable and nor have I thought that they were culpable, notwithstanding Minister Downer’s injunctions to me of 4 March to stay on to the bitter end.

Finally, Senator Ferguson and the member for Curtin have described my contribution to the Commonwealth Observer Group report and subsequent correspondence with the minister as egotistical and an exercise in shameless self-promotion. I am sorry they feel that way. I do not have the same view of them. They, like I, worked hard in the field to observe the violence of the electoral process. They, like I, reported extensively to the Australian media on what we saw. They, like I, made significant contributions to the drafting process. I have a high regard for both of them. I have considerably less regard for the minister, Mr Downer, who during the course of the last fortnight has sought to trivialise our engagement with Zimbabwe’s recent democratic elections with partisan
and—dare I say it—juvenile engagement in this matter. Zimbabwe is an important international policy issue that requires mature engagement by both sides of politics. That has not been reflected by Minister Downer’s statements on this matter, and I believe he has debased our standing on it as a consequence.

**Corangamite Electorate: Federation Grant**

Mr McARTHUR (Corangamite) (7.58 p.m.)—The adjournment debate gives me an opportunity to bring to the House’s attention a very important event in the Otways, in the heartland of the electorate of Corangamite. It was the opening of the old Beechy rail trail cycling-walking track that goes along the former railway line from Beech Forest to Colac. This arose from a Federation grant of some $30,000 that was given to the local committee to establish this walking track on this famous railway. That grant was a seeding fund. From that has emerged a grant from the Victorian government of $200,000, which I acknowledge. This grant will ensure that this particular cycling-walking track will become a very important aspect of the tourist trails in the Otways.

Beech Forest is a town in the heartland of the Otways, and its origins go back to the early part of the century. The Beechy line, as it is well known, is a rail track that was established in 1902. It became the lifeline to Colac from those quite isolated parts of the Otway Ranges. The railway line managed to be a form of transport for timber, potatoes and other agricultural produce that were harvested in those times. It was a two foot six inch narrow gauge. The construction of this was a rare engineering feat because of the difficult terrain. The rivers and streams made it necessary to have bridges and culverts. The railway line is a unique historical item. Sadly, it came to an end in 1962 because of the introduction of motor cars and the rail track was not up to modern standards.

The Beechy line took in Weeaproinah, which is well known to all Victorians because that area receives 70 inches of rain. Television viewers know that this place in the middle of Otways, where the rainfall is very heavy, is a very important part of the Geelong water supply. The Beech Forest community in those early days was one of schoolchildren and teachers, timber workers and farmers. They developed a certain esprit de corps, which carried on to the modern day. We talked about the RFA in this parliament today, and that timber industry continues to flourish in the Otways, although somewhat reduced.

The community committee led by Mr Neil Longmire developed this proposal after years of work with local committee people and interested persons. They established how the original track looked and the way in which the new cycling-walking track should be established. I acknowledge the spirit of the Otways on this occasion because it is rare when a community still sticks together. The tourist icons are the Cape Otway lighthouse and the Great Ocean Road, which is regarded as one of the top four tourist attractions in Australia. It goes from Geelong to Warrnambool and Beech Forest is part of that, although not on the direct route.

In Beech Forest there is a compatibility between the tourist industry, the forest industry and the local people. The opening on Saturday, 9 March, drew together 1,000 people who celebrated Beech Forest and celebrated that rich tradition of history and community spirit, which is quite often lacking in rural Australia because of declines in population. I pay tribute to the big turnout. A big number of people are interested in the new walking track. I hope it goes from strength to strength and becomes very much part of the Otways tourist attractions in the coming years.

**Roads: Western Sydney Orbital Residential Development: Western Sydney**

Mr MOSSFIELD (Greenway) (8.03 p.m.)—I have risen in this House on numerous occasions to speak about the wonderful area in which I live and represent: Greater Western Sydney. This region contains 1.6 million people and over 60,000 businesses and has a GDP of over $35 billion, which makes it one of Asia-Pacific’s premier centres for economic development, global trade and capital investment.
My region has a skilled work force where one-third of its population speak a second language and two-thirds have secondary qualifications. The region is the home of many of Australia’s largest companies, including AGC, MMI, Sharp, IBM, Tandy and James Hardie. Western Sydney has seen massive residential development over the past 10 years, with double storey housing estates spreading out from the main regional centres of Penrith, Campbelltown and, of course, Blacktown in my electorate. Many of these estates—but unfortunately not all—have utilised the latest design in crime minimisation, such as no rear lanes and fences backing onto reserves and parks and every house, hopefully, within 400 metres of a bus stop.

This is not alway the case. While many young families are making a lifestyle decision to move into these new estates, they are finding in many cases the promised infrastructure needs do not go beyond the front door or the next street. It was interesting to note that, in my recent election campaign, I received just as many queries about local road construction, such as the old Windsor Road upgrade, road access to residential areas and the rail system, as I did about the GST and asylum seekers. Many new residents in Rouse Hill and Kellyville all complain that their roads are substandard, their public transport is inadequate, and their schools, shops and child care are all in short supply. Industrial development has been stifled due to inadequate cross-regional road links between employment zones and residential centres.

The much needed Western Sydney Orbital has been on the backburner for the whole period of the Howard government. The federal government has failed to fully fund the construction of this section of the national highway. The whole project has now been handed over to the state government, then in turn to the private sector, which will impose a toll at considerable cost to local residents. Presently, motorists of Western Sydney who use the M2 to travel to work are charged $3.30 each way or a total of $33.00 for a full week. If you add this to the new Western Sydney Orbital toll of $5-plus, or whatever the going rate is at the time, people could well be paying in excess of $80 per week to get to work. This is of course without coming to the M2 and using the bridge, the tunnel or the Eastern Distributor as well, which all attract hefty tolls. The point is that many local people who will use the orbital are battling parents who have large mortgages and who are having to cope with the higher cost of living caused by the GST. It is outrageous that the federal government will force people to pay an extra $50-plus per week for using a national highway to get to work.

On another issue, the state government announced at the end of last year the release of 17,000 hectares for residential development in Western Sydney. Western Sydney will continue to grow at a substantial rate and very soon will constitute more than half of Sydney’s total population. To avoid the chaos of the past, a holistic federal, state and local government response to the development needs of Western Sydney is necessary. Federal factors, such as economics and immigration, are what is driving the growth in Western Sydney. It is only natural that the federal government should be involved in the urban planning policies of the region. This was the point that my colleague the member for Werriwa, who is sitting at the table, made in an excellent speech to the Evatt Foundation this week. He said:

There are good reasons for federal responsibilities. Urban form and efficiency have a powerful impact on Australia’s economic growth rate ... In large part, our national prosperity relies on the effectiveness of transport, communications and settlement programs in our major cities. Economic management and urban planning are two sides of a single coin.

It is clear that we need a new approach to the issues that face us in the coming years, particularly in Western Sydney. Australia’s government structures are no longer sufficient for the challenges we face. Section 51 of the Constitution could not envisage the changes that the last 100 years have presented us with, and we need to think outside the square for solutions.

Mr BARRESI (Deakin) (8.08 p.m.)—In the brief time available, I would like to speak
about an event that took place the week before last, during the recess. It was an event that I have labelled ‘When the city meets the bush’. This event has taken place for five years now, and most members in this place would know it as the annual ‘Pollie Pedal’. I know the honourable member for Parramatta has already made a speech in this regard, but I thought it important to give my perspective on it.

It was an event to mark the Year of the Outback. A group of local councillors, friends, and state and federal pollies rode from Lightning Ridge to Albury—a total distance of around 900 kilometres. I had the good fortune to participate in about 500 kilometres of that ride. Let me tell you: it was an eye-opener for someone from the city, not only in terms of the communities that we came across but also in terms of the endurance and the hardship that we had to go through. I say ‘hardship’ simply because of the physical wear and tear on the body.

I would like to congratulate the Minister for Employment and Workplace Relations, the Hon. Tony Abbott, for his part in the ride, and I also congratulate the Hon. Jackie Kelly and Ross Cameron, who initiated this ride five years ago. This is the second time that I have participated in the ride. This year we raised around $40,000 for the Royal Flying Doctor Service in this, the Year of the Outback. That $40,000 will be put to good use to purchase six portable silicon resuscitation units as well as a critical care monitor.

It was an experience, not only from the point of view of endurance but also because of the experiences and the learning that I, as a city based member of parliament, came across. It is not too often that we have an opportunity to go out there and look at communities that have had to reinvent themselves—communities that have suffered hardship, some of it man made and some from natural causes, and that have had to really look at themselves and at what their community really stands for. Some towns are doing it well; others not so well.

We rode from Lightning Ridge through places such as Walgett, Coonamble, Gular-gambone, Gilgandra, Dubbo, Narromine, Parkes, Forbes, West Wyalong, Temora and Wagga, finishing eventually in Albury. I cannot lay claim to the entire ride, but I certainly experienced 500 kilometres of it—and loved it. Lightning Ridge, for those who have not been there, is one of those towns that you see on a map and wonder what it would be like. I finally had an opportunity to go there, and it really is a frontier town. But it is also a great example of multiculturalism and reconciliation. People from many cultures have come to that town to make their fortunes. It is a town that still operates in the 19th century in terms of some of the rustic aspects of it but which also operates with 21st century technology. ‘Councillor Bob’ certainly treated us to a great night the night before we left.

The town that really hit home for a lot of us was Gular-gambone, which is in the Deputy Prime Minister’s electorate. In fact, we spent three days riding through the Deputy Prime Minister’s electorate. Coming from my electorate, which is only 59 square kilometres, it was a bit of an experience to spend three full days in one electorate. At Gular-gambone we were welcomed by about 60 schoolchildren. It was like having the Pied Piper showing us all the way into their school as they preceded us.

We were able to look at a town which has a really ‘can-do’ mentality. People such as Dominic, as well as those who have had to look at that town and where it is going over the years, have created a model for towns which have had to reinvent themselves. It is a town which, through the provision of a rural transaction centre, is now starting to pick itself up and become a vibrant town.

One of the other interesting aspects of that ride that struck me is the generosity of spirit in some of these small communities. I am talking about small communities versus some of the larger ones, and the contrast between towns such as Dubbo and towns such as Narromine and Gular-gambone could not have been greater in terms of the generosity—not only of the people but also of their hip pockets—towards the Royal Flying Doctor Service. (Time expired)

House adjourned at 8.13 p.m. until Tuesday, 14 May at 2 p.m. in accordance with the resolution agreed to this day.
NOTICES

The following notice was given:

Mr Rudd to move:

That this House:

(1) notes the Government’s plan based on the recommendations of the Private Health Industry Medical Devices Expert Committee to remove speech processors from Appendix A, Schedule 5 of the National Health Act 1953, meaning the withdrawal of private health funding for upgrades and replacements for cochlear implants (bionic ears); and

(2) calls on the Government to find a way that the profoundly deaf, especially children, can continue to secure upgrades and replacements for their cochlear implants by requiring private health funds to continue to cover the cost of the prosthesis.
The DEPUTY SPEAKER (Hon. I.R. Causley) took the chair at 10.00 a.m.

HOUSE OF REPRESENTATIVES: DOCUMENTARY

The DEPUTY SPEAKER (Hon. I.R. Causley)—I remind members that the Department of the House of Representatives is producing a four-episode documentary on the history and development of the House of Representatives. Part of the documentary is considering recent developments in the House, including the establishment and operation of the Main Committee. Special permission has been granted for filming to be undertaken in the Main Committee for use in this documentary. The filming is being carried out by parliamentary broadcasting staff.

Mr Neville—Mr Deputy Speaker, I seek your indulgence. I understand the dynamic of cancelling the three-minute statements when other business of the House intrudes into this chamber but I wonder on occasions like today when there were exceptional circumstances whether the three-minute statements should not be restored—not at this stage, because it is too late now for members to attend the chamber. But I ask, as a matter of principle, whether an event that occurs which is out of the ordinary should cancel the three-minute statements.

The DEPUTY SPEAKER—I will seek advice, but my initial opinion would be that the standing orders would have to be amended to allow that. I will get advice and report back.

CHRISTIE, MR WILLIAM

The DEPUTY SPEAKER (10.01 a.m.)—I would like to pay recognition to Mr William Christie. He was born in Scotland but has been working in this parliament for some time. He joined the Parliamentary Service on 16 August 1982 as an Attendant Grade I. In 1987 he transferred to a Parliamentary Security Officer Grade I position, where he acted in supervisory positions. On 31 March 1988, Mr Christie returned to messengerial duties. Mr Christie has been a valuable member of the attendant team. He possesses a great deal of experience. He has been keen to assist junior members and has been used as a role model trainer in the second chamber. I am sure all members would like to wish him well in his retirement.

Mr McCLELLAND (Barton) (10.02 a.m.)—On behalf of the opposition, I would like to express our appreciation of the tremendous service that Mr Christie has provided to the parliament and certainly to members. He is indeed a role model in terms of assistance, courtesy and support, not only in the Main Committee but also in his general duties. We wish him the very best in his retirement.

Mr NEVILLE (Hinkler) (10.02 a.m.)—The government joins with the opposition in wishing Mr Christie well.

MARRIAGE AMENDMENT BILL 2002

Second Reading

Debate resumed from 14 February, on motion by Mr Albanese:

That this bill be now read a second time.

Mr McCLELLAND (Barton) (10.03 a.m.)—The Marriage Amendment Bill 2002 relates to the substantial modification of the civil marriage celebrants program and it is supported by the opposition. We recognise that the government has undertaken a substantial amount of consultation with marriage celebrants and marriage celebrant organisations—as indeed has the opposition. While I anticipate that there will never be complete acceptance or agreement on the provisions among all marriage celebrants, I think from a long-term perspective that the package of amendments does have merit.
The civil marriage celebrants program was introduced in 1973 by the then Attorney-General, Lionel Murphy. Prior to the commencement of the program, couples had to choose between having their wedding in a church or in a registry office operated by states and territories. It was Lionel Murphy’s vision that those people who did not wish to be married in an orthodox religious setting should have the opportunity to be married in a dignified manner by a member of their community, as an alternative to marriage in a registry office.

In those early days, celebrants were selected on the basis of recommendations by members of parliament. That may have been of benefit to both members of parliament and perhaps communities in terms of who they selected, but I think it was conceded that that was pretty ad hoc and far too narrowly selective. That method was replaced in recent years by a policy of appointment to particular areas in response to clearly identified community need, based on data provided by the Australian Bureau of Statistics. That data is used to estimate the likely numbers of weddings conducted each year by marriage celebrants in any particular area and is compared with data supplied by celebrants themselves. The program has consistently grown since its early beginnings due to the increasing demand for services by civil celebrants and a corresponding fall in demand for religious services and registry weddings—so much so that in 2001 more than half of all marriage ceremonies within Australia were conducted by civil marriage celebrants. This is a measure of the degree to which Australians have embraced the choice which civil celebrants provide to them.

Of course, many celebrants have moved beyond their traditional area of marriage celebrancy to make themselves available to lead other significant occasions such as births, funerals and comings of age. One would generally accept that these occasions strengthen the bonds between families, friends and communities and that they are appropriate to formalise with the presence of celebrants. They are occasions on which we celebrate the higher attributes and aspirations of people among our families, our circles of friends and our communities, or simply recognise the contribution that one of our number has made during his or her lifetime. These are important occasions and, depending on the nature of the ceremony, can provide people with inspiration, renewal, hope and sometimes even a sense of closure.

