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Tuesday, 20 August 2002

The SPEAKER (Mr Neil Andrew) took the chair at 2.00 p.m., and read prayers.

QUESTIONS WITHOUT NOTICE

Taxation: Family Payments

Mr SWAN (2.00 p.m.)—My question without notice is directed to the Minister representing the Minister for Family and Community Services and concerns the government’s decision to reverse its pre-election promise not to strip tax returns to recover family payment debts. Minister, can you confirm that the Secretary of the Department of Family and Community Services told a Senate estimates committee hearing on 21 February this year that no decision had been taken to recover family payment debts by stripping people’s tax returns? Minister, given that this is now happening, when did your government change its mind?

Mr ANTHONY—I thank the member for Lilley for his question. He is asking about family tax benefit, which has been a great achievement for this government. Why is that? It is because this government has put in an extra $2 billion, which went to two million Australian families to assist 3.5 million children. That increase in family tax benefit which, on average, is around $5,700— including the child-care benefit, which averages about $1,800—has meant that Australian families are now significantly better off because of the changes that we made to the family tax benefit. Last year, with the introduction of the family tax benefit, a decision was made that, as a transitional arrangement, particularly in the first year, a waiver would be put into place. This was to assist Australian families in that adjustment process. It was a very generous waiver of around $1,000 for both family tax benefit and for child-care benefit.

It has always been the intent of the government that it is important that Australian families get their correct entitlements—no more, no less. Part of that is ensuring that they get an accurate estimation. With family tax benefit, we decided that families could have three options. They could receive it as a fortnightly repayment. They could receive it at the end of the year, which would be their top-up payment. That is the first time ever, I might add, that Australian families could receive a top-up; they were never able to get that under the old package of the Australian Labor Party. Over 400,000 top-up payments for family tax benefit and child-care benefit were made for the 2000-01 financial year. They could also get it through the taxation system. It was stated quite clearly, on a number of pages in the TaxPack that went out recently, that tax refunds would be taken, say, if you had underestimated your income and therefore had had an overpayment. That has been in place for a considerable period of time. Indeed, that was always the intent when the legislation was introduced.

Health: Meningococcal Disease

Mr HARTSUYKER (2.05 p.m.)—My question is addressed to the Prime Minister. Would the Prime Minister advise the House on the action taken by the government to combat meningococcal disease?

Mr HOWARD—I thank the member for Cowper for his question. I know that this issue will be of interest to members on both sides of the parliament. As announced last night by the Minister for Health and Ageing, the government has approved a national meningococcal disease vaccination program, intended to provide, ultimately, vaccinations for all Australians up to and including 19 years of age, which, on the medical advice available to the government, is the age cohort most at risk from the strains of this disease that are of very understandable concern to the entire Australian community. The national program will initially provide vaccines for children aged 12 months and for those aged 15 to 17. Those are the age groups which we are advised are at the highest element of risk. The free vaccine will be provided progressively to all remaining children and young people as supplies of this vaccine become available.

Present advice is that the program will begin in early 2003 and the initial roll-out will be a cost of $41 million. But I should stress that, with a national health challenge of this
magnitude, whilst cost is something that is always borne in mind, it will not act as a constraint in relation to the vaccination of people in the at-risk group. In other words, as the vaccine becomes available it will be purchased and injected into the program so that ultimately, over a number of years, all of the young Australians in the most exposed group will receive the benefit of this vaccination.

The program cannot start until early next year because around 1.1 million doses are required for the initial roll-out, compared with only about 100,000 doses currently available in Australia. We are advised that it will take a few months to import the vaccine, given that there is a current worldwide shortage of the vaccine. The government is working closely with industry to see what can be done to speed up supplies of the vaccine. I should inform the House that about 60 per cent of all deaths in Australia are due to type C of the disease, for which the new vaccine will provide protection for a period of about 30 years. The government’s decision follows recent detailed advice from the Australian Technical Advisory Group on Immunisation on age groups at high risk of meningococcal disease.

It is vitally important that doctors and the general public are aware of the symptoms of meningococcal disease. The majority of cases seen in Australia—62 per cent—are type B of the disease, for which there is currently no vaccine available. As part of the national vaccination program, the government will provide information to doctors, health workers and the community.

I think it is also important on an issue like this to make a few observations about lifestyle choices which can expose people to greater risk than would otherwise be the case. I noticed an observation by the shadow health minister this morning with which I totally agree; that is, that people who smoke or people who work or live in a smoking environment and people who have parents who smoke—and this is particularly the case with young children—are exposed to greater risk. It is another opportunity to emphasise, especially to young people in Australia, the enormous damage they do to their health if they continue to smoke. I do that not as some kind of pejorative zealot on the subject: I unfortunately had that habit myself when I was a young person. I just think it is important that, at every opportunity, people should be reminded of the damage they do to their health through smoking. Also, and very importantly, parents who are concerned about the possibility of their children contracting meningococcal disease and who smoke might think for a moment tonight as to the contribution they personally could make towards reducing the likelihood of their children contracting this absolutely abhorrent disease, which the government will do everything it possibly can to counteract and to eradicate.

We are prepared to commit the resources and, as the vaccine becomes available, it will be bought and injected into the program so that all of the target group will, over time, be vaccinated and therefore given the maximum protection currently available against this disease.

Health: Meningococcal Disease

Mr CREAN (2.10 p.m.)—My question is to the Prime Minister. I welcome his announcement on meningococcal vaccination and ask if he is prepared to consider building on it; in particular, given his reference to the call by the shadow minister for health today in relation to children in families that smoke. I ask the Prime Minister if he is aware of evidence that children who do live in families that smoke are more than four times as likely to contract the meningococcal virus than children who are not routinely exposed to tobacco smoke? Will the Prime Minister consider acting to recover unpaid excise from tobacco wholesalers to fund a campaign to make Australians aware that smoking significantly increases the risks that children will contract the meningococcal virus?

Mr HOWARD—I am prepared to look at the practicality of that. I am not currently in possession of all of the detail of it, but I will have a look at it. It may or may not be practical. I do not know; I just do not know enough of the detail. I would, however, like to make the observation that, no matter what campaigns you spend money on and no matter what you do, there are some people in
the community so irresponsible, not only about their own health but about the health of their children, that they will continue to do these absolutely irresponsible things and expose their children to quite unnecessary risks. There is, in the end, a bit of personal responsibility involved in that.

Mr Crean interjecting—

Mr Tuckey interjecting—

The SPEAKER—Order! The Prime Minister has the call.

Dr Lawrence interjecting—

The SPEAKER—Member for Fremantle! The Prime Minister has the call.

Mr HOWARD—I have endeavoured to respond in a constructive way to the question asked by the Leader of the Opposition. I do not know whether it is practical. I do not know all the details about this pot of money to which the Leader of the Opposition refers. It may not be the least bit feasible, but we will have a look at it and we will let the parliament know.

Finance: Corporate Law Economic Reform Program

Mrs MOYLAN (2.12 p.m.)—My question is addressed to the Treasurer. Would the Treasurer advise the House of measures taken by this government to reform corporate law and governance? What measures does the government propose to further improve corporate regulation in Australia?

Mr COSTELLO—I thank the honourable member for Pearce for her question. I can inform her that, since 1996 when the government was elected, our Corporate Law Economic Reform Program has been modernising Australia’s Corporations Law and putting in place a system which compares very favourably by world standards. In fact it is, as even the opposition have been forced to concede in the last 24 hours, certainly in front of that of the United States of America. A question was asked in the House yesterday as to whether the government would require the disclosure of options to company executives, and a moment’s investigation by the opposition would have led them to the understanding that this is already required by the law; it is required by the Corporations Law and, if the opposition had been prepared to do a moment’s investigation, they would have found that out.

I also indicate that the government has put in place a system by which standards adopted by the Australian accounting standards boards have the force of law, unless disallowed by either house of this parliament. The standard which is being developed internationally in relation to options and shares—which is to be released in October—will, if adopted by the Australian accounting standards boards, have the force of law.

Many of us can remember, coming off the late 1980s, the lax corporate regulation that persisted at that time. I can report to the House that the corporate regulator, ASIC, has been very engaged in bringing people before the courts and seeking to enforce the company laws. For example, former Harris Scarfe CFO Alan Hodgson was recently jailed for six years. Following the HIH collapse, company director Rodney Adler was banned from company management for 20 years and ordered to co-pay compensation of $7 million. Ray Williams was banned from company management for 10 years and ordered to pay $7 million compensation. Nicholas Whitlam was banned from being a company director for five years and ordered to pay penalties of $20,000. Some of those people, I should note, are appealing.

In the last three years the Australian Securities and Investment Commission has taken action which has resulted in the jailing of 69 people for corporate crime for a maximum of 229 years of imprisonment. Today, it has 111 defendants before the courts facing criminal charges and 20 facing civil proceedings.

In relation to funding, at the time of the last election the Labor Party proposed increasing funding to the corporate watchdog by $6 million. In the last budget the coalition increased funding by $90 million—$84 million more than the Australian Labor Party policy was calling for at the last election.