I attended one such occasion in June 2002, which was the memorial service for my friend and parliamentary colleague Greg Wilton, who we all remember with fondness. That service was conducted by one of Australia’s most experienced and respected celebrants, Mr Dally Messenger—of the famous football name—and it was a fitting tribute indeed to Greg’s memory to have the service conducted in the way it was by Mr Messenger. In this way, civil celebrants have an important contribution to make to the life and indeed the health of our nation. Just as celebrants themselves have changed their practices in response to the expectations of the communities that they serve, I believe it is appropriate that the marriage celebrants program move along with the times.

The Attorney-General commenced a review of the marriage celebrants program in 1996 which considered the options and also the opinions and experiences of marriage celebrants, celebrant organisations and marrying couples who use celebrant services. A package of proposed reforms was developed and a consultation process was undertaken with marriage celebrants and other interested parties to finalise the changes to the marriage celebrants program. This is not an easy task. One who has met with marriage celebrants and marriage celebrant organisations would find that, being among community leaders, they are quite strong in their views—perhaps almost as stubborn as politicians—but the consultation process was constructive and did obtain genuine input regarding their views and the direction the appropriateness of the reforms would take. I think it is proper to acknowledge the contribution made by a former adviser to the Attorney-General, Ms Zoe McKenzie, who led consultations with celebrants on development of the reforms. Indeed, the celebrants and celebrant organisations that I met with universally commented on Ms McKenzie’s openness, considered approach and
courtesy in dealing with them. That is a credit, if I might say, to the Attorney-General and the
staff that he employed in those circumstances.

As a result of that consultative process, there were a number of positive changes made to
the proposals which the Attorney-General had initially developed. The reforms aim, basically,
to raise the professional standards in celebrancy services provided by marriage celebrants ap-
pointed under the program. This will be achieved by the introduction of appropriate training,
which will be underpinned by a set of competency standards for all aspiring celebrants. Mar-
riage celebrants will also be required to meet ongoing professional development requirements
similar to those required by other professionals.

The reforms will broaden and enhance the role of celebrants to include the provision of in-
formation on pre-marriage and other relationship services. Celebrants will not, however, be
required to assume the role of a pre-marriage counsellor themselves. The reforms will remove
the current needs based system of authorisation. This will ensure that aspiring applicants with
the appropriate skill and experience, and who meet a ‘fit and proper person’ test, as set out in
the legislation, will be able to apply to become marriage celebrants. Indeed, I understand there
are a number of people preparing to undergo training in the hope that this legislation will be
passed and they will have the opportunity of serving as a marriage celebrant.

All new appointments under the program will be based upon satisfying core competency
standards, and this will be achieved through a system of accreditation operating in vocational
education and training administered by the Australian National Training Authority. While
opportunities for training currently exist for marriage celebrants, there is no current require-
ment for celebrants to have received formal training or to receive it on an ongoing basis. The
program proposes that registered training organisations will develop the practical training
course, to be modelled on the accredited framework, and that training will be available from a
wide range of training providers. Once an aspiring celebrant completes the training course,
there will be an additional requirement to demonstrate to the Registrar of Marriage Celebrants
that the person is a fit and proper person to discharge the duties of a celebrant. The criteria
will include, but will not be limited to, that a celebrant must be of good standing in the com-

munity and whether there is an actual or potential conflict of interest between his or her pro-
posed practice as a marriage celebrant and any other business or related interest.

Existing celebrants will retain their current authorisation status and will not be required to
demonstrate that they satisfy the new core competencies. They will have to satisfy the re-
quirements of ongoing professional development. Appointments will continue to be made on
a lifetime basis, subject to satisfying the requirements of ongoing professional development
and compliance with a code of practice. All marriage celebrants will be required to complete
ongoing professional development requirements. It is envisaged that no more than five to
eight hours per year would be required for celebrants to be able to keep their skills up to date,
in the form of ongoing professional development.

There will be a transition period of five years in the implementation of the revised basis of
appointment. During this period, the number of new celebrants will be limited to a 10 per cent
increase each year, based on the total number of authorised celebrants in the previous year. So
it will be an incremental increase and will avoid, if you like, a flooding of the civil celebrants
service.

A new Registrar of Marriage Celebrants will develop a mechanism for complaint handling.
Celebrants will have a right to be advised of the complaint against them and to put whatever
material they think appropriate to the registrar before a final decision is made on any penalty
or other sanction. Sanctions may include a requirement that further professional development
be undertaken. They may also include the suspension, if necessary, of a celebrant for a given
period of time. Only as a last resort is it contemplated that an authorisation would be revoked
entirely. Decisions will be subject to review by the Administrative Appeals Tribunal. This
mechanism, we believe, will be effective, will ensure the provision of procedural fairness and natural justice, and will replace the current system of complaint handling, which has been criticised by some celebrants as lacking transparency. We believe the new model will be, overall, an extremely positive development.

All marriage celebrants will be required to satisfy a code of practice, a copy of which has been publicly available for some time. The code covers matters such as requiring a celebrant to maintain a high standard of service in professional conduct, compliance with the Marriage Act 1961 and other laws, and a range of requirements for the conduct of marriage ceremonies. All celebrants will undergo a performance review every five years. Reviews may be based on a consideration of any complaints received, compliance with the code of practice and satisfying requirements for ongoing professional development.

Despite consultation, it is fair to say that many existing celebrants have continued to express some concerns about some aspects of the package of reforms. One frequently expressed concern is that the reforms will result in a substantial increase in the number of celebrants in the market, which will put pressure on existing celebrants, particularly those persons who make a modest living from their practice. It would be disappointing if, as a result of these changes, existing celebrants with expertise, experience and the support of their communities, find themselves unable to continue practice because simply their services are not in demand. We have indicated that on behalf of the Labor Party we are prepared to monitor the operation of the changes to the program in this regard, but, as I have said, we consider that the incremental rate of increase in the registration of new celebrants will substantially protect that flooding of the market from occurring.

Celebrants have also expressed concerns about the conflict of interest provisions in the bill. They are contained in section 39C, paragraph (2)(e) of the bill, and that provides that the registrar, in determining whether to authorise a person as a celebrant, must take into account whether the person has an actual or potential conflict of interest between his or her practice or proposed practice as a marriage celebrant and his or her business interests or any other interests.

The Attorney-General has provided me with a copy of a letter from the Assistant Secretary of the Family Law Branch of the Attorney-General’s Department to celebrant organisations, setting out the way in which the conflict of interest provisions are intended to operate. The letter states:

While there appears to be some difference of opinion being asserted about the intent and interpretation of the provisions, we believe that the provisions do indeed work and will prevent precisely the sort of behaviour that appears to be causing unrest.

The provisions will prevent a person having a conflict of interest between his/her interests as a celebrant and his/her business and other interests. The ‘other interests’ will clearly cover, for example, employment related interests.

For instance, the example which is frequently discussed is a restriction on the proprietor of a wedding reception venue also being licensed as a civil celebrant for the purpose of attracting business to that marriage reception venue. We, on the whole, consider that protection against conflict of interest to be appropriate.

The letter goes on to point out that these conflicts of interest provisions are standard provisions, replicated in a number of pieces of Commonwealth legislation and that a similar provision is being enforced to determine an applicant’s suitability for appointment as a celebrant for many years. Ultimately, however, it will be the responsibility of the Registrar of Marriage Celebrants to apply that test in a proper fashion. I trust that it will be applied in a way which is consistent with the approach outlined by the department, but we have no reason to believe that it will not be.
One day it may be possible for celebrants themselves to assume greater responsibility for the administration of civil marriage celebrants programs. I think it is fair to say—and I have said this to civil celebrant organisations that I have met—that will only be possible if there is greater cooperation between existing organisations which represent celebrants. Celebrant organisations, such as the Australian Federation of Civil Celebrants, have for some years been working towards lifting standards of professionalism in celebrancy. However, the existing body of celebrants is currently not sufficiently cohesive to assume a coregulatory role. In the meantime, it is appropriate that administration of the program be the responsibility of the Registrar of Marriage Celebrants within the Attorney-General’s Department. As I have said, however, the future destiny of that issue of self-regulation, which I think all would concede would be desirable, to a large part depends on the celebrants themselves and their organisations achieving that necessary cohesiveness, at least in terms of their adherence to basic principles.

The bill makes a number of other amendments to the Marriage Act. These deal mainly with matters involving changes to the notice of intention to marry under the act, and to make processes in relation to the form more flexible without interfering with the overall integrity of the notice. In particular, appropriately qualified overseas professionals will be able to witness the notice. Currently, only certain Australian qualified professionals, or an Australian consular official, are able to witness the notice. That process has had a negative impact on overseas persons wishing to marry in Australia.

The bill provides for guidelines to be developed to assist prescribed authorities charged with permitting the shortening of time between when a notice of intention to marry must be lodged and when a couple can marry. It also provides for overseas passports to be an acceptable form of identification for couples as well as birth certificates. It also removes redundant provisions in the act relating to marriages performed overseas by Australian consular officials.

The changes both to the civil celebrants program and to the Marriage Act itself will enhance the professionalism of civil celebrancy in Australia. We believe they complement the moves that already are taking place within the celebrant organisations to enhance the quality of service which celebrants offer to the community. The changes will also benefit those Australians who, in recent years, have sought to be appointed as civil celebrants but who have been unable to secure an appointment due to the idiosyncrasies of the current system of appointment. Most importantly, the changes will benefit those Australians who choose to be married by a civil celebrant as they will contribute to the further raising of this standard of the civil celebrancy service in Australia.

Mr MURPHY (Lowe) (10.22 a.m.)—Whilst giving support to the provisions of the bill amending the Marriage Act, I wish to bring to this House’s attention the general manner in which the so-called family law and marriage law as drafted in the Australian jurisdiction affects the sanctity of marriage and undermines marriage. One of the key purposes of the legislation is to introduce a revised basis of appointment of new marriage celebrants based upon satisfaction of what are called core competencies, primarily by attendance at what are called ‘appropriate training courses, coupled with what is called a ‘fit and proper person’ test. It is worth examining what these three components entail. The three components are: firstly, core competencies; secondly, appropriate training; and thirdly, a fit and proper person test. Who is to be the arbiter of what constitutes core training? What constitutes appropriate training? What standard is applied to be deemed to be a ‘fit and proper person’?

I note that Lionel Murphy introduced the civil marriage celebrants program in 1974. Since that time, divorces have continued to skyrocket in Australia. The Family Court’s statistics show that for every two marriages, one will end up in divorce. More people today seek to deny marriage altogether and simply live together or have children outside of marriage. Still more are electing to simply have no children at all or engage in any relationship. In the last 30
years, the family law in Australia appears predicated on eliminating assumptions about what marriage is and how it is applied.

So what is marriage? Depending on one’s beliefs, marriage has been variously described as a contract, an agreement, a legally binding instrument or some other reductionist terminology. This raises a number of questions as to what is the policy rationale behind such legislation. The Attorney-General, dogged by pressure from prospective marriage celebrants, has bowed to such pressure whilst fundamentally ignoring the fact that marriage is not merely a contract or legal instrument. What has been forgotten, due to liberal ideology splashed with a pervasive dose of empiricism, is that marriage is more than a contract, more than a mere legal instrument.

The Family Court of Australia is busy giving judicial recognition to private law rites such as other non-baptised rites of marriage. The courts are quick to recognise that marriage is a conjugal vow, based on spiritual indissolubility, when it concerns private law such as those rites expressed in Islam or Hinduism. However, in secular law the government seems pressed along inexorable trends towards the destruction of marriage. The last 30 years have exposed the worst excesses of matrimonial breakdown in our history as a nation. Divorce rates are at sky-high levels: nearly 50 per cent of all registered marriages. So, too, child support applications continue to rise out of control, along with the contravention of child support orders. The begging question is: how could so many people have chosen the wrong partner in the first place? It is not so much a case of choosing the wrong partner, as of embedding a belief in people’s minds, through our laws, that, ‘Marriage is disposable; if you don’t like this marriage, you are free to leave and try another,’ or ‘Marriage is a trial which you can toss in like a hand of cards if doesn’t work out.’

The point I am making addresses the purpose of the Marriage Amendment Bill 2002 in its attempt to prescribe core competencies in the training of marriage celebrants. I am unfamiliar with what these core competencies will be. However, the familiar and traditional marriage celebrants—namely priests and other members of religious orders—have longstanding and rigorous marriage preparation programs that predate the Lionel Murphy amendments of 1974. So, too, a person considering marriage is expected to undergo rigorous marriage preparation well before they each have a partner. Certain religions—like my religion of Catholicism—prescribe moral standards of chastity within and without married life so that, upon marriage, I am a fit and proper person capable of remaining faithful and morally and physically disciplined to survive the heavy demands of marriage for life. For that is what marriage means to me—and I stress that I am speaking for myself.

What core competencies are going to be the order of the day when selecting marriage celebrants? Will their moral reasoning be the benchmark for their suitability as marriage celebrants? What will the state ensure constitutes a core competency when directing what marriage preparation, if any, a marriage celebrant will require their client marriage partners to do? Will it be a requirement of this government to prescribe minimum secular standards of what constitutes a marriage?

We have reached a point of no return in these amendments to marriage law. This government is assisting in the destruction of marriage through amendments which it cannot control. In their desire to pander to the public morality of the day, they are contributing to the reductionism that is being perpetrated on the very notion of marriage. The consequence is that we have a child support social debt running into billions of dollars of unpaid child support, as a result of liberal divorce laws that have created an entire subclass of single parents and their children who live in the most abject poverty. Starved of money, these single parents—overwhelmingly women—are left penniless by their estranged husbands and their children’s fathers, who simply will not, or cannot, pay the bill. I have had a number of those cases through my electorate office doors.
More careful marriage preparation would go a long way towards solving these and other problems. However, I fear that marriage preparation will not be made sufficient by embedding these so-called core competencies. Will these core competencies test the morality of the individual marriage celebrant? I do not think so. This legislation will demonstrate the same moral relativism that pervades other legislation this government has made in keeping with its love affair with the prevailing morality of the day. That is, every marriage celebrant will be free of any systematised moral reasoning or development in their own freestyle marriage preparation. Marriage celebrants will become the secular priests and priestesses of marriage, deciding who is fit and who is unfit for marriage.

Statistically, it is proved that those couples who remain faithful to their religious beliefs have a many thousand times greater prospect of their marriages remaining successful than those who do not have a well-grounded, systematic faith and do not marry within that faith. The role of a civil marriage celebrant is, by definition, devoid of that spiritual dimension. There are unlikely to be any requirements within that core competency component that deal with the spiritual development aspect of the individual, as the state does not see its role in dictating morality. Yet, the entire existence of marriage celebrants is itself an explicit declaration by the state that it has the immediate right and power to decide who becomes a marriage celebrant, upon what basis the celebrant is deemed to be a fit and proper person, and what core competencies are necessary in order for that marriage celebrant to be eligible to be a marriage celebrant at all.

If this is so, then with this bill we must accept the fact that government has declared for itself the role of moral arbiter, determining not only who is and is not a fit and proper person to be a marriage celebrant, but also what form of preparation that celebrant is to undergo, and what level of marriage preparation they are to impart on the prospective married couple. I find all this a very disturbing trend. When we consider the financial destruction and the destruction of families and their lives wreaked by the divorce system in Australia, and the arrogant presumption by this government of the role it plays in advocating on behalf of the child, as if it was government who was the natural parent of the child, it leads me to believe that this legislation is moving in an ever more serious direction.