It is true that our corporate regulation is in front of that of the United States in government reforms. I pay tribute to the former minister for financial services, the current secretary to the Treasurer, for the work done
on the Corporate Law Economic Reform Program. We need to keep this going. This has been an active, reformist government in this area. The last thing we would want would be a return to the days of the Skases and the Connells, the 1980s, as prevailed under Labor administrations. This government is entitled and determined to ensure that our corporate regulation continues to be a world leader.

DISTINGUISHED VISITORS

The SPEAKER (2.17 p.m.)—I inform the House that we have present in the gallery this afternoon members of a delegation from the People’s Republic of China who are visiting Australia under the auspices of the Political Exchange Council. On behalf of the House I extend a very warm welcome to our overseas guests.

Honourable members—Hear, hear!

QUESTIONS WITHOUT NOTICE

Taxation: Family Payments

Mr SWAN (2.17 p.m.)—My question without notice is directed to the Minister representing the Minister for Family and Community Services. Minister, why was Lee-Anne Lutzke of Alexandra Hills in Brisbane assured by Centrelink in a receipted phone call on 27 July that her family payment debt would be recovered via instalments and that her tax return would not be stripped? Why did the tax office then proceed to take, without warning, $1,500 from Lee-Anne’s return, which she had budgeted for her wedding photos and honeymoon which is to take place this Saturday? Minister, when did the government decide to strip families’ tax returns? Why wasn’t Centrelink told and why were families like the Lutzkes deceived by your government?

The SPEAKER—I consider the continued inclusion of a person’s name to have been in defiance of the chair. I will allow the question to stand, but I remind the member for Lilley that I had already warned him about the inclusion of a person’s name when it was not necessary to authenticate the question.

Mr ANTHONY—I thank the member for Lilley for his renewed interest in Australian families, because we know that the only interest the Australian Labor Party have when it comes to the welfare of Australian families is to scare them as much as possible and that the only families they are really interested in—are their brothers and sisters in the trade union movement.

Opposition members interjecting—

The SPEAKER—The minister will come to the question.

Mr ANTHONY—As far as the question is concerned, it is unusual—and I think it is regrettable—that the member for Lilley uses individual cases in the sense of sensationalising—

Opposition members interjecting—

Mr Sidebottom interjecting—

The SPEAKER—I would remind the member for Braddon that he need only acquaint himself with standing order 55 to discover what courtesy in the chamber is about. All members might do well to turn to standing order 55.

Mr ANTHONY—It is regrettable that they use individual cases in the parliament but as this case has been raised I think I should address it. Before I do, the question
asked was: when did the government instigate this policy of reclaiming tax refunds?
The bottom line is that this was in the legislation when it was put through in 2000. The family assistance office always had the capacity—as it does with other social security payments—to reclaim through tax refunds if they have been overpaid. I do not think that is unreasonable. I do not think Australian taxpayers think it is unreasonable that, if they are being paid more than they are entitled to, they pay it back.

The whole premise of this question is that because of the family tax benefit we paid Australian families a substantial amount more. Because of that, there is an onus on them—and the member for Lilley knows this—to notify the family assistance office if there is a change in income. The member for Lilley raised this case, Mr Speaker, and I know that he is interested in Australian families as well. I have just been informed that this particular lady—she has two children, aged two and five—substantially underestimated both her and her partner’s final actual income. There were frequent income re-estimations. Indeed, the income estimate back in February was $42,000, but the actual income was $47,000 for that year. She underestimated her income and we paid her more. There is an onus on her that, if she had been overpaid, like other Australian families, she would have had to pay it back. It was in the TaxPack, it was in the original legislation—

Mr Swan—Mr Speaker, I rise on a point of order. You admonished me for mentioning the person’s name.

Immigration: Asylum Seekers

Mr WAKELIN (2.27 p.m.)—My question is addressed to the Minister for Immigration and Multicultural and Indigenous Affairs. Would the minister advise the House of the government’s policies in relation to children in detention? Minister, what is the outcome of the evaluation of the alternative detention arrangements for women and children trialled at Woomera?
Mr RUDDOCK—I thank the honourable member for Grey for his question. The member for Grey represents Woomera and has been very interested in the circumstances of those people who have been detained there. The Migration Act requires that any person who arrives without lawful authority in Australia is to be detained until they are granted a visa or removed. That law applies as equally to adults as it does to children. Mandatory detention results from the manner in which people arrive and not the fact that they have sought asylum. We do endeavour to minimise the period of time taken to process people, as I explained yesterday when I answered a question on a similar matter.

As at 16 August, 111 children are in detention. Some of those are detained as a result of compliance activities from the department—that is, normal compliance activities—and we would expect that they would be leaving Australia fairly shortly. The interests of children have been matters which have concerned the government and, I believe, members of parliament on both sides of the House. We have had in place over a long period of time arrangements which have enabled children to be released, in limited circumstances, on bridging visas. We have used this provision to particularly enable unaccompanied minors in detention to be held separately. The fact is that the interests of children have generally been recognised by competent authorities as being best served by remaining with their parents or with other family members.

Children in detention are provided with a range of services. At the moment something of the order of 31 are studying in primary and high schools in the community in Australia and there are a number in preschools and playgroups. Those who are in the detention environment receive access to services within the detention centre.

Mr Latham—What about the other 80?

Mr RUDDOCK—Yes, they do. While there have been calls for children to be released from detention, most people who make those calls do so in the expectation that not only children but also their parents should be released at the same time, regardless of whether they have a lawful entitlement to be in Australia. That outcome is not going to be achieved.

Given that a particular state Premier has recently been commenting on these matters in South Australia, I want to reiterate and make it very clear that I have always said that, if the competent authorities, which are the state welfare authorities, advise that it is in the best interests of a child or children to be held separately from their parents and in the community, I would accept that advice and they would be released on appropriate bridging visas. The fact is that no competent authority in any state has made such a recommendation—and they have been specifically asked to do so. At the time when there were some riots occurring in South Australia and there were children involved in lip-sewing, I wanted the state authority to see whether or not the children involved in that activity were at risk and whether they should in fact be fostered and separated from their parents. The competent authority declined to make such a recommendation.

The fact is that we have been looking at an alternative detention project for women and children. It has been operating in Woomera since August. That alternative detention model has enabled participants to live in a more relaxed family atmosphere and to carry on more routine activities. A total of 108 people—37 women and 71 children—have been involved in the project since its inception. Currently there are 18 residents involved—eight women and 10 children—and 13 of those were added after expansion of the eligibility criteria. I asked for an evaluation of the project to be undertaken. That trial has shown to be successful—

Mr Crean interjecting—

The SPEAKER—The Leader of the Opposition!

Mr RUDDOCK—And after considering the recommendations of the evaluation, I have agreed to expand the eligibility criteria for women and children.

Mr Crean—Good.

The SPEAKER—The Leader of the Opposition is defying the chair. The minister has the call.
Mr RUDDOCK—That arrangement has now been in place for some little time. Yesterday in an answer to a question on the same matter, I said that something like 40 per cent of people who were rejected remain in Australia. In fact, 40 per cent is the proportion who left.

Taxation: Family Payments

Mr RIPOLL (2.33 p.m.)—My question is to the Minister representing the Minister for Family and Community Services. Minister, can you explain to a family from Emerald—whom I cannot name, pursuant to the Speaker’s ruling—why their $3,000 tax refund was stripped without notice? Minister, given that this family are trying to juggle work and family commitments by sharing the care of their children and are paying off the costs of a visit to Brisbane to obtain specialist medical treatment and given that they advised the government at all times of changes in their income during the financial year, how can you justify stripping away their tax return without any warning at all?

Mr ANTHONY—I thank the member for Oxley because, unlike the previous questioner, he did not reveal the name to the House. That obviously distinguishes the propriety of some backbenchers of the Labor Party from that of the front bench. I would say that your career prospects have just increased dramatically on the basis of that. I assume you have taken up that individual case with the relevant minister, and we can look into it. I would like to reiterate—because I have a suspicion that the next batch of questions will be the same, which goes to show how bereft of policy are the Labor Party—

The SPEAKER—The minister will come to the question.

Mr ANTHONY—As I have clearly stated before, if you want to consult the TaxPack, you will find that the TaxPack very clearly states that if you have underestimated your income and you have therefore received more family tax benefit than you were entitled to, then we have a right to reclaim that through the tax refund. There is nothing secret about this agenda. As I said, it has been there since the time the legislation was introduced. Obviously the Labor Party have again been asleep on the job. I can assure you that the ministers responsible for Centrelink and Centrelink have gone out of their way, through advertising campaigns, through numerous information campaigns, through the family assistance office and through the taxation arm, to educate Australian families to ensure that they get their correct entitlements. That is precisely why, when the legislation was introduced, we put in special provisions whereby you could receive a top-up payment. Of course, under the old social security system that we inherited from Labor, you never had the opportunity of receiving a top-up payment. This way you do. That is why we have given Australian families the option and the choice. But, as I have said before, Centrelink have been quite responsive in ensuring that, if a family is having difficulty, there is a debt repayment schedule, particularly with those entitlements coming from family assistance. But, as far as any secret agenda is concerned, there has been no secret agenda at all.