The outcome of this bill is for the Attorney-General to kowtow to the sectional interests of a growing lobby group. This government must decide what mix of marriages it wants to have in civic society. Does it want to encourage an administrative system that actively endorses marriage in a true spirit of permanency, or is this House content to continue participating in the drafting of legislation that continues to send the wrong message to those in civic society that would follow our legislation in believing that marriage is disposable, governed and directed from the state alone, as if government has the immediate right—which I say it does not—to validate marriages?

Let us in this House not forget one basic fact about our secular law: for those Australians who are not morally bound to Australia’s secular law, in preference of their own personal law—for example, Muslims, who proclaim the sharia law as their personal law, and hence disregard the validity of matrimonial laws as they offend their laws—so too there are a large number of Australians who draw their moral strength from Australia’s secular laws. There are a large number of Australians who, in earnest belief, hold that if a thing is legal, it is moral. That is to say, when the government sanctions divorce in the way we have at the moment, then it is moral to do so; when the government sanctions prenuptial agreements and undermines the totality of marriage, as it has done, then it is moral to do so. So too, the marriage celebrants scheme, if expanded, will result in a proliferation of beliefs, mores and moral virtues that will hold an array of subjective beliefs of what is and is not marriage.

It is an open question as to what the policy objective of this new legislation is. A cynical response is that the Attorney-General is simply pandering to the vested interests of a loud
lobby group, as I have already indicated. A more measured response might be to infer that the Attorney-General genuinely seeks to improve the standards of marriages and their survivability. Well, I hope he does. However, if it is the latter objective that the Attorney-General seeks to fulfil, then the question arises as to how these core competencies will translate into more robust, longstanding marriages. To put it simply, the Attorney-General cannot imbue a moral standard that transcends to the spiritual dimension, in my opinion. Neither does secular government consider that is its role, nor would it publicly assert that as its role. However, government sees itself fit to define these core competencies as surrogates to spiritual formation—so necessary for the success or otherwise of marriage, in my view. For if the prospective couple cannot see themselves as spiritually bound, then the prospect of the survival of the marriage diminishes dramatically, in my view. With this diminished prospect comes the begging question: what type of spirituality is understood by the prospective couple? A further question is put: what type of spiritual formation will the marriage celebrant provide or instruct the prospective marriage couple in?

We will not hear anything in the core competencies that will attempt to address these issues, and that is what concerns me. For the greater altar of secular governance is liberalism, and with that liberalism comes moral relativism which holds that there is no right or wrong, only difference. Along with such views comes an inability to form deeper relationships in marriage and, ultimately, the divorce rates we see today plaguing Australia, causing matrimonial breakdown, destruction of families, dysfunctional children, hidden and explicit poverty and whole armies of single parents and parentless children, which I see regularly through my electorate office—all flowing from a desire to pander to the public morality of liberalism that proclaims ‘what I believe is therefore right’.

If we are to seriously address the core competency issue, and if Australia is to radically increase the number of marriage celebrants in our society and rely on them to be the officiating person who conjugally binds two people together, then, in my opinion, far deeper questions of a basic nature as to what marriage is need to be asked. Our culture depends on the survival and functionality of families. A natural family is the basic building block of our society without which nothing can function. Our social welfare system depends on taxes to pay for them. Our insurance system and all manner of systemic savings patterns depend on the functioning family. If this government does not seriously address the importance of family as the basic social unit of society, we run a progressive risk of repeating the errors of the last 30 years in producing regiment after regiment of broken homes, poverty and despair. Finally, I urge this government to look more closely at what it calls core competencies and to ask itself in all honesty whether these regulations will achieve the ultimate end of forging permanent relationships built upon proper spiritual foundations.

Ms HALL (Shortland) (10.36 a.m.)—I rise to support the Marriage Amendment Bill 2002. I make it very clear at the start that I do support the bill. I think this is legislation that is long overdue, and I believe that couples that choose to be married by a civil celebrant should be able to make that choice. For a very long period of time there have been problems with the current system, and I think that the Attorney-General’s moves and this legislation are certainly heading in the right direction. During my contribution I will raise some of the concerns of a constituent of mine who is a long-time marriage celebrant and who has also been a university lecturer. I would be very grateful if in his reply the minister could pick up on some of the issues that are raised by the gentleman in question.

As has already been stated, the marriage celebrant program was established in 1973 by the then Attorney-General, Lionel Murphy. It has proved to be very popular with couples in Australia, with some 45 per cent of all marriages in Australia now being performed by marriage celebrants. I really support that choice for couples. I feel that to be married within a church or some other environment is not right for everyone and that because people do not choose to be
married in a church does not mean that they have any less commitment to each other or that their relationship is any less spiritual.

The bill introduces a revised basis of appointment for new marriage celebrants that is based upon the satisfaction of core competencies, primarily by attendance at appropriate training courses and a detailed fit and proper person test. I think that is something that was lacking previously. I think it is very important that, before a person actually becomes a celebrant, they should be very aware of all the issues associated with it and that there should be an appropriate training course, as well as looking at making sure that the person who is applying to become a celebrant is actually a fit and proper person to perform that task. It is a very important role. It is a time when people are making very important decisions about their lives; therefore, we need to make sure that those decisions are based on the right facts.

One thing that concerns me a little bit when we are looking at the competencies and the accreditation—and that takes me to the next point—is that the appointment is on a lifetime basis. There should be some requirement in the legislation that people undergo reassessment from time to time and be encouraged to undergo key competency assessments, say, on a five-yearly basis.

At this point I would like to raise the fact that this legislation only applies to celebrants who are in a non-sectarian environment, and that is a slight weakness. It could be argued that the exemption for some religious celebrants is discriminatory and that celebrants from small religious groups—such as Buddhists et cetera—are affected by the bill, whilst celebrants from Christian denominations—such as Catholics, Anglicans, Presbyterians and the Uniting Church—are not. That exemption probably should apply to all people who perform marriage ceremonies because, as I said in the beginning, it is a very important ceremony, it has a very important role in our society and the participants in it, the couple, need to evaluate the reason for entering into such an important relationship.

This legislation also creates a statutory appointment of the Registrar of Marriage Celebrants, with employment to come under the Public Service Act 1999—and if I could move now to the concerns raised by my constituent Mr Neil Wright. He sees the fact that the registrar will be appointed from the Public Service as a problem, because for a government that prides itself on private enterprise it seems strange that the position is not openly advertised throughout Australia to attract applicants for the position who are suitably qualified people with the experience and expertise at a grassroots level. He feels that the process will not be very open and transparent and that a bureaucrat who comes from within the Public Service will be appointed to the position, rather than somebody who has considerable expertise working in that area. He is worried that the job of registrar will be a job that is tailored to a particular applicant.

He also feels that it is unclear in the proposed legislation whom the registrar is accountable to. From my reading of it, I feel the registrar will be accountable to the Attorney-General, but maybe I am not correct in that. He feels that the successful applicant will be within the Public Service and accountable to somebody within the Public Service and that this is unacceptable and rather muddies the water.

I will just go back to the other provisions of this bill. One of things that I think is very important is that it will provide ongoing professional development, it will raise the standard of marriage celebrants and it will provide some sort of uniformity. Currently, it is very difficult for a person to become a marriage celebrant, and this will open up the process. I feel that the introduction of the program and the training components are very, very important—I am probably emphasising something that I have raised before.

I would also say that the legislation is supposed to create a more effective and transparent complaint handling mechanism. It allows appeals to the Administrative Appeals Tribunal for
most refusals to register an applicant. It can revoke the revocation of authorisation or suspension of a celebrant. That is very important. The introduction of a code of practice is also very important, as is the fact that it provides for a public register of marriage celebrants that will be accessible over the Internet. I think that these are all really positive aspects of this legislation. Currently, there are about 1,700 celebrants in Australia and I know that, from inquiries I have had in my office—and I am sure other members in this House have had them—there are a number of people who feel that they can make a contribution as celebrants; some of whom have undertaken courses at TAFE et cetera. So I feel that for them this is very positive aspect.

I should return to the queries that have been raised by Neil Wright. He is concerned about the conflict of interest clause and the restriction on existing celebrants’ activities. He sees it as a bit of a case of overkill, and he sees it as overrestrictive—even including businesses run by families and relatives. He feels that that is a problem in this legislation. Also, he feels that the proposal seems to leave the door open for large wedding venues and others in the wedding industry to put together ready-made wedding packages, which is opposed to the general philosophy of the celebrant being able to deliver a tailor-made ceremony as something very special for the couple that are involved. He feels that it could just become this great industry. He says it goes against the open choice, nature and ethos of the celebrant program.

He also feels that such celebrants, if applying for other jobs in other wedding venues or related businesses, could use their celebrant status as an employment enhancing factor in gaining employment with those businesses. He sees that that would be an unfair advantage. He feels, once again, that it is against the spirit of what a marriage celebrant is about. He also feels that, in the case of such a celebrant appointment, the question arises as to whether the appointment would restrict in any way whether the appointee could or could not leave the venue job and simply marry people anywhere in Australia—that goes to the fact of the current geographical appointment over celebrants, and the fact that he feels that this could lead to an oversupply in certain areas.

Other matters that he has raised relate to the training course. He is obviously a person who has put together a training course himself and knows a lot about training, because of his time at university and the fact that he actually lectured to prospective teachers. He feels that there is no provision for an interview for a prospective course candidate or any statement regarding the prerequisites for commencing any such course. He believes that there should be prerequisites and that the suitability of the candidate should be assessed before they are allowed to even undertake the studies, because of the importance of the role that the celebrant has—the importance of the employment; the importance of the job.

He also says that the proposed cap of celebrant numbers at 10 per cent for five years does nothing to allay fears that after five years there will be a plethora of celebrants and it will lead to flooding the programs with celebrants. He does not think it does anything to enhance the viability. He says that the average celebrant performs about 30 weddings a year, while 80 per cent solemnise fewer than 50 weddings per year. What he is saying is that it will lead to a flooding of the market and to certain celebrants getting less work. I suppose, to sum up, his real worry is that it is going to lead to a commercialisation of the role of the celebrant.

Having expressed his concerns, I will conclude by saying that I support the legislation. I think it is a gigantic step forward. I think it offers the opportunity for many people who have wanted to become celebrants over a long period of time. With more celebrants, it offers choice to couples when they are looking to enter into marriage and it allows them to have the type of marriage ceremony that makes it a very special and memorable occasion for them and to make their commitment to each other in an environment and in a way that they choose.

Mr HATTON (Blaxland) (10.53 a.m.)—The Marriage Amendment Bill 2002 is important for all of those people who have been registered marriage celebrants and it is important for those people who have chosen or will choose in the future to use the services of a registered
marriage celebrant. There are a number of categories of people who are allowed by the Attorney-General to undertake the solemnisation of marriages. One of those categories is people from recognised religious denominations. They are not dealt with in this bill because for all of the recognised denominations there is a global coverage. So, for the Catholic Church, the Anglican Church and the other major established churches there is a recognised cover. Second, state registrars of births, deaths and marriages have been authorised to do it. They are not dealt with here.

The category of people that we are dealing with, as the Bills Digest points out—and I will have reference to this a number of times during this speech—is:

... persons authorised by the Minister to solemnise marriages according to the fit and proper person criteria in subsection 39(2). Within this group there are currently three categories: (i) civil marriage celebrants, (ii) religious celebrants who do not belong to one of the recognised denominations—and this includes Sikhs, Buddhists and the World Harvest Ministries—and (iii) celebrants appointed to deal with special community needs. These latter three categories comprise the Marriage Celebrant Program and are the subject of the Bill.

When this program was introduced in 1973, there were 13 civil celebrants. We now have 1,700 civil celebrants and, according to the Bills Digest, a similar number of non-recognised denomination religious marriage celebrants appointed under the program—that is, about 3,400. In total, 45 per cent of all marriages in Australia are now conducted by people who are registered as civil marriage celebrants or non-denominational celebrants. What does that tell us? It tells us that Australia has changed dramatically since the end of the Second World War because, prior to the end of the Second World War, in a society which was three-quarters Protestant and one-quarter Roman Catholic, almost everybody got married in a church. That was the way the society operated—there was a dominant Judaeo-Christian ethic throughout the entire society. With the postwar migration, we had people from central Europe, eastern Europe and the Mediterranean—still largely within the confines of that Judaeo-Christian ethic. But as the decades have moved on we have taken in refugees from every part of the world. When the White Australia policy was abandoned and the nature of Australia’s immigration policy changed, we took people from all corners of the globe and from all religious persuasions; many of those are religious persuasions which are not in the recognised list. So, this is an indication of just how much Australia has changed.

There has been a great deal of argument about, and condemnation of—and we have seen this already again today in the debate on this bill—an enormous amount of weight being put on the changes to the Marriage Act 1973 that former Senator Lionel Murphy brought in. The central argument has been that it is a question of allowing or condoning moral relativism and allowing that, because the changes brought in in 1973 made it easier for couples to divorce and, therefore, easier for them to remarry. The old burdens of the approach to marriage, which we had inherited from England, meant that when people did choose to dissolve their marriages—and throughout the entire history of human populations on this planet, people have joined together and they have chosen to dissolve those unions; this is not something that is new or something that has been occasioned since 1973—the law made it enormously difficult for people to do it. They put as many stops and hurdles in front of them as they could. People were really forced by the law. Where two individuals had determined that whatever their circumstances had been when they freshly entered into a marriage contract between themselves, however much they had changed to cause them to reach a situation where they had decided to dissolve the marriage, the law actually forced them to prove that one person should have blame. It required that either the husband or the wife should have to prove adultery in a court of law; that they should have to have witnesses to that adultery or witnesses to validate the fact that there had been mental cruelty, and so on.
I have a positive view of the changes of 1973. I think they more readily humanised the way in which marriage dissolution was made easier. They went to a central recognition that marriage is not about just solemnisation by religious authorities or by other state authorities, as is allowed with the births, deaths and marriages registrars. Marriage is a union of two individuals. There is a person who is there as a celebrant—whether that person comes from a religious denomination or is a civil marriage celebrant—but the people who are marrying are the two individuals. The solemnisation comes from the fact that the celebrant is there witnessing and attesting, and it is usually the case—whoever the celebrant is, whatever the circumstances are—that family and friends are part of a recognition of the fact that these two people have decided that, hopefully, they will spend the rest of their lives together in a loving union.

It happens to be the case, when it comes to a dissolution, that the burden of the dissolution should not be placed, as it has been placed earlier in the debate, on the manner in which people get married and on an argument that it is without any spiritual dimension whatsoever if that marriage happens to take place outside the normal denominations. When 45 per cent of people freely choose to access registered agents, the reality is that those people could have chosen to use the services of a minister of religion and they could quite readily have chosen to marry within a church—in most cases they could have chosen that. People who are members of a church congregation are members not because they are bound to be part of a church congregation—there is no mandate whereby a church congregation can compel people to continue to be a part of the congregation—but it is a matter of choice and individual conscience as to whether people sign up to be part of a religious organisation or community and whether they continue to do so.

It has been the case in the past that, as our society has changed and as our attitudes have changed, there can be a simple problem—the person can in fact be part of a religious community in a congregation and, because of their personal circumstances, they might find that they are placed outside that organisation. It is pretty simple—if you are a member of the Catholic community and you are brought up within the Catholic faith and it so happens in your life that you come upon a circumstance that the person that you fall in love with and choose to marry is in fact Protestant or some other denomination, and also if that person has previously been married and divorced, well, I am sorry, but thank you very much, the extent of the understanding of the church and its rules do not allow you to marry within the congregation, within the rights of the Catholic Church.