I do hope that, if the member really wants to represent this individual case, he brings it to the government, and we will look at it. This would be in stark contrast to the previous question. I think it is inappropriate to go through all the details—but perhaps later on we will—where the member for Lilley has been totally offline.

Foreign Affairs: Iraq

Mr JULL (2.37 p.m.)—My question is directed to the Minister for Foreign Affairs. Would the minister update the House on United Nations efforts in the Persian Gulf to enforce sanctions against Iraq? What role is Australia now playing in this campaign?

Mr DOWNER—I thank the honourable member for Fadden for his question. I acknowledge that he and a number of other members of the House have recently been to the Middle East, including to the Persian Gulf, where they had the opportunity to meet with Australian members of the multinational interception force. I congratulate those members of this House who undertook that mission, because it was an important mission and one that I know was well received by the members of the Royal Australian Navy.
The Multinational Maritime Interception Force was created in 1990 to help to enforce the sanctions which were established by United Nations Security Council resolution 665. These sanctions are designed to prevent Iraq from getting supplies to rebuild its military. The multinational interception force has impounded many millions of dollars worth of oil which has been illicitly exported by the Iraqi government as part of its efforts to generate unsupervised income. It is important to do this because it prevents the purchase of weapons and other non-humanitarian imports for the Iraqi regime. The multinational interception force also aids in constraining Baghdad’s capacity to import prohibited items by sea.

Following September 11 last year, the Australian Defence Force involvement in multinational interception force operations was incorporated into what is called Operation Slipper—our contribution in support of the United States response to international terrorism. Since our involvement under Operation Slipper, there have been 360 boardings of suspect vessels; 150 of these were non-compliant with Security Council resolutions. The multinational interception force incorporates vessels from eight countries: Argentina, Kuwait, the Netherlands, New Zealand, the United Arab Emirates, the United Kingdom and the United States as well as Australia. We have been a long-standing contributor to the MIF. Our forces have been deployed on 13 occasions as part of the multinational interception force since it was established. Australia’s contribution at present is two frigates—HMAS Melbourne and HMAS Arunta—together with embarked helicopter support and a command element.

On 8 January, the government announced that an officer of the Royal Australian Navy, Captain Peter Sinclair, had assumed tactical command of the multinational interception force. I think the Australian Navy does a very fine job in these difficult circumstances. I understand that, when the parliamentary committee was recently on board both HMAS Arunta and HMAS Melbourne, the temperature was in the vicinity of 50 degrees Centigrade. Day by day, our sailors are operating in that sort of environment. This contribution to the multinational interception force demonstrates the strength of Australia’s commitment to the enforcement of United Nations Security Council resolutions and our role in maintaining the integrity of the sanctions regime—and that is a regime that is critical to efforts to pressure Iraq to adhere to United Nations Security Council resolutions on weapons of mass destruction. This is an involvement the government is committed to maintaining. We will not be backing away from it; we think it is a useful contribution that Australia can make to trying to resolve these difficult issues in the Middle East.

**Taxation: Family Payments**

Mr CREAN (2.41 p.m.)—My question is to the Treasurer. Treasurer, can you explain why you are clawing back family payments from 650,000 families like those referred to in earlier questions while Jodee Rich and others like him are still enjoying their multimillion dollar lifestyles because you have failed to make them pay back their excessive, undeserved bonuses? Isn’t this a case of one rule for the wealthy and another for everyone else?

Mr COSTELLO—The Australian social security system works on a means-tested basis—a principle which I believed, at least until today, had bipartisan support. The means-tested basis on which the Australian social security system works is that people are entitled to benefits on the basis of the income they earn. You could have a non-means-tested social security system in which everybody was entitled to social security benefits but which would cost, obviously, quite a considerably greater amount than the current one does. As a consequence—and it has been up until today supported by the Labor Party—if a person’s income rises, their benefits accordingly taper down. We reduced the taper rate and increased benefits to people who receive family allowance; that is, we kicked the threshold, we kicked the ceilings out and we reduced some taper rates. Nonetheless, they still taper out.

As the minister has explained, where a person’s income rises, consequently under a means-tested social security system a person receives less in allowances. That is a principle which, up until today, has been a feature
of bipartisan policy. I notice that the Labor Party has tried to make great play today of the way in which this operates. If the Labor Party is against means testing social security allowances, you had better say it.

Mr Crean—Why don’t you answer the question?

The SPEAKER—The Leader of the Opposition!

Mr COSTELLO—Come to the dispatch box, have the honesty of your convictions and say that people should not have their allowances taper off as their income rises. If that is your position, say that, and we will cost it for you and we will give the Australian public some idea of the tax rates which would be required to sustain it. But, in a situation where you have hitherto supported—indeed, in some respects, introduced—a system where allowances have always declined as income has risen, please do not have the hypocrisy to try to suggest you are against it when you do not have the courage to say so.

Mr Crean—I notice he closed his book, but what about Jodee Rich and his bonus and paying them back?

The SPEAKER—The Leader of the Opposition will resume his seat or I will deal with him! I would remind the Treasurer and the Minister for Children and Youth Affairs of the obligation to address remarks through the chair and not use the term ‘you’.

Workplace Relations

Mr CIOBO (2.45 p.m.)—My question is addressed to the Minister for Employment and Workplace Relations. Would the minister inform the House of how some Australian workers are being coerced in their workplaces to pay fees for services they have not requested? What is the government doing to ensure that Australian workers continue to have freedom of choice in the workplace? Minister, are there any alternate positions in relation to this issue?

Mr Latham—Alternative positions.

Mr Swan—Provocative!

Mr Latham—Tadpole!

The SPEAKER—The member for Werriwa is warned!

Mr ABBOTT—I thank the member for Moncrieff for his question. Over the past 25 years, as members probably know, the unionised proportion of the Australian workforce has fallen from over a half to under a quarter. Some unions have reacted to this by trying to win by coercion what they have been unable to obtain by persuasion. I regret to say that some unions, with the support of the ACTU, are now seeking to charge non-union members a $500 a year fee for services they have not requested and do not necessarily need. This is a scam. If a company did it, it would be illegal. What is unlawful under corporate law should also be unlawful under workplace law. To their credit, some of the more thoughtful figures in the labour movement share the government’s concerns about these compulsory union levies. For instance, the Premier of New South Wales, Bob Carr, has said:

You can’t put a tax on other members of the workforce and the state can’t require the collection of union fees from non-unionists.

To his credit, the member for Barton said last year:

Before I felt comfortable with that concept—compulsory union levies—I’d want to know why unions are unable to recruit members in a particular area. Good on the member for Barton and good on Bob Carr for their views, but, unfortunately, thanks to the 60-40 rule in some states and the 50-50 rule in other states—thanks to those union block votes—the national interest is always trumped by union votes and union money when it comes to the crunch. It is only going to get worse because, under the Hawke-Wran reforms, the union block vote is actually going to increase at the national conference from zero per cent to 50 per cent. That is the increase in the union block vote as a result of the Hawke-Wran reforms. Tonight, in the Senate, I very much fear that the opposition are going to vote in ways which expose up to five million non-union members to a $500 a year union tax. The Leader of the Opposition has already squibbed the first test of party reform by imposing an old-fashioned head office fix on the voters of Cunningham. Here is another test for him to prove that the party really has changed and
for him to prove that he is bigger than his background by telling his senators to support the government’s compulsory union fees bill.

**Telstra: Privatisation**

**Mr ANDREN** (2.49 p.m.)—My question is to the Deputy Prime Minister and Minister for Transport and Regional Services. Minister, a show of hands from 1,000 people attending Macca’s Australia All Over broadcast in Weethalle on Sunday revealed not one person supporting full privatisation of Telstra. Why is the National Party ignoring the fact that 80 per cent of rural and regional Australians do not want to sell the remainder of Telstra under any circumstances?

**Mr ANDERSON**—I thank the honourable member for his question. I think the neatest way I can answer that is to say that, had the question been, ‘Do they support the National Party’s position that the overwhelming interests of country people in this debate are to secure appropriate services and then have them maintained?’, they would have agreed to that too.

**Automotive Industry**

**Mr HUNT** (2.50 p.m.)—My question is directed to the Minister for Industry, Tourism and Resources. Would the minister inform the House of the recent performance of Australia’s automotive industry? Minister, are there any recent threats to this vital industry?

**Mr IAN MACFARLANE**—I thank the member for Flinders for his question. In the member’s electorate is Western Port Steel, which, of course, was shut down by recent industrial action which also affected the car industry. On a more positive note, it is pleasing to see that retail sales in the Australian automotive market have continued to be strong, and July’s figures show a 5.4 per cent increase on the figures for July last year. In fact, today’s ABS figures confirm that new motor vehicle sales have risen 6.3 per cent in the last 12 months—so much so that the FCAI has forecast total vehicle sales for 2002 to be more than 800,000 units.

These figures cap off a great few months for the car industry. Toyota are about to release their new V6 Camry, which I can tell you, Mr Speaker, is an exceptional vehicle. Mitsubishi have made a commitment to boost their exports and Holden will start exporting Monaros, as the Minister for Trade has already outlined. Holden will also release a new model, as will Ford. It is a shame that the trade unions do not get behind the car industry. It is interesting with the soon to be released Productivity Commission report which will map the next five years for the car industry from 2005 that the reaction of Doug Cameron from the AMWU is to say that he will greet that report not with the challenge that it may present, not with the support that it deserves, but with a significant, coordinated, industrial response.

In fact, to quote him directly from the *Australian* on 30 July, he said, ‘There’s going to be a huge backlash.’ Nothing poses a greater risk and threat to the car industry in Australia than the outrageous behaviour of the unions, and it is about time the Leader of the Opposition had a word to his mates in the union and told them to get behind the car industry instead of trying to destroy it.

**Business: Executive Remuneration**

**Mr McMULLAN** (2.53 p.m.)—My question is to the Treasurer. Treasurer, I refer to your claim that you require the disclosure of details of executive options. Is it not the case, as outlined in a press release issued today by the Australian Council of Superannuation Investors, that a remarkable 52 per cent of the top 100 listed companies that issue options to executives do not disclose the value of those options as they are required to do? Is this not the real problem and why does the government refuse to act against its mates to ensure compliance?

**Mr COSTELLO**—As I informed the House earlier, and contrary to the false information which the Labor Party insinuated yesterday, Australian law in the Corporations Act requires the senior directors of companies to disclose in their annual reports options and shares. That is the Australian law—

**Mr McMullan interjecting**—

**The SPEAKER**—The member for Fraser has asked his question. The Treasurer has the call.

**Mr COSTELLO**—contrary to the allegation which was made by the member for
Fraser and the Leader of the Opposition in the House yesterday. Yes, contrary to the allegations that were made by the Labor Party yesterday. Regrettably, they were made; but they were false. In relation to the enforcement of the law, as I have already indicated the Australian government put in place the Australian Securities and Investment Commission, which is charged with enforcing law in courts of law. People still have their rights. The prosecutor brings action and these matters are heard by the corporate prosecutor.

As I indicated earlier, the government has funded the corporate prosecutor well in advance of anything the Labor Party thought should be done. When the Labor Party called for increased resources of $6 million, the government allocated an additional $90 million. In addition to that, as I have also indicated, that corporate prosecutor currently has 111 defendants before the courts facing criminal charges and 20 facing civil proceedings. We live under the rule of law, and under the rule of law the government passes the law through the parliament, which, I think we now agree, deals with this matter. The government funds a prosecutor which has this charge—and I think it has been much more active. I think ASIC says that it has reason to believe that it is probably the most active corporate enforcer in the world. The matters go to the courts. People are entitled to a trial in the court and the courts deliver judgments. The courts have delivered a number of judgments in relation to these matters. If the honourable member thinks that he knows of credible evidence of somebody who is in breach of the law, he should pass it on to the Australian Securities and Investment Commission because it would no doubt be able to use that evidence in a court of law in accordance with the rule of law, which is the way in which these things operate.

Workplace Relations: Small Business

Mrs GASH (2.56 p.m.)—My question is to the Minister for Small Business and Tourism. What recent initiatives have the government taken to provide a more harmonious workplace for small business? What opposition has the government faced and how are the opponents of these positive changes attempting to justify their opposition?

Mr HOCKEY—I would like to thank the member for Gilmore for her question. She is also a former small business woman and someone who has taken a marginal Labor seat and made it a safe Liberal seat—as a result, I suspect, of her support for small business. It is my very sad duty to report to the House that last night the Labor Party sided with the unions and voted down the government’s small business protection bill in the Senate.

Australia’s one million small businesses cannot always afford to defend themselves when they are the innocent victims of a secondary boycott. So we, the coalition, wanted to give the ACCC more power to go in there and bat for small businesses, which are the innocent victims of secondary boycotts.

Last night, in an unholy alliance, the Labor Party and the Democrats came together to knock off a bill that was going to help small business. Sympathy strikes—which is what they used to call them—such as coal workers striking in support of transport workers do have a tremendous impact on small business, which may be the innocent victim. Yet last night the Labor Party went to bat for the unions and defeated the interests of small business.

The member for Gilmore asked me why; why did they do that? You do not need to be Albert Einstein to understand that the Labor Party has been putting the interests of the unions ahead of the interests of small businesses. The recommendation on secondary boycotts came from the Baird committee back in 1999. Some of the key supporters of the recommendations included some members of the opposition. It is quite an eclectic bunch if you look at it. The key supporters included: the member for Cunningham, who is no longer here; Senator Chris Schacht, who is no longer here; Senator Michael Forshaw—and we know what happened to him lately, don’t we?; the member for Namadgi knows—and the member for Hunter as well.

It is interesting to see that those people who originally went in there to support small business all suffered some form of fateful
It is really ugly, isn’t it: the way the unions seek retribution, through the Labor Party, against those people who initially go in to support small business. All of those voices that supported small business in the Labor Party have been drowned out by the union voices. The Leader of the Opposition’s rhetoric on reform and curbing the power of the trade unions in the ALP has been blown away by this measure. A little earlier, the Minister for Employment and Workplace Relations mentioned that there are a couple of key tests of how the Leader of the Opposition is going in dealing with the unions. The Leader of the Opposition failed the key test last night on the secondary boycott bill. Once again, we went in to back small business and the Labor Party did not.

Mr Speaker, if you are looking for any justification beyond the Hawke-Wran report, I found this very interesting quote from the web site Workers Online, which must be the new technology equivalent of the Little Red Book. Nick Lewocki, the New South Wales state secretary of the public transport union, gave us a snapshot of what the Labor Party really believes in. He said:

How many small businesspeople stood on polling booths or letter-boxed for the ALP ... How many small businesses pay a percentage of their profits to the ALP? Not many. It’s our Party and if they don’t want to be part of it, they should leave.

Mr Speaker, if you want any evidence that the Labor Party is wholly owned by the unions, have a look at the way they voted on secondary boycotts last night. They again put the interests of the unions ahead of the interests of Australia’s one million small businesses.

Mr McMULLAN (3.01 p.m.)—My question is to the Treasurer. It follows his last answer, in which he said that ASIC would enforce disclosure of executive remuneration. Treasurer, isn’t it the case that in March 2000—that is, 2½ years ago—the then chairman of ASIC told a parliamentary committee that ASIC could not enforce the law requiring companies to disclose details of executive remuneration? Why did you ignore his plea? Why do you continue to pretend that you require disclosure when the head of your own regulatory body said this law could not be enforced?

Mr COSTELLO—As I said, the Corporations Law requires in annual reports, in accordance with the provisions of the act, remuneration of the five senior executives by way of shares or options. The Australian Securities and Investments Commission is funded—much more than the ALP ever wanted to do—to bring actions. If the honourable member believes he has evidence that the law has been broken, he should pass it across to the Australian Securities and Investments Commission. I do not know if he is alleging that, but one suspects that, having had a bad Newspoll, the Leader of the Opposition has decided to try to open up a new front. I would not talk too much about polls if I were the Australian Labor Party. Probably what happened this morning was unforeseen.

Mr Rudd interjecting—

The SPEAKER—Order! If the member for Griffith persists with his interjections, I will deal with him.

Mr COSTELLO—After the latest Newspoll, the Leader of the Opposition said, ‘What can we do today? We’ll feign an interest in corporate regulation.’ In his three years as shadow Treasurer, I do not think the Leader of the Opposition ever showed any interest in corporate regulation. When Corporate Law Economic Reform Program 1, 2, 3, 4, 5 and 6 were put into place, they dramatically improved Australia’s corporate regulation. The Leader of the Opposition has been moved to say in the last 24 hours, ‘It’s better than the United States.’ We have in train an arrangement which will put in place a standard from the Australian Accounting Standards Board on the methodology for expensing, options and shares. This will be amongst the first in the world—

Mr Crean interjecting—

The SPEAKER—The Leader of the Opposition is a habitual interjector. If members of his frontbench were to interject as frequently as he does, I would deal with them. If I were to apply the standing orders equitably, I should similarly deal with him. I ask him to show a good deal more restraint.
Mr Gavan O’Connor—Mr Speaker, I rise on a point of order. As you have just said, could you apply that to the Minister for Foreign Affairs as well?

The Speaker—Order! I warn the member for Corio!

Mr Costello—With the Australian Accounting Standards Board adopting the International Accounting Standards Board’s recommendations, we could have in place, with an exposure draft from October this year, the international standard. Such a standard has not been adopted in the United States or in any comparable jurisdictions. After that has been exposed, if it is acceptable—and one would want it to be in accordance with international practices—Australian companies will report not just in Australia but to foreign exchanges as well. It would have the force of law in Australia unless it were disallowed by either house of parliament. As I said earlier, this puts our system of corporate regulation not only in advance of the United States—as has been conceded by the Leader of the Opposition and by the member for Fraser—but in advance of comparable jurisdictions around the world. It is the result of six years of hard work.

We have to continue to work in relation to all of these things, but after six years of hard work we have put our corporate regulation in advance of the United States. It would not have occurred had it not been for the work of this government. I pay tribute to Mr Hockey, the Minister for Financial Services and Regulation as he then was, and Senator Ian Campbell, the Secretary to the Treasury in the Senate.