That is my circumstance. My wife and I both taught at a Catholic school. I had been brought up as a Catholic; she had been brought up as an Anglican. We taught at a Catholic school—in my case for nearly 10 years; in her case for nearly 14 years—and were both, I hope, effective teachers. That is where we met; that is where we fell in love. I am a Catholic but, because she had been divorced, we could not marry in the Catholic Church, so we had to seek the services of a civil celebrant, Maria Souris, who did a wonderful job. It was outside my normal expectations, having been brought up within the Catholic Church, but I had no choice because there was no priest who was capable under the rules prevailing—and still prevailing—to allow for that. So part of the 45 per cent of people marrying outside the church includes people like me.

I found the services that were available to be well and truly worked out. The celebrant was well trained and she was sensitive to our circumstances. There was full participation by both of us in organising the whole marriage ceremony and both of our families were a complete part of that. I think it is passing strange that people who marry in those circumstances can be condemned because they married outside a religious denomination, and it is passing strange that the mechanism that allows people to marry in that way can be attacked on the basis that it is founded upon moral relativism and attacked on the basis that this really is not a true union of people.
Well, I am sorry, but I have to disagree with the member for Lowe. Individuals make marriages. The celebrants are there as witnesses to the act. Whatever the time and circumstances, whether in a church or outside, it is two people who marry; if they choose to divorce, it is two individuals who do so. In terms of the people who front up to the Family Court, however much some individuals want to blame other agencies, when a marriage breaks up it is the two people themselves who need to bear the brunt of that. Equally, when a marriage is enjoined and people come together in a union it is their individual approach, it is their individual choice, and they should not be barred from having a well-trained set of marriage celebrants to assist them within that. It just so happens that my wife’s daughter got married some time ago and chose a celebrant. It was extremely well run and extremely effective.

Within my electorate of Blaxland, there are a number of existing celebrants, and one of their concerns over time has been the fact that people who became celebrants were under pressure from the possibility of a flood of other people coming in, a dramatic expansion. This bill allows a deregulation of this industry. I notice the government has chosen to deregulate the marriage celebrant industry but it has not chosen to deregulate the newsagencies. There is a similar situation there. The newsagencies and marriage celebrants have been on the same sort of basis: within a geographical area you have a certain number of marriage celebrants and, added to that—particularly in an electorate like mine because it is so diverse in terms of the religious communities within it and the different population groups—there is a need for, and a demand for, a number of community celebrants in order to cover the wide spread of people from different groups.

One of the constraints, a number of people have felt, has been that there have not been enough celebrants available and that there has been clustering in particular areas. So what the bill attempts to address in dealing with the problems of concentration is to open this up to basically anyone who fits the criteria that are laid down and who successfully gets through the training program. But, in order to address the existing celebrants’ queries, problems and worries, this will be phased in over a five-year period. I think that is a sensible response, given that the basis of this is full deregulation and that those existing celebrants have been doing the job for a long time and doing it well. I just mention in passing someone who did that in an extremely wonderful fashion, Mrs Yvonne Doherty, who was a member of the Bankstown Central branch of the ALP. She gave all of herself as a marriage celebrant until she was taken from us by cancer a number of years ago. She put a wonderful program together. She helped people a lot and she was very concerned to make the solemnising of their marriages as full, as happy and as comfortable as possible. Yvonne was a wonderful example of a person who, in taking this up, gave all of herself to it while she was capable of doing it.

There have been a number of other people who have approached me—not just through the period of time since 1996 when I became a member but previous to that when I was working for the former Prime Minister and Treasurer in his electorate office—attempting to get onto the list. There is a long list of people who have wanted to apply and to offer their services. They are people who are well skilled and well known in the community. These changes will allow people of that type to gradually become part of this expanded program. As long as the training and the controls in terms of people being fit and proper persons are there, and as long as the review process is there—because, although there is a lifetime appointment still for this, there is a five-year process to ensure that people remain fit and proper persons to conduct marriages—I think it is a good and positive thing.

Essentially, people have voted with their feet. If you go from 13 celebrants to 1,700, plus about another 1,700 from non-recognised denominations, and if you have 45 per cent of the entire population choosing, because they can, to avail themselves of these services, we need to ensure that the codes of conduct, the training and the support mechanisms provided to people who are registered celebrants are solidly put into place.
I welcome the review that was undertaken and also generally the steps that have been undertaken here to try to refurbish the arrangements which were set in place in 1973 and the arrangements which, over the intervening period of time, have shown the strengths and weaknesses of the geographical approach and the consideration in relation to local communities. This bill provides a basis for a strengthening of that program and also provides a basis for the ongoing relevance of these celebrants to the people who choose to use their services.

The Labor Party is supporting this bill and I am supporting the fact that, for the 55 per cent of people who choose not to use the services of marriage celebrants but to solemnise their marriages within a church—whether it is one of the Protestant or Roman Catholic denominations, part of the Maronite Church as part of the Catholic Church or one of the various Orthodox churches—those people can freely do that as members of their communities and as members of their denominations because they have chosen freely to be part of that. If they continue to be so and if they continue not to be excluded from the life of their religious denominations by the rules of those denominations then they should happily and rightly be assisted in their marriage preparation by the members of those denominations and rightly married in those churches.

But for those people otherwise prohibited, the choice is there—and it is an indication of just how much Australia has changed. I think it is wrong to condemn two individuals who choose to pledge their lives to each other—to regard them as effectively the recipients of an approach based on moral relativism, as the member for Lowe argued—and to pillory people who choose to marry outside the church. I do not find that my marriage is any less solemn, any less purposeful or any less spiritual because the rules of my church forbade my marrying within the church. The strength and the purposefulness of the marriage are not undermined in any way by any form of moral relativism. I think in this regard I can speak on behalf of all of those people freely choosing outside the context of their originating church about the fact that the spirituality, the strength, the certainty and the importance of this union comes from two individuals freely giving themselves to each other and trying to build a life together because of that. Celebrants solemnise and assist; I hope that this assists those celebrants. (Time expired)

Mr KATTER (Kennedy) (11.13 a.m.)—I would like to read out a letter which Councillor Anich—who is also a marriage celebrant in the Kennedy electorate and a very well-loved and popular person, and justifiably so—asked me to bring to the attention of the parliament. This is on behalf of all of the marriage celebrants of North Queensland:

Just like to draw to your attention to the Parliamentary Debate on the 11 March 2002 re the Marriage Bill.

We are hoping that you could attend on our behalf, ie, the Celebrants of North Queensland, the majority of whom belong to the Queensland Association of Civil Marriage Celebrants (Inc). Our group, though isolated from our southern counterparts, have a reputation as being very conscientious and vocal. At least one of our members attend Association meetings in Brisbane, and being in such a busy Tourist Zone, deal with most of the Tourist Resorts and other Venues, and have an excellent rapport with them.

As you are aware, we service a vast Tourist area and with the new legislation allowing no limits on the number of Celebrants to be appointed, if Venues were able to have a staff member qualified as a Marriage Celebrant, this would act very much against existing interests of many Celebrants. Most celebrants rely on the income of being a Celebrant as their sole income, and so this would be very much against the existing interests of many of the independent Celebrants who have put a lot of time and effort into honing their skills and providing a worthwhile and memorable Service for couples—

as referred to, I might add, by the previous speaker—

The phrase ‘conflict of interest’ is the key issue here. In summary it applies that an authorised independent Celebrant cannot have a conflict of interest—i.e. interest in any Business extending from their profession. But if a Venue decided to have a Staff Member appointed, that employee would not in any
way offend the conflict of interest restriction under Clause (f) as ‘they do not have an actual potential conflict ...’

This ‘employment situation’ would easily be disguised as ‘Wedding Package Deal’. As it now stands, the couples have choices of celebrants to choose from. The Venues have lists of Celebrants, which they put forward to the couple to choose from, thus allowing the couple freedom of choice, as was the whole intention of the Marriage Celebrant Program, as instigated in 1974.

When the ‘conflict of interest’ is re-examined under debate, we sincerely hope that you will be in a position to understand the situation and speak on our behalf.

I think that we have all seen the movies of the quickie Las Vegas divorces. I do not think any of us have been to the cinema and not seen those on one or other occasions. I do not think that is what we want in Australia, and this legislation—which I am diametrically opposed to—would move in that direction.

I would like to bring to the attention of the House my very strong support for some amendments to the legislation, which will need some time and some consideration before they are drafted. I will not attempt to do it in the short time frame that I have. Also, I think it should come from the people themselves, because we are rapidly moving into that situation.

The door is being opened for that sort of procedure here. Even if these people are acting out of self-interest, they are quite right to put in their complaint here. I do not think people should apologise for acting out of self-interest; they have built up a place in their community. Mrs Anich would be a very good case in point. She is the wife of a local sugarcane farmer. They are very hardworking people. She has a following, as was referred to by the previous speaker. People respect and like her. She brings a sense of spiritual values—I might even say religious values—to the celebration of marriage, and that is what we want. Everyone dropping in off the street, wanting to make a quid for themselves, and every Tom, Dick and Harry who happens to be an employee at a tourist resort having a licence to create marriages, is definitely not the way we want to travel here.

Let me use an example. Justices of the peace were always referred to in the Queensland cabinet, in the decade that I was in the Queensland cabinet, as the ‘little man’s knighthood’. I thought that they were very much were the little man’s knighthood. They were a very wonderful part of the way of life that we had in Queensland, and their destruction by a subsequent Labor government will be the eternal shame of that party and that government, which took away the prestige. The big timers still get the AOMs, but the little people get nothing.

The history of this legislation is that former senator Sir Neil O’Sullivan resigned as federal Attorney-General in the sixties because of the widening of the licence to divorce in Australia. He felt very strongly about it. I thought that his actions may have been a little excessive at the time, although I only read about them historically—it was a bit before my time. There is a famous saying amongst people in politics, and not necessarily from the conservative side of politics, that Whitlam and Murphy made it easy to get out of marriage—they were referring to the 1973 bill—but Hawke and Keating made it positively attractive. That is very true. I think every single member on both sides of the House would agree that the Child Support Agency has been a destructive force in marriage such that we have never ever seen before in Australia.

I know of numerous occasions when the wife, in particular, became cognisant of what she could get. I represent mining areas, and I am sure my colleagues, such as the member for the seat around Rockhampton and the member for Capricornia—I know Stephen Smith shares this view—are aware that it is absolutely horrific in mining areas. The wives do not want to
live in out-of-the-way places but, of course, the husbands are on huge money. So this is a magnificent opportunity afforded by the Child Support Agency—’We’ll leave, take the kids, marry some boyfriend on the coast’—and the husbands stay labouring in the salt mines out in Mount Isa or Kalgoorlie while they are living in the lap of luxury back in the coastal cities. It is a phenomenon we know very well in Queensland, and I am sure it is a phenomenon that is very well known in Western Australia.

People need to have their legislation judged upon its merits. I do not wish to make a political point here because the current government have been in office for nearly a decade now and they have endorsed all of the Labor legislation. None of it has been changed so I do not wish to cast blame upon one side of the House; the other side must share equally the blame that accrues. Legislation and policy must be judged on its outcomes. This is my great argument with national competition policy—and I am going to read from the briefing notes shortly—and I deeply regret to say that national competition policy is mentioned as something with the deepest and most important of spiritual values which we have reduced to a marketplace. This is how fanatical and obsessive the national competitive policy people in this place are. They really are very peculiar people. History will judge them very harshly, if for no other reason than their obsessive zeal.

Let me come back to judging this legislation, starting with Neil O’Sullivan’s resignation back in the 1960s, to Whitlam and Murphy’s legislation in 1973—which has been referred to a number of times here—to Hawke and Keating’s Child Support Agency legislation and now to this piece of legislation today. This legislation lowers the spiritual values, lowers the quality of the people that will be coming forward and reduces it all to some sort of marketplace. Around half of Australia’s children now will be brought up by one parent: one in every two children raised in Australia will be living with only one of their natural parents. When going through the child molestation cases—and the killing of wives and the killing of a family—the number of times one finds that the molestation is by a stepfather is absolutely incredible. The facts are almost overwhelming. I hope that Deputy Speaker Mr Causley does not mind my quoting him, but in a place of great power and influence, Mr Causley said:

A government has a right to see that a wife and children get looked after; a government does not have a right to persecute and torture a human being to the point of where he will commit suicide.

I doubt whether there is a single person in this House that does not know someone who has suicided as a result of being involved with the Child Support Agency. I became cognisant of three, which I did not know about, in the last three weeks. Looking at the analysis of the huge increase in horrific male suicide rates in this country, you will see that the jump in the graph occurred after the introduction of the Child Support Agency. We had one case that made the front page of the biggest circulation newspaper in Australia, the Queensland Sunday Mail—that of a Kerry Bolton from the electorate of Kennedy. We produced the documents for the newspaper article. He was left with a disposable income of the princely sum of $70 which was to pay for his accommodation, food, toiletries and every other bodily necessity. After the repayment of about $20,000 to the lawyers for his divorce case, which is about average in these cases, and after he had paid the Child Support Agency and had his taxation taken out, this poor man was left with $75 of disposable income. The then head of the Child Support Agency, Moira Scollay, saw nothing in this case that would lead her to change the legislation, nor to change the administration of the legislation. And for a statement of callous total disregard for humanity, the letter of Moira Scollay would take some beating. She was later promoted from where she was as head of the Child Support Agency.

The Child Support Agency was established out of the necessity to deal with the massive divorce problem in Australia. The public purse simply cannot afford to pick up one in two wives with their children in Australia. The public purse cannot afford that, so the public purse has decided. It is hard to argue against the logic of having a Child Support Agency, but the
reason why governments have been forced down this pathway is the massive increase in divorces that are taking place in Australia. I thought that churches like the Lutherans and the Catholics who said, ‘No, you can’t divorce,’ had a primitive attitude and that we should not abide by that attitude. But looking at the alternative, where people feel that they can just walk out of marriage any time they feel like it, I am beginning to rethink my attitude towards the principles that were espoused in those churches at that time. In the case of the Catholic church, I think it has been watered down very dramatically. There is no solution to this problem.

Those who, like me, have spent many years as a member of parliament have watched the human misery walk through their door as a result of broken marriages—probably almost one in every two marriages breaks down. One party is completely shattered in such a way that they will probably never recover. Many suicides in Australia stem from this but, even worse, a lot of them live a living death. In the very first hotel I walked into in Mount Isa during my first federal election campaign, I ran into two people who were hopelessly drunk. They had both walked away from their jobs in Mount Isa. Both of them were child support cases and both of them wanted to tell me of a third mate of theirs who had hung himself in Cairns two weeks before.

At one time we applied force to prevent people from getting out of marriage. Then we had a period where we applied pressure to try and stop people from getting out of marriage. Today not only is there no moral suasion upon people to stay in marriage, but the Child Support Agency makes it enormously attractive. Let me go back to the Kerry Bolton case. Whilst he was left with $70 to $75 a week to try and struggle by on, his wife had shot through with—a lawyer. Presumably he would have been on $60,000 or $70,000, and she was a qualified legal clerk on $30,000 or $40,000. So between them they had over $100,000 coming in. Through the Child Support Agency they got another $15,000. Mr Bolton was living in a building which was scheduled for demolition, and no-one worried much about it. It was out of the way and you could not see it in Mount Isa. It was completely uninhabitable and falling down. It was actually extremely dangerous, but he sneak in there and he was living there. He has no wife; he is heartbroken because his wife has left him. He has no children close by; they are living 2,000 kilometres away. Of course, he has no money. He has no hope of ever getting married again: no-one is going to marry you if you are on $75 a week. The other person is living at a holiday resort town on $115,000 family income. She has three kids; she has a husband; she has a wonderful time. Laws that will facilitate—I do not say allow—that sort of terrible situation are wrong laws and they need to be changed.