Environment: Greenhouse Gas Emissions

Ms Julie Bishop (3.07 p.m.)—My question is to the Minister for the Environment and Heritage. Would the minister advise the House of current Howard government initiatives that are reducing greenhouse gas emissions? How can Australians become involved in these initiatives?

Dr Kemp—I thank the honourable member for her question. While Australia produces only about one per cent of world greenhouse emissions, the Howard government is determined to put in place world-leading programs to reduce those emissions and position Australia for a less carbon tolerant world. With nearly $1 billion in funding, our programs are already projected to deliver some 60 million tonnes of abatement a year by the end of the decade, which is the equivalent of taking all Australia’s passenger cars off the road. This is an achievement that has put us well on track to meet our Kyoto target.

Australian industry is already involved in a range of very successful programs, such as the Greenhouse Challenge and the greenhouse friendly program. This week is an opportunity for Australian families to assess what they can do to make a contribution. This week is National Science Week. Households are responsible for one-fifth of Australia’s national greenhouse emissions. Household heating and cooling, refrigeration, computers, lighting and other electrical appliances all add to our greenhouse total. During National Science Week, the major project for the week is a project known as the National Kilowatt Count. Through the National Kilowatt Count, every Australian household has the chance to monitor and assess their own energy output. I encourage all Australians to participate before the end of next week by visiting www.kilowattcount.gov.au to assess their own contribution to greenhouse emissions.

I am also pleased to report that under Cities for Climate Protection more than 150 local councils, representing over 60 per cent of the Australian population, are already working at the community level to reduce greenhouse emissions in both their corporate operations and their communities. Last week, I visited a family in suburban Melbourne who have taken it on themselves to reduce their greenhouse emissions from some 10 tonnes per year to one tonne per year. They have done that by using solar heating. They have done it by compact fluorescent lights and other energy efficient appliances. And they use them carefully.

Of course, the opposition has absolutely no interest in these practical measures. The opposition’s interest is solely for Australia to sign a flawed international treaty, to place additional burdens on Australian business
and to ship Australian jobs overseas. Unlike organisations such as Greenpeace and the Australian Labor Party, the government does not believe in unnecessarily giving up Australian sovereignty and damaging job opportunities. Kyoto is not the answer. I draw to members’ attention the excellent piece by Dr Alex Robson in today’s Canberra Times. Dr Robson wrote as follows:

A poorly chosen policy response might only marginally affect climate change ... but at the same time it might involve economic costs today that are unacceptably high.

Dr Robson went on:

Many economists ... believe that the Kyoto Protocol is a good example of such a flawed policy response.

He concludes that if we ratify Kyoto as Labor says we should:

... ordinary Australians could end up paying twice.

Mr Speaker, this government will not allow that to happen.

Business: Corporate Regulation

Mr McMULLAN (3.11 p.m.)—My question is to the Treasurer. It follows from his last answer concerning people who have delayed in responding to calls for Corporations Law reform. Is the Treasurer aware that in July 1997 a working party of the Ministerial Council for Corporations recommended measures to improve auditor independence, many of the same measures as were recommended last October by Professor Ramsay? Why did you not take action to implement these measures before the collapse of One.Tel, Ansett and HIH? Why have you still failed to implement these measures after five years?

Mr COSTELLO—Mr Speaker, the focus on auditors has come about principally as a response to the Arthur Andersen audit on Enron and the collapse of Arthur Andersen worldwide, to which the United States has made various responses. They will be well considered by the government in the context of Australia’s inquiry into auditing, which is in relation to the royal commission on HIH. The royal commission on HIH, which was set up by this government, will be looking at the role of auditors in relation to HIH and the collapse of that organisation.

Mr Speaker, if the member for Fraser were really interested in corporate regulation, he might pay a bit of credit to the Australian Securities and Investment Commission, which, notwithstanding the continuation of the royal commission, has already brought proceedings against some of the directors of HIH. Although they are on appeal, they have been given very substantial penalties as a result of some of the matters which have come to light. Obviously, the royal commissioner will be making findings about the audit and how it was conducted in HIH by Arthur Andersen.

Why would the government move in advance of the findings of the royal commission? One normally calls a royal commission in order to get findings and recommendations. It is not normally a good principle to call a royal commission and then to act in disregard of the findings or before they are made. I have indicated—as have the minister who was then responsible and Senator Campbell, who was primarily responsible for these matters—that the government will be acting on the recommendations of the royal commissioner. Why would one legislate through the parliament then receive the royal commissioner’s findings, which could actually make recommendations which were different to the way in which one had legislated? We have an inquiry into HIH and its auditing. It will be reporting. It will be making recommendations. The government will be acting on those recommendations. That is the reason why the government called the HIH royal commission and that is the way in which we will handle its findings.

Veterans: Commemorations Program

Mr CAMERON THOMPSON (3.14 p.m.)—My question is to the Minister for Veterans’ Affairs. Can the minister inform the House about new initiatives in the federal government’s veterans’ affairs commemorations program?

Mrs VALE—I acknowledge the member for Blair and I thank him for his question. I also acknowledge his active commitment to the veterans in his electorate. I am delighted
to announce today that I will be launching Saluting their Service. This is the federal government’s new commemorations program in the 60th year of the anniversary of the battle for Australia. I would also like to acknowledge the successful visit by the Prime Minister to Isurava on the Kokoda Track last week—10 Kokoda veterans attended and paid homage to their mates.

This new program will build on the success of previous commemoration programs. I would like to acknowledge the work of my predecessors, the Hon. Bruce Scott, the member for Maranoa, and also the Hon. Con Sciacca, the member for Bowman, in paying tribute to our veterans. This program will further strengthen the educational focus of Australia’s wartime involvement, our involvement in conflicts and the involvement of our peacekeepers. It will be a modern commemoration program. It will include a package for the 21st century which is aimed at utilising IT and the Internet. It will focus on living memorials and on assisting our young people to gain a greater appreciation of the history, involvement and the importance of our Defence Force. The government will also focus, through this important program, on creating better opportunities for the broader community to own part of their own wartime history.

Saluting their Service will continue the grants program that preserves commemoratory memorials in local communities and will acknowledge our military heritage in these local communities. It will also continue and expand on the certificate of appreciation that is given to convey our government’s appreciation to our veterans and to the younger veterans who have served in peacetime service in East Timor and in Bougainville.

This program will continue to send an important message of remembrance and respect to younger Australians. Last year we celebrated our Centenary of Federation. It was 100 years of nationhood. It was 100 years of the mightiest little democracy in the whole world. We should never contemplate our bright future without remembering how we got here and whom we owe. That is the reason for the Saluting their Service program. I invite everyone here to attend the launch.

Royal Commissions: Financial and Legal Assistance

Mr SERCOMBE (3.17 p.m.)—My question is addressed to the Attorney-General. Attorney, can you confirm that the Howard government has allocated over $10 million for financial assistance to witnesses appearing before Commonwealth royal commissions, including the HIH royal commission? Can you also confirm that the government will this year spend around $60 million less in real terms on legal aid than Labor did when it left office in 1996? Attorney, why are you penalising ordinary Australians who are struggling to afford a lawyer, while giving money to HIH executives, like Rodney Adler, who are least in need?

The SPEAKER—The member for Maribyrnong’s question was an illustration of the unnecessary use of a name and I ask the Attorney to ignore the last sentence.

Mr Bevis interjecting—

The SPEAKER—There is a distinction between questions and answers, as the member for Brisbane is well aware.

Mr Martin Ferguson interjecting—

The SPEAKER—The member for Batman knows there are facilities for making those changes.

Mr Martin Ferguson interjecting—

The SPEAKER—The member for Batman! The Attorney-General has the call.

Mr WILLIAMS—I thank the member for Maribyrnong for his question. It runs together a couple of issues, one of which was the subject of a question to me yesterday from the member for Barton. I noticed in a news report subsequent to question time yesterday that the member for Barton was running around asserting, both to the Sydney Morning Herald and to Radio 6PR in Perth, that the coalition had cut some $400 million out of legal aid. That figure is fantasy. In fact, we have not cut anything out of legal aid. What we did was to focus the Commonwealth legal aid funding on matters arising under Commonwealth law.

Mr Tanner interjecting—

The SPEAKER—The member for Melbourne!
Mr WILLIAMS—We removed the inappropriate, unnecessary subsidy of state law matters and put the onus on the state and territory governments to fund it themselves. As a consequence of our action—

Mr Tanner—that is called cutting the funding.

The SPEAKER—I warn the member for Melbourne!

Mr WILLIAMS—we have not reduced legal aid funding for Commonwealth law matters; we have in fact increased it. Since 1996 there has been no reduction whatever. Another beneficial advantage of the action that was taken was that the aggregate funding from state and territory governments for legal aid in 1995-96 has increased to $131 million in the last two financial years. That is a positive boon. We have retained our responsibility and we have actually added to it. In the four years from 1 July 2000, we will be adding an aggregate $63 million to Commonwealth law funding.

The member for Maribyrnong also referred to the legal assistance scheme that applies in respect of the HIH royal commission. This is a scheme, as I pointed out yesterday, that has run since the 1980s. That scheme has not been means tested since its inception. The Treasurer was asked questions today about family law payments and he pointed out that it has been bipartisan policy—policy on both sides of the House—for family law payments to be means tested. Since the early eighties it has been bipartisan policy—policy on both sides of this House—for legal assistance for royal commissions not to be means tested. The Treasurer challenged Labor to say they had changed their policy in respect of family payments. I challenge Labor to say that they have changed their policy in respect of legal assistance for royal commissions.

There are reasons why legal assistance for royal commissions is not means tested. The scheme is designed to enable all people with a central role in the proceedings to have access to legal representation and to assist royal commissions in their tasks. It helps the royal commission get to the bottom of a story. The commission is engaged in a fact-finding exercise in the public interest and, by providing those central to the fact-finding exercise with legal assistance, it can be ensured that they participate fully and understand their responsibility to do so.

As the Labor Party knows, based on its experience of providing money under the same scheme for commissions and inquiries, this kind of assistance is very different to legal aid. The royal commissions are not set up to determine the guilt or innocence of individuals, although that may become an issue, but the fact-finding exercise they undertake helps determine whether prosecutions should or could be undertaken. It is not appropriate that this exercise be impeded by key players not obtaining legal advice. The questions from the member for Barton and the member for Maribyrnong have related to the means testing of assistance provided to players in the HIH royal commission. They have not related to the players in the building and construction industry royal commission. Is the policy that the Labor Party seeks to apply to the key players in the HIH exercise equally, in Labor Party policy, applicable to the trade union leaders who are before the building and construction industry commission?

Trade: World Trade Organisation Ministerial Meeting

Mrs DE-ANNE KELLY (3.24 p.m.)—My question is addressed to the Minister for Trade. Would the minister advise the House of why Australia will host a meeting of World Trade Organisation trade ministers later this year? What impact will the proposed meeting have on the current Doha round of WTO negotiations under way? How do the people of Australia stand to benefit from a successful completion of the round?

Mr VAILE—I thank the member for Dawson for her question. An important part of the process that we are trying to address as one of the lead nations in the multilateral round of negotiations is a much improved circumstance for the global trade of sugar, a commodity that is very important to the member for Dawson, as her electorate produces a sizeable amount of the export sugar in Australia. Of course, our government is very focused on and committed to ensuring
that we achieve a much fairer international trading regime as far as the sugar industry is concerned, particularly at the moment in its significant hour of need. Our government is certainly working very closely with the Australian export sugar industry.

More broadly, the question was: how does Australia stand to benefit from a decent outcome of this round? I will give some statistics. An increase of just 10 per cent in Australian exports could create 70,000 new Australian jobs. It is quite instructive—and the Labor Party might recognise the fact—that, since 1996, Australia's exports have increased from $99 billion a year to $154 billion a year and have made a significant contribution to the 972,000 new jobs that have been created while our government has been in office. A 50 per cent reduction in global trade protection would deliver an economic boost of more than $7 billion per year to the Australian economy—that is $350 for every man, woman and child every year, and that figure would grow as trade grows. Therefore Australia is playing a lead role in moving the multilateral agenda forward in the current round of the Doha negotiations.

Last year, in the lead-up to the meeting in Doha after the failure in Seattle, at Australia's urging we conducted a number of informal ministerial meetings that created the framework and the environment to achieve a successful launch of a round in Doha last year. Those meetings were held in Mexico and Singapore. Since the round was launched, I have urged my ministerial colleagues in the WTO to continue that practice, to the point that we have reached agreement with the major players that, on 14 and 15 November this year, we will host a mini-ministerial in Sydney for the leading trade ministers in the WTO, from about 25 of the core countries, and including developing countries, least developed countries and small island states, so that the interests of the broader membership of the WTO are involved in what will be a critical part of the process of these negotiations. If we achieve a successful outcome, it will not just benefit countries like Australia, where we obviously look for improvement in the agricultural sector, particularly in the area of sugar that is of such interest to the member for Dawson. Just as importantly, it will benefit the developing countries of the world which are entitled to, and deserve, better access into the wealthier markets of the world for their agricultural products.

That is what we are about in this agenda; and Australia has, under the leadership of our government, continued to play a major role in moving this agenda forward. Earlier this year at the Australian-American leadership dialogue in Washington—I know there were a number of members of the opposition present at that discussion and the dinner there—the US Trade Representative, Bob Zoellick, made a comment about Australia’s role in moving the whole multilateral agenda forward in such a way that we can see the possibility of productive outcomes. He said:

Last year, the United States and Australia worked closely together to launch the new global trade negotiations at Doha, reversing the failure of Seattle. I did my best work through the challenges of 142 economies, until my colleague and friend—

yours truly—

Mark Vaile could join us after Australia’s elections. Once he arrived the momentum picked up, triggering an all-night session that clinched the deal.

Australia has maintained a leadership role in the WTO and in the multilateral agenda, at the same time as being able to continue our bilateral push to improve the circumstances of our exporters. So in November this year there will be another critical instalment along the pathway to a successful outcome of this round that will be facilitated by our government and by Australia.

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

QUESTIONS TO THE SPEAKER
Questions on Notice

Mr MURPHY (Lowe) (3.30 p.m.)—Mr Speaker, under standing order 150, yesterday I asked you to follow up a number of questions.

The SPEAKER—I have done so.

Mr MURPHY—My thanks go to Mr Max Kiermaier. Mr Speaker, I say to you, to

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the Clerk and the Deputy Clerk that Max does a fantastic job in the Table Office for those who put questions on the Notice Paper. He drew to my attention that I overlooked question No. 389. As someone who likes a good red, I do not know how I missed No. 389. I was tempted to say ‘bin 389’.

The SPEAKER—The member for Lowe has had a combination of indulgence in drawing my attention to matters under standing order 150. I will follow it up.

Questions on Notice

Ms O’BYRNE (Bass) (3.31 p.m.)—Mr Speaker, also under standing order 150, I draw your attention to question No. 260 to the Treasurer, which I placed on the Notice Paper on 20 March this year—some five months ago now. I ask if the Treasurer could perhaps turn his attention to this matter.

The SPEAKER—I will try to get a timely response for the member for Bass, as the standing orders provide.

AUDITOR-GENERAL’S REPORTS

Reports Nos 64 to 67 of 2001-02

Reports Nos 1 to 4 of 2002-03

The SPEAKER—I present the Auditor-General’s audit reports Nos 64 to 67 of 2001-02 entitled No. 64—Performance audit-Management of learning and development in the Australian Public Service; No. 65—Performance audit-Management of Commonwealth superannuation benefits to members-ComSuper; No. 66—Performance audit-Aviation safety compliance-Follow-up audit-Civil Aviation Safety Authority; and No. 67—Financial statement audit-Control structures as part of the audit of financial statements of major Commonwealth entities for the year ending 30 June 2002; and Auditor-General’s audit reports Nos 1 to 4 of 2002-03 entitled No. 1—Performance audit-Information technology at the Department of Health and Ageing-Department of Health and Ageing; No. 2—Performance audit-Grants management-Aboriginal and Torres Strait Islander Commission; No. 3—Performance audit-Facilities management at HMAS Cerberus-Department of Defence; and No. 4—Audit activity report-Audit activity report: January to June 2002-Summary of outcomes.

Ordered that the reports be printed.

PAPERS

Mr ABBOTT (Warringah—Leader of the House) (3.31 p.m.)—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 papers:


Government Response—“In Confidence”: The House of Representatives Standing Committee on Legal and Constitutional Affairs Report of its inquiry into the protection of confidential personal and commercial information held by the Commonwealth.

Debate (on motion by Mr Swan) adjourned.

LEAVE OF ABSENCE

Mr CREAN (Hotham—Leader of the Opposition) (3.32 p.m.)—I move:
That leave of absence from 21 August to 22 November 2002 be given to Ms O’Byrne for maternity purposes.

We wish her well and look forward to her return.

Question agreed to.

The SPEAKER—I join all other members in wishing the member for Bass every success.

MINISTERIAL STATEMENTS
Royal Commission into the Building and Construction Industry

Mr ABBOTT (Warringah—Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service) (3.33 p.m.)—by leave—The Royal Commission into the Building and Construction Industry is one of the government’s most important workplace relations initiatives. As the House may recall, the Employment Advocate’s report of May 2001 indicated that, since the commencement of the OEA’s operations, more than half of all complaints about breach of ‘freedom of association’ principles came from the construction industry. This indicates that ‘no ticket, no start’ is still the reality in this industry.

The construction industry strike rate in 2001 was five times that of the all industries average. It has been said that tenderers for CBD construction in Sydney typically allow for one strike day every two months, while tenderers in Melbourne allow for one strike day every two weeks. Commercial construction costs in Melbourne are reportedly a quarter higher than those in Sydney which, in turn, is said to be a quarter higher than comparable construction under the conditions operating in domestic construction. In February last year, the abolition of the construction industry task force in Perth sparked a series of violent site invasions. At about the same time, the National Secretary of the Construction Division of the CFMEU warned that criminal elements were infiltrating his union.