Some sort of pressure needs to be put upon people to stay inside the marriage bond if there are children involved. If there are no children involved, be my guest and walk out any time you like. But if there are children involved then, I am sorry, you have lost the right to walk out when you feel like it.

The minister is here to hear me say that there should be legislation along the lines of compulsory counselling once or twice a week for four to six months. If you are going to create this enormous burden of hardship upon your partner, and if you are going to place this enormous burden of hardship upon the people of Australia—in the sense that they are going to have to foot the bill in a lot of these cases or apply this terrible Child Support Agency regime upon one of the partners—then, clearly, some responsibility, some moral responsibility, has to be placed upon your shoulders. You should not be allowed to just walk out and leave the public purse to pick up the pieces. Picking up the pieces is not just about the Child Support Agency and supporting those children through that period of time. A lot of these children become the victims of crime and the perpetrators of crime in Australia. They lack the sort of parental oversight and support that is needed.
On a positive note, I have spent all of my life as a rugby league player or a rugby league official, and it always amazes me, invariably, the great rugby league players come from a tremendous home support base. Gordon Tallis’s mother has seen every single game of football that Gordon has ever played. Martin Bella’s mother, too—these are people who really have immense respect for their kids, and their kids have had very great parenting.

We have the highest male juvenile suicide rate in the world. As a barometer of the unhappiness of our children it is very accurate. On a Richter scale, we are probably running at about nine. There are probably few countries in the world that are running that high. There are few countries in the world that have fewer children than we do: we have one of the three lowest birthrates in the world. People do not want to have children, which is all part of the bigger spiritual picture. The spiritual dimensions are being eliminated here.

In closing, I think these words from the bill should be read into Hansard:

The current arrangement for appointment of marriage celebrants is based largely regional and special need. The Proposals Paper recommended that these restrictions on the number of appointments be lifted and that appointment be based solely on satisfying a set of criteria ... After the five-year transition period, the ceiling for authorisations would be removed.

This is all market stuff—this is national competition policy stuff! It continues:

In response to concerns about deregulation of the marriage celebrant market a conflict of interest criterion not included in the Proposals Paper was added to the Bill—

and that is a good thing—

This was to allay concerns from celebrants that wedding organiser businesses would capture the marriage celebrant market in a new deregulated environment.

What we are talking about here—in relation to one of the most important spiritual values of our society—is market forces!

The things that have been said to me by practical people at the coalface who I respect, such as Councillor Yvonne Anich, are that we need fewer people appointed as marriage celebrants, that it should be in the nature of an appointment to the justice of the peace position—as in the old days in Queensland; not the new justice of the peace regime—and that the tourist resorts need to be looked at. *(Time expired)*

**Mr WILLIAMS (Tangney—Attorney-General) (11.33 a.m.)—**I would like to thank honourable members for their comments on the Marriage Amendment Bill 2002 and for the support they have shown for the aims of the reform to the marriage celebrants program that are contained in the bill. As I said in my second reading speech, this bill is the culmination of a four-year process that I began in 1997. I remind the House that the marriage celebrant program was established over 25 years ago to provide marrying couples who do not want to have a religious ceremony with a dignified and meaningful alternative to a registry office wedding.

When the program was launched in 1973, fewer than one in six couples chose a civil marriage. Today, over half of all marriage ceremonies within Australia are conducted by civil marriage celebrants. Celebrants, both civil and religious, have been at the forefront of a major social change in only one generation, and their important role has been underestimated. Since the program commenced, the process for authorising marriage celebrants has developed in an ad hoc way, and reform of the program is long overdue. Given that marriage will be one of the most—if not the most—significant commitments couples will make during their lifetimes, they deserve to be able to choose the right celebrant according to their own personal preferences and needs, and to be assured of a thoroughly professional service. This is the philosophy and intent behind the reform process, and it is a philosophy the government shares with the celebrant community. The bill demonstrates that the government has listened to, and acted upon, the concerns of the celebrant community.
A number of members have made comments about the proposed reforms. The member for Kennedy, who just spoke, referred to the national competition policy as influencing the shaping of the proposals. I do not deny that, but it is hardly a key feature of the program. One of the concerns that many members and senators will have received is from those people who would like to be celebrants but are unable to be. We also hear concerns that there are not enough celebrants in particular areas. So there are problems. They are market type issues, and they have to be responded to accordingly.

The member for Shortland apparently has a constituent who has raised particular questions with her. I can offer some comments on the questions she has raised. The first comment is that celebrants will retain a lifetime authorisation, but they will be subject to review every five years. So her concern about lifetime authorisation is dealt with under the proposals. The constituent has concerns about the position of registrar. The registrar will be an officer in the Attorney-General’s Department, and will therefore be responsible to the Attorney-General. The selection process under the Public Service Act will be merit based, and all the usual and appropriate safeguards contained in public service appointment procedures will apply. The administration of the program will remain within the Attorney-General’s Department, so it is appropriate that the registrar’s position be filled by the process outlined in the Public Service Act.

The member for Shortland’s constituent has concerns regarding the conflict of interest provision. This criterion has been inserted to be used, along with others, to determine an applicant’s suitability for appointment as a marriage celebrant for an extended time. This provision, which will be a standard provision, was actually added to respond to concerns expressed by the celebrant community. It is a broadly worded provision which will cover a range of situations. The member’s constituent apparently has concerns as to whether the celebrants under the new program would be able to marry couples anywhere in Australia. This is a puzzling question—puzzling in the sense that it has been raised at all. Authorised celebrants can already conduct marriages anywhere in Australia, even though they are appointed on the basis of need in a particular town or region. That will continue to be the case. They will continue to be able to marry couples anywhere in Australia.

It is suggested by the member’s constituent that the training course would not enable the suitability of a candidate to be assessed. This issue—the suitability of a candidate—will in fact be dealt with under the requirement that a person, in addition to completing training, must also fulfil the ‘fit and proper person’ test set out in the bill. The constituent seems also to have a concern about the market being flooded by new celebrants. The gradual introduction of the new program over a five-year period, with a 10 per cent annual cap on new authorisations, will ensure that this will not occur.

Reform of the marriage celebrant program to satisfy the community of the quality and integrity of the program into the future is critical. I believe this package of amendments will be fundamental to ensuring that outcome. The reform of the program will enable the profession of celebrancy to develop and flourish into what is clearly an expanding future. I thank honourable members on both sides of the House for their support for the bill.

Question agreed to.

Bill read a second time.

Ordered that the bill be reported to the House without amendment.

GOVERNOR-GENERAL’S SPEECH

Address-in-Reply

Debate resumed from 20 March, on motion by Ms Ley:

That the address be agreed to.
Ms CORCORAN (Isaacs) (11.40 a.m.)—I would like to take this opportunity to respond to the Governor-General’s address and to say a few words about the sorts of things I would like to see happen in this country over the next few years. The premise behind my words today is that everybody in this country deserves and has the right to a decent life. Someone asked me recently what ‘a civilised life’ meant. He commented that, for some people, a civilised life is living in a place like New York and enjoying all the hustle and bustle and activities. For others, it is living on a quiet island or in a remote place and enjoying some peace and quiet and their own company. We came to the conclusion that a civilised life is all about living, as distinct from just surviving. For me, that serves as a good definition of a decent life: living and not just surviving.

In order to ensure a good society, we in this parliament have an obligation to ensure that everybody is able to enjoy a decent life. We are all human beings, and nobody has any more claim to comfort or to shelter or to food or to a chance to enjoy life than anybody else. In order to ensure that everyone gets a chance to a decent life, it is acceptable in a good society that some people have to give up some of their advantages in order that others might survive or even live. Every society has its powerful and affluent members and its weaker or disadvantaged members. A good society will make decisions that protect the weaker, even to the disadvantage of the strong. A good society will ensure proper care to all its members, whatever their strengths, weaknesses and capacities.

We have heard a lot about security lately, and security is one element of a decent life. Let me tell you about the security I believe in. The security I believe in, the security I would like to see, is all about security of employment, security for those in business and security of all of us in times of illness and adversity. The Governor-General, in his speech, talks about the characteristic values of the Australian nation, and he says:

With political stability and social cohesion that are the envy of the world, with the personal freedoms of expression, enterprise and association more certain and assured than ever before, Australians can pursue whatever individual or collective dreams inspire them.

The informed listener could be forgiven for thinking that all people in Australia have access to a decent life. This is simply not the case, and I am not at all satisfied that this present government is interested in ensuring that we all do have access to a decent life.

Our security, our ability to enjoy a decent life, is being threatened for many Australians in many ways. One of these ways is the use of language. Senator Barney Cooney made the point recently that what we talk about and how we talk about it has a huge effect on the character of the community we live in. Language is being used as a discriminatory weapon against those in need of support and/or understanding. For example, we are used to the expressions ‘dole bludgers’, ‘dole cheats’, ‘drop-outs’ and ‘drug addicts’, and now we are being encouraged to use words like ‘queue jumpers’ and ‘illegals’. If popular opinion is in accord with what the Prime Minister thinks, he uses the word ‘mainstream’; but if popular opinion is not to the Prime Minister’s liking, he refers to ‘the mob’ or ‘the clamour of the mob’.

Recently, there have been reports of moves by the government to reduce the assistance provided to those without work. The words used were that ‘it is hoped that these measures will encourage more people back into the work force’. If you had just arrived from Mars and heard this comment, you would be excused for thinking that there are many people out there choosing not to work. How wrong is that? Right now, there are eight people looking for work for every job on offer. The language has been deliberately chosen to belittle the problem of unemployment, by insinuating that those who find themselves unemployed are not only somehow to blame but also choosing to do nothing about it.

The use of derogatory terms is an insidious but effective way of planting judgmental attitudes in our minds. It gives legitimacy to these attitudes without requiring us to seek further
information. We need to adopt a more generous and civilised way of talking about issues that are serious and that need real and civilised responses.

The actions that are being used to exclude some members of our society from enjoying a decent life, and therefore to threaten and remove their security, are easier to spot and are enjoying a growing popularity in our community. An example is the changes to pensions or allowances that help those on less than adequate incomes. It is becoming harder and more time-consuming to get these benefits and nearly impossible to do so with any sense of security.

The current arrangements for the management of family tax benefits and allowances have been in the news recently. We now have the dreadful situation where a family or an individual can suddenly be ‘in debt’—which is another judgmental term—through no fault of their own, often simply because their income has improved unexpectedly. The debt is incurred because ‘the benefit’—which is again another judgmental term—is calculated over the entire financial year. The way to avoid the debt is to overestimate income, thereby reducing the benefits paid through the year, or by not even claiming the benefit through the year and getting it at the end of the year in the form of a tax refund. Both methods assume a family can wait to eat or to pay bills. The attitude and terminology allows and leads those who are not familiar with the intricacies of the social security system to attach the normal meaning to the words ‘overpayment’ and ‘debt’. Those people, not familiar with the system, can be forgiven for assuming that the beneficiaries are rorting the system.

Another example of how actions by the government threaten the security of some people is the current breaching provisions. The breaching provisions penalise those on unemployment benefit who do not meet certain tests. These tests are either an administrative requirement, such as responding to a letter or attending an interview, or an activity test, such as keeping job search records. Many factors are either beyond the control of the unemployed person or inherently difficult to manage yet they can contribute to the person not meeting these requirements. The individual may be homeless or moving often and letters may not be received in time. Often, the regulations are complex and because of staffing and time constraints the unemployed person does not receive adequate explanations. Many of the requirements make the assumption that the person is literate. The point is, the breaching regime is more about blaming and budget savings than about providing assistance to those in need.

A recent study commissioned by welfare organisations and others has reported that the breaching penalties are unduly harsh, unfair and contravene basic legal principles. Breaching often worsens the situation of the person in need. The effects of breaching also reach out to touch welfare agencies. Welfare agencies are finding that their dollars are being asked to stretch even further to help those who have had their benefits reduced or cut off.

The point I want to make is that all these complexities and rules stem from a meanness of attitude, an attitude that is focused on making sure no-one gets a cent more than they are entitled to. The underlying assumption is that the majority of recipients are out there to rort the system. The rules and complexities are not there to assist the very people they are supposed to help. I would like to see a system that throws a security net wide enough to catch all of those in need of assistance and to provide that assistance in a manner that preserves the dignity of those involved, even if this means catching up a few in the net who do not belong there. This is far better to my mind than throwing the net in such a smaller and meaner circle with a focus on exclusion, rather than assistance. The wider net approach reflects the natural generosity and compassion that most Australians have on a personal level which is being drummed out of them on a wider level through the insidious ways I have described.

These are examples of the meanness of spirit that is being encouraged by Howard’s government. The language being encouraged and used by the government and others encourages or allows this meanness of spirit to spread throughout our community. It suits the government’s purposes for people to become suspicious of others and it is this divisiveness that sad-
ness and frightens me. This divisiveness does not lead to a cohesive society. The meanness of spirit does not allow Australians to pursue their dreams. Everyone in this country deserves and has the right to a secure and decent life. In a good society, we as individuals, our communities and particularly our governments have an obligation to ensure that everyone is able to enjoy a decent life. There is absolutely no sign that this current government is interested in or even understands this obligation.

The second issue I want to discuss today is our political process and the need to care for it. Over the last few years, Australians have become more and more disengaged from the political process. This has to be a concern for all of us. It has to be a concern because our democracy will not look after itself. The democratic process needs nurturing and it needs care.

Our system may not be perfect but it is better than many alternatives. It will not last all by itself. It is up to everyone in the country to look after our democratic processes. I speak at many schools and other organisations about the need to care for our democracy. I stress the need for everyone to be involved or interested in, or at least aware of, what is going on around them. I like to talk about our looking after our democracy as being a responsibility, not a right we choose to exercise if and when it suits us. It is easy to denigrate the political process, and it is fashionable to do so. It leads to a point where it is acceptable to be uninterested in politics altogether. If I were someone hooked on conspiracy theories I would say that this denigration, this indifference, is deliberately fostered by those who have power and who are not interested in sharing this power. I am not necessarily talking about those in power in government. There are plenty of people outside parliament who wield real power in this country.

To get back to my point, it is necessary for all of us to take care of our democracy if we want it to survive and function properly. Politicians have a role in this, too. We cannot expect people to have respect for our form of government if they see politicians abusing the process. In recent times, we have seen example after example of very poor behaviour. We have had the ‘kids overboard’ affair; the appalling and totally unsubstantiated slur cast on Justice Kirby; the Wooldridge House affair; and, not so long ago, the Reith telecard affair. These issues are damaging to our parliament, they are damaging to our political system and they discredit all politicians. How can we, as politicians, defend our system of government if the level of behaviour is so low?

Whilst the theatre or charade of question time might be just that for those involved, people outside parliament often see little else of parliament, and so judge our processes by what they see of question time. This, to my mind, is a huge pity because it only serves to support the contention that politicians are a blot on the landscape and that our system of government is a waste of time and money. I say we need to improve our behaviour in parliament and our standards outside parliament to improve our own standing—not as individuals, but as a group; but, more importantly, to protect the system of government we have. The Labor Party has put forward some proposals for improving our behaviour in parliament itself. I am heartened that it appears that there is a willingness on both sides of the House to look at ways we can do this.