Because of these consistent concerns about coercion, collusion and intimidation, the government set up the Cole royal commission to try to stop unlawful practices driving up costs and to stop this kind of harassment eventually driving honest workers and honest businesses out of the construction industry. The problems of this industry are costing taxpayers, they are costing consumers, they are costing the economy and they are costing jobs.

Over the past nine months, evidence presented to the commission has amply justified the government’s concerns. Workers and contractors have testified that intimidation and threats are commonplace in workplace negotiations. There is a business culture under which irregular, unethical and illegal payments are frequently made to secure a fleeting industrial peace. Powerful figures in the industry exploit the law when it suits them and otherwise ignore it. In the past fortnight, as has been widely reported, the commission has heard allegations about all-but-identical distribution warehouses built for Woolworths in Sydney and Melbourne: the New South Wales warehouse was finished on time, $5 million over budget; the Victorian warehouse was completed more than seven months behind schedule and more than $15 million over budget. As has been extensively reported, the commission has heard allegations that a potential $400 million investment could now be in jeopardy because the first Saizeriya plant is still not finished, six months behind schedule, despite the involvement of the Victorian government.

Last week, just before the government lodged its final submission, Commissioner Cole presented a first report to the Governor-General. In its first report, the commission flags the establishment of a national body to investigate and prosecute illegalities which existing law enforcement agencies lack the expertise or resources to tackle. Because the establishment of such a body might take some time and because the commission’s own investigators will shortly begin to withdraw from the industry, Commissioner Cole has recommended the immediate establishment of an interim task force utilising the government’s existing powers.

Commissioner Cole is especially concerned to protect those who have testified from retribution, and reports of last week’s
strike at Grocon, allegedly designed to have the company withdraw its evidence to the commission, can only underscore his concerns. The commissioner is also concerned that a temporary reduction in scrutiny could see a new outbreak of illegal practices associated with the imminent round of enterprise bargaining. The government accepts Commissioner Cole’s recommendation. An interim task force will be established to investigate and police breaches of the Workplace Relations Act and other laws in the construction industry. The government aims to have this task force operational by the end of next month. The task force will work in the closest possible cooperation with agencies such as the Australian Federal Police, the Australian Taxation Office and the Australian Competition and Consumer Commission. The task force will continue to operate until the government is able to implement its response to Commission Cole’s final report.

Mr McCLELLAND (Barton) (3.39 p.m.)—by leave—I thank the Minister for Employment and Workplace Relations for providing me earlier today with a copy of his statement. I have not, of course, read the report, which has now been tabled. I note the intention to establish a task force before the end of September, so presumably this is the only instance when this parliament will consider the matter.

I should say at the outset that Labor have consistently said that we do not and will not tolerate corrupt or criminal activity of any sort in the building industry—or any industry, for that matter—whether it be by trade union official, contractor or business executive. We have consistently said that and, in terms of the outcome of the royal commission, the cards must fall where they are dealt. We expect that, without fear or favour, anyone involved in that sort of activity will face the full force of the law. But the statement does raise a number of questions. Clearly, the royal commission has been a priority of the government—and, we would submit, a political priority as much as anything. It is costing about $60 million, in contrast to the HIH royal commission, which is costing around $39 million in circumstances where HIH’s collapse has caused massive devastation to the Australian economy, with a consequent effect on insurance premiums and the like. The Cole royal commission is headed by Australia’s highest paid public servant, again indicating the priority that the government places on the inquiry.

The minister’s statement indicates that the focus of the proposed task force will be on the activities of trade unions. But clearly, from the evidence given to the royal commission—and, indeed, from statements in the media and the like—there are a range of matters that require consideration, such as the activities of tax avoidance through sham independent contracting arrangements, money laundering through cash payments, the loss of workers’ entitlements through sham corporate restructuring, the use of illegal labour on building sites and an abysmal safety record resulting in about one death per week in the building industry throughout Australia. As I say, Labor says there must be effective law enforcement, but it must be fair, it must be impartial and it must—as is said commonly but importantly—without fear or favour focus on that range of matters which clearly are of concern not only to Labor but, we would submit, to the general community.

I note that the statement included nothing about addressing productivity improvements, and indeed one suspects the government’s agenda of keeping the Industrial Relations Commission out of these matters is a motivation for that. But our main concerns are whether this task force is the most effective means of law enforcement in this industry.
The announcement comes at a time when the government has just signed off with the state governments on the creation of the Australian Crime Commission, which will have access to substantial resources involving lawyers, accountants, investigators, technical officers involved in telephone interception and the like. We really want to know why a task force under the umbrella of the Australian Crime Commission would not be a more effective way of addressing these law enforcement concerns. There is a real risk that the creation of this task force will result in unnecessary duplication or, worse still, actually deplete, by way of secondment, forces in those existing law enforcement agencies.

We will of course look closely at the recommendations of the interim report. We will also look closely at the way in which the government intends to structure these arrangements. We fear, however, that the task force will not be as effective as it could be, as a result of unnecessary duplication. It does give us some concerns as to whether the government is focusing on all issues of concern to the Australian people without fear or favour, as is appropriate.

The SPEAKER—There are a couple of non-controversial matters that I think it might be convenient to deal with just before the MPI, and I will allow that course to be taken.

BUSINESS

Withdrawal

Mr ABBOTT (Warringah—Leader of the House) (3.44 p.m.)—by leave—I move:

That the following orders of the day, government business, be discharged.

54 Procedure—Standing Committee—Report on promoting community involvement in the work of committees—Government Response—Motion to take note of paper: Resumption of debate (from 27 June 2002—Mr Fitzgibbon) on the motion of Mr Abbott—That the House take note of the paper.

55 Procedure—Standing Committee—Report on the Second Chamber—Government Response—Motion to take note of paper: Resumption of debate (from 27 June 2002—Mr Fitzgibbon) on the motion of Mr Abbott—That the House take note of the paper.

56 Advance to the Finance Minister—May 2002—Paper—Motion to take note of paper: Resumption of debate (from 26 June 2002—Mr Swan) on the motion of Mr Abbott—that the House take note of the paper.

57 Supporting Applications for issues from the Advance to the Finance Minister—May 2002—Paper—Motion to take note of paper: Resumption of debate (from 26 June 2002—Mr Swan) on the motion of Mr Abbott—that the House take note of the paper.

58 Treaty—Bilateral—Text, together with national interest analysis—Timor Sea Treaty between the Government of Australia and the Government of East Timor, done at Dili on 20 May 2002—Motion to take note of paper: Resumption of debate (from 25 June 2002—Mr Swan) on the motion of Mr Abbott—that the House take note of the paper.

59 Treaty—Bilateral—Text, together with national interest analysis—Exchange of notes constituting an agreement between the Government of Australia and the Government of the Democratic Republic of East Timor Concerning arrangements for exploration and exploitation of petroleum in an area of the Timor Sea between Australia and East Timor, done at Dili on 20 May 2002—Motion to take note of paper: Resumption of debate (from 25 June 2002—Mr Swan) on the motion of Mr Abbott—that the House take note of the paper.

60 Treaty—Multilateral—Text, together with national interest analysis and regulation impact statement—agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas, done at Rome on 24 November 1993—Motion to take note of paper: Resumption of debate (from 25 June 2002—Mr Swan) on the motion of Mr Abbott—that the House take note of the paper.

61 Treaties—Multilateral—List of multilateral treaty actions under negotiation or consideration by the Australian Government June 2002—Motion to take note of paper: Resumption of debate (from 25 June 2002—Mr Swan) on the motion of Mr Abbott—that the House take note of the paper.


63 Production Commission—Report No. 20—Motion to take note of paper: Resumption of debate (from 18 June 2002—Mr Swan) on the
(from 18 June 2002—Mr Swan) on the motion of Mr Abbott—That the House take note of the paper.

65 Future of Community Television—Report—Motion to take note of paper: Resumption of debate (from 18 June 2002—Mr Swan) on the motion of Mr Abbott—That the House take note of the paper.

66 Australian Competition and Consumer Commission—Telecommunications reports—Motion to take note of paper: Resumption of debate (from 30 May 2002—Mr Swan) on the motion of Mr Abbott—That the House take note of the paper.

68 Australian Radiation Protection and Nuclear Safety Agency—Report for period 1 October-31 December 2001—Motion to take note of paper: Resumption of debate (from 28 May 2002—Mr Swan) on the motion of Mr Abbott—That the House take note of the paper.

79 Advance to the Finance Minister—Paper—Motion to take note of paper: Resumption of debate (from 13 March 2002—Mr Swan) on the motion of Mr Abbott—That the House take note of the paper.

80 Supporting Applications for issues from the Advance to the Finance Minister—Paper—Motion to take note of paper: Resumption of debate (from 13 March 2002—Mr Swan) on the motion of Mr Abbott—That the House take note of the paper.

81 National Environment Protection Council—Report—Motion to take note of paper: Resumption of debate (from 21 February 2002—Mr Swan) on the motion of Mr Abbott—That the House take note of the paper.