I am also concerned about the way we are led to believe that all issues can be resolved in a simplistic way. We are not encouraging considered debate on complex issues. The simplistic advertising that happens at election time is also demeaning the political process and encouraging simplistic thinking about complex issues. The electorate is being encouraged to think that glib answers are available to all issues. This tends to disengage people, as thoughtful discussion is not encouraged or seen as relevant or necessary. We need to take the time to explain what we stand for. We need to reinstate the notion that reasoned debate and discussion are important and useful in a good democracy. Rightly or wrongly, our system of government is judged by what people see in their parliamentarians and it is up to all of us to do all we can to see that our democracy gets the best care that we can give it.
In summary, I would like to see a growth, on a national level, of generosity and caring that will see a move toward all Australians being able to live a decent life and to pursue their dreams. The second thing I would like to see is attention being paid to how we can improve our democratic system of government so that all Australians feel that they can be part of that political process, and that it is relevant to them and their daily lives.

Mr NEVILLE (Hinkler) (11.53 a.m.)—Just before I commence today, I would like to pay tribute to Bill Christie, who is in the chamber today and whose final day it is in the parliament—this could be a good thing or a bad thing, I suppose—and who looked after me and my staff very well when we first came to this place in 1993. Bill always exercised a great deal of affability, attention to detail and unerring courtesy.

I want to speak about three things in my address-in-reply speech. The first one is the recent election. I come here by the narrowest of narrow margins—64 votes—but, having said that, I am absolutely delighted at the faith placed in me by the electors of Hinkler. Hinkler is always a tough seat, and neither party over the years has been able to take it for granted. It requires three years of intensive work for anyone to hold that seat.

Despite the most unusual activities of One Nation in turning preferences against me, their local branch wanted to turn them towards me. I found that quite extraordinary. Not that I sought them or lusted after them in any way, but it seemed to me strange that a local branch had no say in how it could direct its preferences. Also, I had an Independent National who refused to allocate preferences. The combination of these two things put me in a very vulnerable position. But I am happy to say that there was a swing to the coalition in Hinkler of 2.53 per cent and a drop in the Labor vote of 1.98 per cent—nearly two per cent. That vote, and in particular a component of that—a four per cent swing in the industrial city of Gladstone towards me on the primary vote—was enough to sustain the nastiness that was directed towards me in the preferences. Yes, it was a near thing, but I think it was one of the best campaigns I have fought, because the quality of the material, the quality of debate and the quality of the presentation of the ministers who came to my electorate was something I felt intensely proud of.

I do not take any delight in beating my opponents, but I think that some aspects of their campaign require mention. They went for a great overkill in the Hinkler electorate. In fact, on one day I had five shadow ministers in my electorate: Messrs Beazley, Crean, Ferguson, Faulkner and Smith. I had two signings of the Beazley pledge. I welcomed those signings, because I turned up with my own corflutes, one of which was a pledge about the Commonwealth Bank and the other was about Qantas. I told my opponent, who staged a demonstration outside my electorate office, that, while I welcomed her to come around and see me with her entourage, I would not be signing the pledge because, first, it was a phoney pledge; secondly, the pledge maker was a serial pledge breaker; and, thirdly, everyone knew where I stood on the 49.9 per cent issue—probably first amongst coalition members, so I had no worries about that. In the words of Tim on TV, we had yet another corflute, and that listed the 14 corporations that the Labor Party sold in office without one iota of hesitation.

Also during that campaign—I had not seen this before in the Hinkler electorate—ads were made to try to ridicule me. I found that distasteful, not just from a personal point of view but that the political process should be denigrated to that level. In these commercials my eyes were made to roll in my head, and buckteeth were put on me. I thought it showed very poor political campaigning by my opponents. Given the number of phone calls I received in my office, the number of letters and the number of people who called in—some of them claiming to be avowed Labor voters who would not be voting on the strength of that commercial—I got the impression that it did my opponents more harm than good. But my concern was what it did to the political process.
I have always thought about Hinkler that we always had very clean elections up until this recent one, and I certainly was not one who added any grist to the mill for a nasty campaign. Nevertheless, despite God only knows how many shadow ministers who came through the electorate, despite the fact that I had the worst position on the ballot paper, and despite the fact that there was a real gang-up on preferences against me, I am absolutely delighted that the people of Hinkler stuck to me, and I pledge to give this three years in government every bit of enthusiasm that I can muster.

I would like to acknowledge my campaign director, Rod Wilson, who has done a superb job for elections; my deputy campaign directors, Dick Bitcon and Don Holt, who were very assiduous in their duties; Col Sommerfeld, who is a superb campaign treasurer who watches every cent and keeps the campaign on target all the time; and, in particular, my media officer, Tim Langmead, whose work was simply outstanding. That was enough to sustain us and to return Hinkler, under the most extraordinary and negative circumstances, away from the ALP attack and back into the hands of the government.

Two things are seminal in my electorate in the coming three years. The first one is the problem—if you could call it a problem—of the City of Gladstone. The City of Gladstone of about 28,000 people with the Calliope Shire surrounding it—and within the Calliope Shire the township of Boyne Tannum, which is virtually a satellite city to Gladstone with another 7,000 to 8,000 people—are about to become the powerhouse of Queensland. I know members come in here and make those sorts of accusations, but just let me thrill you with what is on the drawing boards in the next three years.

There are now significant commitments from overseas companies totalling $6.5 billion. Comalco—which has already commenced—has committed $1.5 billion; Aldoga—which will be an aluminium smelter—$3.4 billion; Austral Calcining—$0.3 billion; and LG Chemicals from Korea—$1 billion. The total is $6.5 billion—quite an extraordinary amount of money. But, in terms of direct employment, it means 1,500 jobs at Comalco, 3,500 at Aldoga, 350 at Austral Calcining and 650 at LG Chemicals. When you add to that the multiplier effect of 2.8 per cent, you can understand what these projects are going to generate, not just in my electorate, but in Central Queensland in particular and for Queensland and the nation as a whole.

Already—this may surprise honourable members—Gladstone is responsible for 12 per cent of Australia’s exports by volume and the value of those exports is worth $4 billion a year. It is now the largest multicargo port in Queensland and it represents about a third of the total exports from Queensland; that is an extraordinary profile. And that is on top of the existing industries that are there like QAL—which is an aluminium refinery—the Boyne Smelter—aluminium—Thai Corp, QCL—lime and cement—and also Orica, the former ICI. In addition to that, there is Southern Pacific Petroleum with its shale oil plant. So, the town has a particular bent for industry and, not only that, it matches that with an equal commitment to lifestyle. Its local development board won a $900,000 government grant to monitor emissions and matters to do with these industries in making sure that environmental aspects were not overlooked. And the city frequently wins Queensland’s Tidy Towns competition—quite a record for an industrial city.

Today I want to talk about the importance of the recognition by government—state and federal—of the huge challenge that this $6.5 billion worth of investment is going to generate in terms of social disconnection and the need for infrastructure support. Just to give you an example: four years ago I was able to get a port connector road. I went there with the then minister, Mark Vaile, and discussed the matter with the city and shire council, the port authority and the local development bureau. We committed $6 million to a port connector road, which has since been increased—during our sittings in Melbourne when the mayor of Gladstone joined us there—to $7.5 million.
In all that time we have not been able to get the state government to commit to its share. As you know, under the Roads of National Importance program there has to be an equal commitment from the state government. The state government have been fiddling with this now for nearly four years. At this stage they have flicked the project to the port authority, which has been asked to pick up $4,500,000; to the Department of State Development—I suppose that is the state government, so to that extent they are involved—which picks up $1,500,000; and to one of the other shire councils, another $1,500,000. What troubles me about that is not their tardiness in getting to that point; it is that within the next few years we are going to need another $40 million worth of infrastructure. I just want to be sure that, when I make representations on behalf of Gladstone to the federal government, they are going to be met with equal enthusiasm by the state government. For example, a ring-road will be needed around Gladstone, what is known as Red Rover Road and Kirkwood Road, to take heavy transport in certain directions. There will be another road from near the Aldoga plant to the Bruce Highway.

When we talk about Comalco, Aldoga and the existing QAL and Boyne Smelter we are talking about aluminium refining and smelting. In that process, especially in the smelting, certainty of electricity supply is absolutely essential. If you get a blackout and a freeze over with aluminium you have cost yourself not a few million but hundreds of millions of dollars in having to get those pot lines cleaned out and re-established. It requires, then, a triangular duplication: powerhouses at Callide, near Biloela, at Stanwell, near Rockhampton, and the Gladstone Powerhouse. A triangular grid is required because all these industries—including, of course, the IMC project in the electorate of my colleague the member for Capricornia just outside my electoral boundary—will require certainty of electricity supply.

On top of that, the huge social infrastructure needs are also going to be enormously important. My brother lived there when Gladstone had its last boom, about 30 years ago. People were living in caravan parks with caravans sitting not on wheels but on Besser block stumps. I suppose those things are tolerable for short periods of time, but we had people living in that sort of accommodation for years. One census I think showed there were 450 people in one caravan park and 600 in another. The social implications, in this enlightened age, of that occurring again would be horrendous. A whole range of measures are going to need to be put in place, by state and possibly federal governments, to make sure that does not recur. One thing being looked at, for example—because the train line from Bundaberg through Gladstone to Rockhampton is one of the fastest train lines in Australia—is to have a suburban service out of Rockhampton, in much the same way as Sydney has the Blue Mountains connection. People in Central Queensland would have a suburban service going from Rockhampton through little towns like Mount Larcom and coming up through Miriam Vale, south of Gladstone, feeding a work force into the community rather than creating a lot of social problems in the town itself. They are big challenges and I signal those in my address today.

In the remaining minutes I would like to talk about the Paradise Dam development, which will be essential for the southern end of the electorate, in particular the city of Bundaberg, the township of Childers and the surrounding districts. In Bundaberg alone, we grow around 3.4 million tonnes of cane each year. Last year it went down to 2.7 million tonnes because of adverse conditions, but this year it was down to 2.5 million tonnes. That is a huge hit, when you think about the fact that it is the principal crop in the southern end of the electorate. In a good year we can get 3.8 million; going from 3.8 million down to 2.5 million you get an idea of just what an impact it is going to have, not just on the farmers but on the whole town.

Sugar is an all-pervasive crop. You have growers and harvesters; you then have to drag the cane to the mills. When the sugar is made it has to go to the port. Some of the sugar goes into refining; some goes into rum production. Spinning off that is a whole port infrastructure. Bundaberg makes about 80 per cent of the cane harvesters in the world. So when you get a
drop in the demand for sugar, it permeates through the whole community. In this speech today, I want to call on the state government to very quickly come to terms with the sort of dam it is going to build at this site called Paradise. Is it going to do it through the DNRM, the Department of Natural Resources and Mines? Is it going to do it through a government corporation, such as SunWater or Burnett Water? Is it going to perhaps have a water board model of farm organisations, local authorities and government? Is it going to have a co-op model, where the farmers would own the dam? Is it going to be a pure commercial operation, where the government will put it out to tender or—as it has been suggested by the government itself now—a PPP model, where it will be a combination of private and public funding? These are very important issues and before anyone can talk about the federal government participating in that, there have to be clear delineations of where the state government is going, what the implications are, especially if commercial people are involved, and what WTO and other implications there might be.

When various deputations go to the state government, the standard line is, ‘Oh, the feds are holding it up,’ which is of course quite untruthful because I took all the deputations to the minister at the time, who was Robert Hill, and I can say he was nothing else but totally cooperative. The EIS on the Paradise Dam was approved in record time. Despite the chortling of many state ministers trying to blame the federal government, the hold-up was never at that level. We will require a dam costing somewhere in the vicinity of $180-$200 million; it will be absolutely imperative to the future of the sugar industry.

In Bundaberg at present, we have what is known as the Fred Haigh Dam—or the Monduran Dam, as it is sometimes referred to—and it now contains only six per cent of its capacity. By the way, this dam is 1.1 times the size of Sydney Harbour, so if you can imagine Sydney Harbour being drained down to six per cent, you would get an idea of the dramatic impact that could have. In summing up, there are many things to be done in the City of Gladstone, in the Shire of Calliope in the northern end of the electorate and in the Bundaberg, Burnett and Isis areas in the southern end of the electorate. I call on the state government to exercise in both areas a much more focused and timely approach to those projects.

Ordered that the address be reported to the House.

ADJOURNMENT

The DEPUTY SPEAKER (Mr P.A. Barresi)—Order! It being 12.13 p.m., I propose the question:

That the Main Committee do now adjourn.

Western Australia: Electoral System

Ms JACKSON (Hasluck) (12.13 p.m.)—I rise today to bring to the attention of the House, and certain government members, the need to support electoral equality legislation being enacted in my home state of Western Australia. The purpose of this legislation is to give effect to the principle of one vote, one value in that state—the only state in the Commonwealth, I might say, that has not already enshrined this principle in its electoral laws. It is a fundamental principle of a democracy that every citizen should have an equal say in electing his or her government. That is the basis upon which all honourable members take their place in this House. Imagine my concern then when one such member, the member for Kalgoorlie, spoke in opposition to this principle in the House last week—concerned, but alas not surprised, given the hypocrisy of the Liberal Party on this issue.

The new laws, the Electoral Amendment Bill 2001 and the Electoral Distribution Repeal Bill 2001, were passed by both houses of the Western Australian parliament last year. However, the Liberal-National opposition claims that the repeal of these old laws requires an absolute majority—that is, 18 votes—and not a simple majority, which is 17 votes, as occurred to pass the bill. The state government rejects this view. It has followed the advice of the state’s
Solicitor-General. The Clerk of the Legislative Council has taken the matter to the Supreme Court of Western Australian to resolve the constitutional dispute. The hearing for this matter is set before the full bench for three days next month.

An alliance has been created in WA to fund an argument against the validity of the laws because it believes that the clerk of the parliament will not adequately present the case. The Liberal and National parties are part of the alliance. The member for Kalgoorlie complained in the House last week that the state government would not provide funding to the alliance to assist it in running its case. It is ironic that when the Liberal-National Party was in state government in Western Australia, it rejected a request for moneys, and also required the then Labor opposition to pay its costs when the validity of the state’s electoral laws were being questioned in the courts. As usual in Western Australia, they want one rule for them and another one for the rest. The member for Kalgoorlie claimed:

Any leader of a country based population who does not oppose this legislation is either very stupid or treacherous.

How absurd! We are talking of the principle of one vote, one value. I wonder what the views of his own party, and perhaps the leader of the National Party, are with respect to this valid tenet of democracy. These reforms are consistent with the recommendations of bodies reporting on matters to do with the integrity of government in Western Australia, such as the royal commission into what was called WA Inc., and the commission on government which, despite 9 years in state government, the Liberal-National party did not implement.

Currently, it takes on average 13,409 people in the country in Western Australia to elect one member of state parliament, compared to an average of 25,860 people in the metropolitan area. This discrepancy, caused by vote weighting, now gives voters in some country areas in WA more than four times the say in electing the government than voters in some metropolitan areas. For example, the seat of Eyre has 9,351 voters for one MP, compared to Wanneroo, which has 41,377 voters for one MP. Under the new electoral laws, all seats will have the same electoral quota—around 21,000 electors—regardless of where the seat is located. I would have thought it obvious that the strength of the local member is the key factor in providing the services, support and advocacy a region requires, not the size of the electorate. The reforms will not diminish the potential of local MPs or members of the community to have a voice or be heard by government. It is acknowledged that there are some difficulties experienced by members of parliament servicing large and remote electorates. However, these difficulties are best addressed by providing additional resources, such as staff, extra electorate offices, travel and communication facilities, rather than by maintaining an unfair and undemocratic electoral system. (Time expired)

Shoalhaven Shire: Youth Development Demonstration Project

Mrs GASH (Gilmore) (12.18 p.m.)—Just a few years ago, an idea was conceived as an option to military cadets. The notion was largely brought about by the prevailing mood of the time to accord the youth of Australia an opportunity to participate in the broader processes in the community. Australian military cadets have a long, illustrious history, but after a period of time when they languished they became just shadows of their former selves. However, there has been a successful renaissance, thanks largely to this government. While the Whitlam government’s decision to wind back cadets disappointed many at the time, there remained the undercurrent of tradition that could not be swept away because of fashionable ideology. The cadets are back, and this time we have brought to them more choices in the way young people can serve than what was offered a generation ago. Young people in the Shoalhaven area can now serve a cadetship in an organisation other than a military organisation. They can now serve in organisations such as the Rural Fire Service, the State Emergency Services and many other volunteer organisations.
In June of last year the Prime Minister, recognising the value of such an initiative, agreed to a pilot program in Shoalhaven. That support was signalled with a commitment of $63,000 to match the $96,000 contribution of Shoalhaven businesses and community organisations. The program, called the Shoalhaven Youth Development Demonstration Project, has been based on a model that was developed in Western Australia in 1996. The Prime Minister, in announcing the funding assistance for the program, said at the time:

It will enable 100 young people to volunteer to undertake training as cadets for three hours a week within a range of community organisations. Importantly, it will enable and encourage young people to give something back to their community from an early age and will foster the volunteering spirit in the Shoalhaven area.

As if to echo the Prime Minister’s words, the Christmas-New Year bushfires brought out the very best in the volunteers who serve our beautiful part of Australia. The response to the emergency also renewed interest in volunteer organisations, which reinforces the validity of the cadet program in creating a very supportive succession model for all of our fine volunteers.

I am pleased to be able to report to the House that the program is well under way and evolving as expected. Thanks must go to Milton Ley, Greg Pullen and Stephanie Robinson, who formed the original committee to set the pilot program. It is their support and confidence that will ensure its continued success. Under the direction of the appointed coordinator, OZISS, a partnership has developed between Shoalhaven high schools, local businesses, community organisations and the federal government. Mr Alan Mulley and Mr Cliff Maynard of OZISS are doing a magnificent job to bring this project to fruition with their expertise and management skills. However, my appreciation must go to the participating organisations—the State Emergency Service, the Shoalhaven Rural Fire Service, the Royal Volunteer Coastal Patrol and Ulladulla and Mollymook surf life saving clubs. Without the cooperation of these organisations, arguably there would be no program, and for that I am truly grateful. The value to young people participating is enormous. They will meet new people; learn skills that will benefit both themselves and the community they serve; gain a sense of responsibility and accomplishment; and they will feel accepted and valued. In other words, their sense of worth will be enhanced and, most of all, they will have fun.

On 11 February the steering committee met in Nowra under the auspices of the Shoalhaven Area Consultative Committee to discuss the next step, and registered 89 students and two teachers. There are still two high schools to come on board, but I would like to acknowledge the participation of Shoalhaven High School, Nowra High School, St John’s High School and Ulladulla High School. An expression of gratitude must also be extended to the Bomaderry Bowling Club and the Nowra Golf Club for allowing the use of their buses to transport students to and from training.

For the project to succeed it must be demonstrated that the wider community supports and encourages the underlying principle. For this to happen there must be bipartisan support. Volunteer organisations ebb and flow, but this project at least tries to promote the flow at the expense of the ebb. That is why it is necessary to have the state government join in and share in the experience. According to the local controller of the Shoalhaven City SES, Mr Ian Borrowdale, the program has been so successful that the youth cadets are now participating in extended training. Mr Borrowdale says that he is more than happy with the results, even though his volunteers have had to put in a lot more time to train the cadets. Some of the cadets have enrolled in rescue courses of their own volition. They also participated, as I said, in the bushfire emergency over the Christmas-New Year period, and what that tells me is that the volunteer ethic is alive and well in these young people and is, in turn, passed onto their peers.

I am proud to have played a part in bringing this project to birth, but it will take the faith and support of many others to give it life. Given the encouraging signs the program has pro-
duced, consideration should be given to extending the program for another year to consolidate our early successes. Shoalhaven City Council, it must be said, showed its confidence in the program with a contribution of $10,000. I can say that all stakeholders wish the project to continue from January to December 2003. Surely that, in itself, is an expression of confidence that the program is a value added program and should be fully supported.

Northern Territory: Pine Gap

Mr SNOWDON (Lingiari) (12.24 p.m.)—I rise today in this adjournment to refer to a newspaper article—or a letter to the editor—published in the Centralian Advocate on 19 March 2002. This letter is from former CLP Senator Bernie Kilgariff, someone who is well known and respected in the Northern Territory community and someone whom I personally have a lot of time for. He is properly regarded as the elder statesman of territory politics. I do not always agree with his views; nevertheless, he is someone who has the respect of the community and is someone, as I have said, whom I respect. He is entitled to be concerned about the security of our country. However, I am disappointed that Mr Kilgariff has chosen, through the letters to the editor page of the Centralian Advocate, to attack me without making an effort to talk to me about his concerns or, indeed, to get to the substance of the allegations that he has made.

Even more disappointing to me is the quality of his letter. He is entitled to his opinions, but it is the lack of evidence to back up his views that is of concern. One gets used to reading correspondence of this nature in the letters page of newspapers—not the least being the Centralian Advocate—but not when written by a former member of parliament that served the parliament for many years and should know better. His correspondence is ill informed and misleading, it makes a number of false assumptions and demonstrates a complete lack of understanding about what I have said, and he has either deliberately or otherwise misrepresented my views.

I have no problem at all with engaging in public debate, but what I am concerned about is the way in which, from my own personal perspective, this letter seems to have come from someone who has completely misunderstood what I have been doing in the parliament and what I have been saying publicly over the last 18 months to two years. The message I have been giving to the Northern Territory community about the question of Pine Gap is not that I am opposed to its existence—and indeed I have stated on a number of occasions the ALP’s strong attachment to the alliance with the United States—but that I have called for all members of parliament, as I will continue to do, to be fully informed about what goes on at Pine Gap.

More recently, in an article in the Alice Springs News on 9 May, I implored people to understand the importance of Pine Gap to the Territory economy, and to the Alice Springs economy in particular. I gave recognition to the importance of United States citizens to our local community and to the warmth and regard with which they are held. In that same article I outlined my views that Australia should have an informed debate about Pine Gap’s potential role in the USA’s nuclear missile defence system program and questioned the fact that, while US congressmen can get detailed briefings on the security aspects of Pine Gap, I am unable, as the local member and as a member of the Joint Parliamentary Committee on Foreign Affairs, Defence and Trade, to get such a briefing. It seems to me that it is entirely appropriate for me, as the local member and as a member of that joint committee, to request—on behalf of all members of parliament—that we get more appropriate briefings on these matters.

In his letter he also raised issues about Australian history. He referred to General Douglas MacArthur passing through Alice Springs as a young soldier. He says that I need a lesson in history. I want to remind Mr Kilgariff that it was Labor wartime Prime Minister, John Curtin, two months before MacArthur’s visit to Alice Springs, who tied Australia’s future security to an American alliance at the expense of our traditional attachment to Britain and that too much
uncritical reliance on joint defence treaties at the turn of the last century led directly to the First World War—a war that cost 60,000 Australian lives. Perhaps if there were more voices in London, Paris, Moscow and Berlin 100 years ago calling for open and clear public debate on the alliances that these nations were forming, the guns of August 1914 may not have sounded—the tragedy of Gallipoli and the Western Front and Eastern Front may never have happened.

More recently, Australia 'went all the way with LBJ'. In the 1960s our early uncritical reliance on an American alliance led us to Vietnam, and both the United States and Australia still suffer the scars of that conflict. Perhaps it is Bernie that needs a lesson or two in history. I do not apologise for being outspoken about my concerns for the need of the Australian community to be more properly informed about the nature of these treaties and about the nature of the work that is undertaken at Pine Gap and other bases.

**Cook Electorate: Crime**

Mr BAIRD (Cook) (12.29 p.m.)—Last Saturday I attended a public meeting at Cronulla station in my electorate. This meeting was convened by the mayor of Sutherland Shire as part of the community’s continuing response to the high level of crime in our area—a level that has also seen the council resorting to putting Cronulla mall under 24-hour CCTV surveillance. Crime is clearly the No. 1 issue in my electorate. The meeting was well attended, with future meetings planned for the Menai area. The level of concern felt by residents is illustrated by the response to a survey I did on the issue late last year which received 994 responses. Since becoming the member for Cook, I have commissioned a number of surveys on a wide range of issues. Never have I had such a strong response to any survey. Of these 994 responses, 94 per cent thought the Sutherland shire had become less safe than it was five years ago, 50 per cent felt threatened by gangs, 89 per cent did not feel safe travelling by train at night, 91 per cent thought police were losing the war against crime and 78 per cent were not satisfied with the police presence in our area.

Obviously these figures are unacceptable and, with regard to the last statistic, it is particularly concerning that the Cronulla beach area, one of the biggest problem spots, is being subjected to the sight of police patrolling on bicycles. This is more reminiscent of a scene from A Country Practice than representing an adequate response to a valid concern. I am also yet to talk to anybody who seriously believes that this idea would enable the police to respond rapidly to an emergency, or that it constitutes an effective police presence. What the Cronulla area needs is a mobile policing office on the beach, similar to those at Manly and Bondi. These would provide a far more adequate police presence and allow for quicker and more effective responses than the ridiculous bicycles.

I have risen in this House on numerous occasions to criticise the state government on the woeful job they are doing to address the issue of crime in Sutherland shire. I have two major problems, the first being their continued focus on the western suburbs of Sydney at the expense of the rest of the city, and the second their insistence on sticking with a policy of amalgamating police stations—when there is a clear desire for more community based policing. I notice there has been some movement from Mr Carr on this issue in recent months. He has demoted his previous police minister and appointed the media-shy Michael Costa to the position. It is interesting that the previous minister did not make one single visit to the area, despite the fact that crime is the No. 1 issue in Sutherland shire right now, and that is the reason for these rallies being convened. Changes have been made to the sentencing of gang members, and I see that there has been an announcement today to the effect that it will be made more difficult for people charged with certain offences to be granted bail whilst they await trial. These changes are well and good, but they fall short of what is being demanded not only by the people in my electorate but in a common voice around New South Wales.
There are clear issues related to why this forum emerged in Cronulla mall last weekend—that is, concerns about the level of gang activity, the level of crime and the level of break-ins. Ordinary people from my electorate got out there and expressed their views very visibly. They are concerned about the downgrading of Cronulla Police Station, they are concerned about amalgamations and they are concerned about the level of police who happen to be off on stress leave. There are over 50 police in my electorate who are off on stress leave. That indicates several things, one of which is the overall organisation of the police force. We have a police commissioner who is paid some $450,000 a year, yet the level of stress and discord within the police force is quite apparent. We have somebody in the Premier’s office who is responsible for police; we have the police commissioner; we have the minister, who loves to get out there and get his face in the newspapers.

What we want to see is effective action on the ground. The people in my electorate are demanding it. They are expressing their concern and saying it is a major issue for them. They do not feel safe in their houses. They do not feel safe when they go out at night in the area. This situation has to change around, which is why we have had these forums—quite independent of me and developed by the independent Mayor of the Sutherland Shire—where people have come out from all of these areas to say that they have had enough, and that it is time they saw the state government and the state police minister taking some real action to ensure the safety of people in these important areas of Sydney.

Port Adelaide Electorate: Fort Glanville Historical Association

Mr SAWFORD (Port Adelaide) (12.33 p.m.)—On Sunday, 17 March, I was given the honour of commissioning a world first. The Fort Glanville Historical Association, located in my electorate of Port Adelaide, is based in a restored fort originally built in the late 1800s when a threat from the Russian Imperial Navy was perceived. The actual commissioning was of the restored mechanical loading system for the fort’s 10-inch guns. The restoration was made possible by many dedicated local history enthusiasts and a Commonwealth Centenary of Federation grant. Special mention should be made of the work of the members of the Fort Glanville Historical Association. I would particularly like to acknowledge Frank Garie, the late Neil Francis, Mike Lockley, Russell Sheldrick and Derek Bakker. Frank Garie was responsible for the research, plan drafting and manufacture of the timber components, together with the installation at the fort. The mechanical components were mainly manufactured or obtained and installed, with Frank, by Neil Francis. The pair worked closely together for two years on the project. Tragically, Neil passed away suddenly at the end of February, just as the project was nearing completion. Fort Glanville and the people of South Australia owe much to volunteers like Frank Garie and Neil Francis, because without them Fort Glanville would certainly not enjoy the world leadership status it has today.

Many aspects of the history of the fort and of the loading system are typical of South Australia of the late 1800s—that is, ahead of the pack. For example, South Australia was, in 1880, the first government to purchase a new Armstrong protected barbette system. This involved raising the height of the wall at the front of the gun to protect the crew from enemy fire, and constructing the undercover mechanical loading system. The purchase was largely due to South Australia’s new governor, world famous defence adviser and engineer Sir William Jer-vois, a colonel in the Royal Engineers, who had seen the system while in England. The experts tell me that the system essentially comprises a rammer driven by a cable system and a controlled loading beam that raises the powder in the shell to align with the muzzle of the gun, with the gun barrel in the depressed loading position. The rammer is then activated to load the gun. On the third try, we got it to go with a 7.5 kilogram charge. I think I understood the actual operation but, on a practical basis, I saw it first-hand and it worked.

The system was constructed mainly of timber and was thus cheap to purchase, which made it attractive to the British colonies. South Australia’s was a pilot system for later improved
versions built in forts in Sydney, Brisbane and Hobart. Fort Glanville’s system was adapted to enable it to fit to an already built emplacement, thus making it unique. However, like others elsewhere in the world—and this is the tale we all know so well today—it became obsolete very quickly in the 1890s due to advances in technology. Possibly because it was a prototype, Fort Glanville’s system was never really successful, and was removed in the 1890s.

No plans existed to enable reconstruction, and a vast amount of research has been necessary for the project. It is a great detective story. A small sketch was discovered in a UK patent office, under another examination of papers. This was scaled up and compared with the few remaining fixtures still at the fort. Working drawings were then drafted, and the restoration proceeded from there. The reconstruction and restoration of the mechanical loading system is a world first for such a system. It is a great achievement for the association, and something very special for the Port Adelaide area. It is also something very special for Frank Garie, a dedicated local historian, and, as I said, for the late Neil Francis, a dedicated helper. My congratulations go to everyone involved in the project, and my very best wishes for the future for all members of the Fort Glanville Historical Association.

Telstra: Services

Ms PANOPOULOS (Indi) (12.37 p.m.)—I would like to continue the adjournment speech I did not finish last night.

The Boulding family drove to Wagga hospital the next morning, 4 February. Mrs Boulding did not want to take her daughter home unless the telephone was working, so she called Telstra from a public phone booth at the hospital. Telstra told her that the phone would be fixed by the time she got home, but it was not. That evening, Mrs Boulding walked to neighbour’s house, called Telstra and told them that she was blind, that there were young children in the house and her daughter was recovering from an operation, and that she wanted the telephone fixed that day, as it had not been working properly for three weeks. In true fashion, Telstra told Mrs Boulding that her phone had been booked in to be fixed the following day, and hung up. The next afternoon, 5 February, the telephone was in fact working, although by that evening the service was again spasmodic.

On 6 February, the telephone was still not working, and Mrs Boulding insisted that her husband drive her to the local post office so that she could call Telstra. The Telstra operator responded by saying, ‘We know that the line is damaged, and we are in the middle of fixing it.’ The operator was in Wollongong, and asked how far the nearest substation was. On being told that it was in Wodonga, 37 kilometres away, she said, ‘That’s a long way away. It’s getting late in the day: it’s 3.30. We have got to try to find a technician who is willing to go out there, and it’s going to run into overtime.’

That evening, as the phones were still not working, Mr Nugent did not want to leave the family alone so he stayed at home instead of going to work. At about 6 p.m., Sam Boulding had a chronic asthma attack. Mr Nugent drove to a nearby telephone to ring an ambulance. Sam’s condition deteriorated rapidly, and he died soon afterwards in his mother’s arms. As if it was not devastating enough for the Boulding family to lose Sam in spite of begging Telstra to fix their telephone, the day after Sam died, Telstra contacted Rose Boulding and told her that she was eligible for $30 compensation. After Sam’s death, Telstra also installed a separate second line and provided the family with two Telstra handsets, satellite service allowing for outward calls, and a mobile CDMA handset.

But Telstra does not have a monopoly on insensitivity. The ACA in all its arrogance refused to provide Mrs Boulding with a copy of their report with which she fully cooperated unless she signed a confidentiality agreement, meaning she would not be able to speak to her own family, who had suffered through this ordeal with her. Subsequently, the ACA did apologise and provided the report to Mrs Boulding. Telstra’s treatment of the Boulding family over sev-
eral years, and more recently during this recent tragedy, illustrates where their priorities lie. Such priorities obviously do not include providing acceptable infrastructure and services to families in my electorate. Rather, the best we can expect from Telstra is service with a snarl, at worst an arrogant disregard for people and basic communication services that are taken for granted in capital cities. Even the existence of service obligations does not help the situation because they do not guarantee faults will be fixed and Telstra can technically escape being in breach of them.

Ever since anyone can remember, Telecom was a byword for arrogance and inefficiency. The name change to Telstra was supposed to cure all that, but that culture has turned out to be too deeply ingrained. No spin doctor or fancy logo can fool the people of Indi into believing that Telstra actually cares about the little person—the home consumer.

I want to assure the Boulding family and all my constituents that I will continue to raise Telstra’s incompetence in this House and hope that there are no further tragedies in Indi or elsewhere in Australia.

Immigration: Asylum Seekers

Ms VAMVAKINOU (Calwell) (12.41 p.m.)—Recently I received a deputation of young people involved with refugee action groups. They came to express to me their deep concern about the federal government’s treatment of asylum seekers and refugees. This weekend, Palm Sunday rallies in support of refugees are being held across Australia. The purpose of the Palm Sunday rallies is to give all Australians the opportunity to join in a show of compassion and tolerance for the hundreds of men, women and children who are held in detention centres across Australia. I will be attending the Melbourne rally and I do so in particular because many of the young people in Calwell have asked me to attend.

The message that my young constituents wish me to convey to the House is their deep concern for what they believe is a lack of tolerance and empathy towards refugees. They have expressed to me their anger and they want to know why Australian politicians support policies that these young people consider to be violations of human rights. My young constituents show a great sensitivity to the obligations we have to each other as human beings, because they have a broad understanding of Australia’s place in the global community. They also understand the complexity of the Middle East conflict and they understand the reasons behind the mass movement of people across the globe. My young constituents advocate alternative solutions to deal with our current refugee crisis, not just here in Australia but on an international level. It does not surprise me therefore to learn that other young people support the views espoused and put forward to me by my young constituents. In fact, public opinion polls conducted for the Melbourne *Age* newspaper this year illustrate that young people support alternatives to the government’s Pacific solution.

On the question of support for the federal government’s policy on asylum seekers, young people showed the least support for the government’s Pacific solution with 44 per cent of all young people supporting the policy compared to 63 per cent in other age groups. At the recent National Population Summit in Melbourne amongst the many participants there were also a number of young Australians from schools around Melbourne. I want to quote 17-year-old Tomah Ball of Melbourne Girls High School, who said:

It’s terrible people aren’t thinking about it more rationally ... so much of the debate has become based on racism.

Another student Suresh McKenzie from Footscray City Secondary College said that he was ashamed of the Howard government’s policies. Some of my young constituents and others who have deep concerns encouraged me to visit the Maribyrnong detention centre.

Main Committee adjourned at 12.44 p.m.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Sri Lanka: Ambassador to Australia

(Question No. 50)

Mr Murphy asked the Minister for Foreign Affairs, upon notice, on 13 February 2001:

(1) Further to the answer to question No. 2737 (Hansard, 9 August 2001, page 29507) and my question No. 2811, is he aware of a report in Colombo’s Sunday Leader of 12 August 2001, that the Sri Lankan Defence Ministry has acquired Russian-made chemical warheads, RPO-A Shmel Rockets, valued at millions of dollars.

(2) Is he aware that the end-user certificates for the purchase of these chemical weapons were allegedly signed by the now Sri Lankan Ambassador to Australia, Major-General Janaka Perera.

(3) Have these chemical warheads been banned internationally.

(4) Does the Chemical Weapons Convention (CWC), formerly the 1993 Paris Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, prohibit the use of these weapons.

(5) Did Sri Lanka become a signatory to this Convention on 14 January 1993, which was ratified on 19 August 1994 and came into effect on 29 April 1997.

(6) Will he make inquiries to establish, independently, the allegations against Major-General Janaka Perera; if not, why not.

(7) In light of the latest allegations against Major-General Janaka Perera, does he still consider he is a suitable Sri Lankan Ambassador to Australia; if so, why.

Mr Downer—The answer to the honourable member’s question is as follows:

(1) Yes, I am aware of the report.

(2) I understand that end-use certificates are normally signed by the Commander of the Army or Master General of Ordinance. Major-General Perera has occupied neither position.

(3) The RPO-A Shmel is not a chemical warhead, but rather a thermobaric weapon.

(4) The use of thermobaric weapons is not prohibited by the Chemical Weapons Convention (CWC) or any other international instrument, including the Convention on Certain Conventional Weapons (CCW).

(5) Yes.

(6) No. The allegations that the end-user certificates for the RPO-A Shmel Rockets were signed by Major-General Perera do not warrant further inquiry because the use of such weapons is not prohibited.

(7) Yes. The use of the weapon in question is not prohibited.

Education: TAFE

(Question No. 61)

Mr Murphy asked the Minister for Education, Science and Training, upon notice, on 13 February 2002:

(1) Can he guarantee that the Federal Government policy relating to contestable funding for vocational education and training is not used to establish an artificial training market; if so, how.

(2) Is he aware that teachers in TAFE are spending significant time that should be allocated to the delivery of quality education courses in writing submissions and tenders in order to win contestable funds that were once allocated to TAFE; if so, if time and outcomes are the basis of efficiency, why is funding not directly allocated to TAFE.

(3) Has he allowed the Australian National Training Authority to ignore the recommendations of the Senate inquiry into the quality of vocational education and training; if so, why and will he ensure that the recommendations are implemented; if not, why not.

(4) What strategy does he have in place to avert the impending teacher shortage crisis caused by the forecast retirement of approximately 75% of TAFE permanent staff in the next five years.
(5) What commitment will the Government make to promote teacher education and recruitment in light of present and future shortages of TAFE teachers.

(6) Has his “growth through efficiencies” policy significantly contributed to the casualisation of the teaching staff in TAFE; if so, how will he address this issue.

(7) How will he address the needs of distance education for rural and remote communities by efficiently funding on-line and E-commerce training through the public education provider TAFE, including Open Training and Education Network-Distance Education in NSW.

Dr Nelson—The answer to the honourable member’s question is as follows:

(1) The Australian National Training Authority (ANTA) Agreement 2001-2003, between the Commonwealth, States and Territories, includes the broad purpose: ‘to enable flexible training to be delivered by a wide range of providers that are responsive to their clients.’ The only agreed national policy relating to contestable funding in the vocational education and training sector is the User Choice policy. A commitment to User Choice policy is an element of the current ANTA agreement. Under User Choice, public funding flows from the State or Territory training authority to the chosen provider. Implementation of the policy was agreed originally by the Commonwealth, States and Territories in 1997. The policy is flexible and allows States and Territories to implement it taking into account their resourcing decisions and differential markets within States and Territories.

(2) The employment and management of the Technical and Further Education (TAFE) workforce is a matter for the States and Territories.

(3) The Australian National Training Authority (ANTA) is accountable to the ANTA Ministerial Council comprising Commonwealth, State and Territory Ministers responsible for vocational education and training. ANTA is not subject to my direction. The Government response to the Senate Inquiry into the quality of vocational education and training was tabled in the Senate out-of-session on 16 May 2001.

(4) As noted in response to question (2) the employment and management of the TAFE workforce is a matter for the States and Territories. The National Centre for Vocational Education Research will be funding a study of the national TAFE workforce as part of its 2002 funding round. This work may assist in identifying whether any national response is required on this issue.

(5) See answer to question (4).

(6) The “growth through efficiencies” policy applied to the ANTA Agreement 1998-2000 and does not apply to the current ANTA Agreement 2001-2003. As noted in (2) the employment of TAFE teachers is a matter for the States and Territories.

(7) The Commonwealth is assisting to meet the needs of rural and remote communities with on-line learning and e-commerce training as part of its overall support for on-line vocational education and training through the Australian Flexible Learning Framework. Commonwealth funding is provided for the Framework through the ANTA Infrastructure Programme. For 2002, an allocation of $16.3m has been approved by the ANTA Ministerial Council. As part of this, ANTA has commissioned a project, using Commonwealth funds, to develop e-business competency standards and support materials. The National Centre for Vocational Education Research is undertaking several projects investigating on-line learning and e-business in vocational education and training in regional Australia. The final reports are due mid to late 2002. The provision of on-line learning is not limited to public providers. The Open Training and Distance Education Network is part of New South Wales TAFE and its funding allocation is a matter for the New South Wales Government.

Defence: Aircraft Travel

(Question No. 162)

Mr Bevis asked the Minister representing the Minister for Defence, upon notice, on 20 February 2002:

(1) Which Minister sought approval for the special purpose flight on 4 February 2001 that required a Falcon Air Force jet to fly from Canberra to Brisbane without passengers, returning to Canberra that day with Senator I. Macdonald, the Hon. I. Macfarlane MP, the Hon. J. Moore MP, the Hon.
Representatives 1997

M. Brough MP, the Hon. W. Entsch MP, Mr P. Lindsay MP, the Hon. A. Somlyay MP, Mr P. Con- 
nole, Ms L. Fox, Mr R. Mill, Ms S. Pendar, Mr S. Reading, and Mr M. Taylor.

(2) What was the purpose of the travel.
(3) What was the cost for this flight.

Mrs Vale—The answer to the honourable member’s question is as follows:
(1) The initial request was received from the office of Senator the Hon Ian Macdonald on behalf of 
Queensland Senators and Members.
(2) The travel was to bring Senators, Members and their staff to Canberra for the first parliamentary 
sitting week of 2001. This flight was a ‘Cabinet Special’ which is a category of usage where two 
more ministers use the aircraft. Four ministers travelled on this occasion.
(3) The cost for this flight was as follows:
- Canberra—Brisbane, 1.4 hours x $3,080.00 per hour = $4,312.00
- Brisbane—Canberra, 1.5 hours x $3,080.00 per hour = $4,620.00
Total $8,932.00

Defence: Aircraft Travel
(Question No. 163)

Mr Bevis asked the Minister representing the Minister for Defence, upon notice, on 20 
February 2002:

(1) What was the purpose of the special purpose flight requested for the Hon. J. Anderson MP from 
Canberra to Brisbane on 8 March 2001 to carry Mr Anderson, the Hon. J. Hockey MP, the Hon. L. 
Anthony MP, the Hon. M. Brough MP, Ms T. Gambaro MP, Mr G. Hardgrave MP, Mr P. Lindsay 
MP, Mr M. Abbott, Ms W. Armstrong, Ms R. Bain, Mr A. Beresford-Wylie, Ms F. Murphy and Mr 
L. Myers.
(2) What were the stated requirements requested by Mr Anderson necessitating the aircraft’s travel 

Mrs Vale—The answer to the honourable member’s question is as follows:
(1) The Hon John Anderson MP was travelling to Brisbane for an Inland Rail meeting.
(2) 8 March 2001 (Brisbane) - Inland Rail meeting.
   9 March 2001 (Moree) - Annual meeting of Shires Association of NSW;
   Meeting with Mayor/General Manager of Moree on Roads; and
   Meeting with Moree Council on salinity.

International Labour Organisation
(Question No. 176)

Mr McClelland asked the Minister for Employment and Workplace Relations, upon notice
on, 13 February 2002:

(1) When did Commonwealth, State and Territory officials last meet to consider ILO matters.
(2) When will they next meet to consider ILO matters.
(3) When did the Workplace Relations Ministers’ Council last receive a report from Commonwealth, 
State and Territory officials on ILO matters.
(4) When will the Council next meet.
(5) When did the meetings of the officials and Ministers last discuss the eight ILO Occupational 
Health and Safety Conventions concluded between 1974 and 1995, or any of the eight conven-
tions.
(6) With which of the eight conventions does the law and practice comply in (a) NSW, (b) Victoria, 
(c) Queensland, (d) WA, (e) SA, (f) Tasmania, (g) the ACT and (h) the NT.
(7) When did he or his predecessor last (a) seek or (b) receive advice about legislative development in 
any State or Territory regarding the eight conventions, or any of the eight conventions.

Mr Abbott—The answer to the honourable member’s question is as follows:
Commonwealth, State and Territory officials meet annually to consider ILO matters. Officials last met on 20 October 2000. The meeting scheduled for October 2001 was postponed until 2002 due to the Commonwealth, State and Territory electoral cycles.

Workplace Relations Ministers were advised of the outcomes of the meeting of Commonwealth, State and Territory officials held on 5 October 1999 by correspondence dated 28 August 2000. This was in accordance with the resolution for a Framework Concerning Cooperation on ILO Matters adopted by the former Labour Ministers’ Council (1 May 1998) which provides that officials may report to Ministers through correspondence out-of-session. As there were no substantive outcomes of the meeting of 20 October 2000, no report was provided to Ministers.

The Workplace Relations Ministers’ Council is scheduled to meet on 24 May 2002.

The Conventions were last discussed at the officials’ meeting of 20 October 2000.

(a) NSW has advised it is in compliance with Convention 155.

(b) Victoria has advised it is in compliance with Convention 155.

(c) Queensland has advised it is in compliance with Conventions 148, 155, 162 and 167.

(d) WA has advised it is in compliance with Conventions 139, 155, 162, 167 and 176.

(e) SA has advised it is in compliance with Conventions 155, 167 and 176.

(f) Tasmania has advised it is in compliance with Convention 155.

(g) The ACT has advised it is in compliance with Convention 155.

(h) The NT has advised it is in compliance with Conventions 139 and 155.

At the officials’ meeting of 5 October 1999 it was agreed that State and Territory Governments would prepare reports on compliance with the eight Conventions. Since then my Department has received advice concerning legislative developments relating to compliance from the following jurisdictions:

- NSW provided advice concerning compliance with all eight Conventions on 13 October 2000 and with Convention 155 on 15 October 2001.
- SA provided advice concerning compliance with Convention 155 on 2 December 1999.
- Tasmania provided advice concerning compliance with Conventions 155, 162, 167 and 176 on 18 October 2000.
- The ACT provided advice concerning compliance with Conventions 155, 162, 167 and 176 on 8 November 2000.
- The NT provided advice concerning compliance with Convention 176 on 22 June 2000 and Conventions 155, 162 and 167 on 27 September 2000.