82 Administrative Review Council—Report—Motion to take note of paper: Resumption of debate (from 20 February 2002—Ms Macklin) on the motion of Mr Abbott—That the House take note of the paper.

83 National Australia Day Council—Report—Motion to take note of paper: Resumption of debate (from 20 February 2002—Ms Macklin) on the motion of Mr Abbott—That the House take note of the paper.

84 Ngaanytjarra Council (Aboriginal Corporation) Native Title Unit—Report—Motion to take note of paper: Resumption of debate (from 20 February 2002—Ms Macklin) on the motion of Mr Abbott—That the House take note of the paper.

85 Kimberley Land Council—Report—Motion to take note of paper: Resumption of debate (from 20 February 2002—Ms Macklin) on the motion of Mr Abbott—That the House take note of the paper.

86 Gurang Land Council (Aboriginal Corporation) Native Title Representative Body—Report—Motion to take note of paper: Resumption of debate (from 20 February 2002—Ms Macklin) on the motion of Mr Abbott—That the House take note of the paper.

87 Cape York Land Council—Report—Motion to take note of paper: Resumption of debate (from 20 February 2002—Ms Macklin) on the motion of Mr Abbott—That the House take note of the paper.

88 Mirimbiak Nations Aboriginal Corporation—Report—Motion to take note of paper: Resumption of debate (from 20 February 2002—Ms Macklin) on the motion of Mr Abbott—That the House take note of the paper.
89 Queensland South Representative Body Aboriginal Corporation—Report—Motion to take note of paper: Resumption of debate (from 19 February 2002—Ms Macklin) on the motion of Mr Abbott—That the House take note of the paper.

90 Copyright Agency Limited—Report—Motion to take note of paper: Resumption of debate (from 19 February 2002—Ms Macklin) on the motion of Mr Abbott—That the House take note of the paper.

91 Screensound Australia—Report—Motion to take note of paper: Resumption of debate (from 14 February 2002—Mr Swan) on the motion of Mr Abbott—That the House take note of the paper.

92 Productivity Commission—Report—Motion to take note of paper: Resumption of debate (from 14 February 2002—Mr Swan) on the motion of Mr Abbott—That the House take note of the paper.

93 Issues from the Advance to the Finance Minister as a final charge—Report—Motion to take note of paper: Resumption of debate (from 19 February 2002) on the motion of Mr Abbott—That the House take note of the paper.

94 Commissioner for Complaints—Report—Motion to take note of paper: Resumption of debate (from 13 February 2002) on the motion of Mr Abbott—That the House take note of the paper.

95 Private Health Insurance Administration Council—Report—Motion to take note of paper: Resumption of debate (from 13 February 2002) on the motion of Mr Abbott—That the House take note of the paper.

96 Australian Trade Commission—Report—Motion to take note of paper: Resumption of debate (from 14 February 2002) on the motion of Mr Abbott—That the House take note of the paper.

97 Australian Tourism Commission—Report—Motion to take note of paper: Resumption of debate (from 14 February 2002) on the motion of Mr Abbott—That the House take note of the paper.

98 Australian Institute of Health and Welfare—Report—Motion to take note of paper: Resumption of debate (from 13 February 2002) on the motion of Mr Abbott—That the House take note of the paper.

99 Health Insurance Commission—Equity And Diversity Report—Motion to take note of paper: Resumption of debate (from 13 February 2002) on the motion of Mr Abbott—That the House take note of the paper.

100 Health Services Australia—Report—Motion to take note of paper: Resumption of debate (from 13 February 2002) on the motion of Mr Abbott—That the House take note of the paper.

101 Health Insurance Commission—Report—Motion to take note of paper: Resumption of debate (from 13 February 2002) on the motion of Mr Abbott—That the House take note of the paper.

102 Repatriation Medical Authority—Report—Motion to take note of paper: Resumption of debate (from 13 February 2002) on the motion of Mr Abbott—That the House take note of the paper.

103 Australian Hearing Services—Report—Motion to take note of paper: Resumption of debate (from 13 February 2002) on the motion of Mr Abbott—That the House take note of the paper.

104 Department of Health and Aged Care—Report—Motion to take note of paper: Resumption of debate (from 13 February 2002) on the motion of Mr Abbott—That the House take note of the paper.

105 Private Health Insurance Ombudsman—Report—Motion to take note of paper: Resumption of debate (from 13 February 2002) on the motion of Mr Abbott—That the House take note of the paper.

106 Medibank Private—Report—Motion to take note of paper: Resumption of debate (from 13 February 2002) on the motion of Mr Abbott—That the House take note of the paper.

107 Australian Therapeutic Goods Administration—Report—Motion to take note of paper: Resumption of debate (from 13 February 2002) on the motion of Mr Abbott—That the House take note of the paper.

108 National Pharmacist—Report—Motion to take note of paper: Resumption of debate (from 13 February 2002) on the motion of Mr Abbott—That the House take note of the paper.

109 Private Health Insurance Ombudsman—Report—Motion to take note of paper: Resumption of debate (from 13 February 2002) on the motion of Mr Abbott—That the House take note of the paper.

110 Operations of the Registered Health Benefits Organisations—Report—Motion to take note of paper: Resumption of debate (from 13 February 2002) on the motion of Mr Abbott—That the House take note of the paper.

111 Operations of the Registered Health Benefits Organisations—Errata—Motion to take note of paper: Resumption of debate (from 13 February 2002) on the motion of Mr Abbott—That the House take note of the paper.

112 Medical Training Review Panel—Report—Motion to take note of paper: Resumption of debate (from 13 February 2002) on the motion of Mr Abbott—That the House take note of the paper.

Question agreed to.

Withdrawal

Mr ABBOTT (Warringah—Leader of the House) (3.44 p.m.)—by leave—I move:

That Main Committee orders of the day Nos. 1 and 2, government business, be returned to the House.
The orders of the day are shown on the list which has been circulated to members in the chamber.

Question agreed to.

Mr ABBOTT (Warringah—Leader of the House) (3.45 p.m.)—by leave—I move:

That those orders of the day returned to the House in accordance with the resolution agreed to this day be discharged.

I do not propose to read the titles from the list which has been circulated to members in the chamber. Details will be recorded in the Votes and Proceedings.

Question agreed to.

MATTERS OF PUBLIC IMPORTANCE

Environment: Climate Change

The SPEAKER—I have received a letter from the honourable member for Wills proposing that a definite matter of public importance be submitted to the House for discussion, namely:

The Government’s failure to be part of the collective international effort to tackle climate change.

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 KELVIN THOMSON (Wills) (3.46 p.m.)—Everywhere you look—even, I am told, up the Parliament House flagpole today—people are becoming more conscious of the problem of climate change and the need for collective international effort to combat it. Last week, Simon Crean released Labor’s policy framework on greenhouse and climate change in Sydney at the BP solar plant, one in an energetic series of policy announcements that Simon has made this year. Just yesterday he released a series of policies concerning corporate governance to combat corporate greed and excess, an energetic approach to policy which I strongly support. When Simon released our greenhouse policy—

The SPEAKER—I just remind the member for Wills of his obligation to refer to the Leader of the Opposition as the Leader of the Opposition.

Mr KELVIN THOMSON—When the Leader of the Opposition released our greenhouse policy, it came on the same day as press releases from a group of over 250 economists and peak organisations such as Environment Business Australia, the Australian Conservation Foundation and Greenpeace, all supporting Labor’s position on these issues. These statements reflect a groundswell. There is a growing clamour for the government to get serious about climate change. There are a number of respects in which the Howard government has failed its obligations to the Australian environment, to the Australian people and, indeed, to people around the world concerning greenhouse issues. But its failure to ratify the Kyoto protocol is a standout for both symbolic and practical reasons.

Why should Australia ratify the Kyoto protocol on climate change? First, climate change is a reality and it will affect Australia adversely in years to come. The CSIRO is quite clear that it will lead to greater climate variability—more floods, more droughts and more storms. It will lead to increased risk from tropical disease. It threatens the snowfields—the snow cover and our fragile alpine environment. It threatens the Great Barrier Reef. The scientific consensus is clear that higher water temperatures cause coral bleaching, and the coral bleaching this year was arguably the worst on record. Everywhere we look, particularly in our rural and regional media, the talk is about drought and El Nino. There is talk about whether there will be water restrictions. Recently the federal Treasurer blamed the trade deficit on the drought, and yesterday he told the House that the drought would act as a drag on the economy in coming months.

Australians are a fatalistic lot, and most people shrug their shoulders when a drought comes along and assume that it is something which is well out of our hands. Indeed, Australia has always had droughts and has year-to-year rainfall variability. But, increasingly, work being done by CSIRO suggests that climate change, if we do not do something to curb it, will make our future droughts both
more frequent and more severe. Droughts depend on changes in both rainfall and evaporation. The CSIRO’s long-term—several decades—prognosis is for much of the Australian continent to have less water availability because of the greenhouse tendency towards lower rainfall, particularly in the southern part of the country, and also because of higher evaporation rates. Their projection for Australian water availability as a whole is for a decrease in the range of between 15 and 160 millimetres by the year 2030, and, for example, for northern New South Wales they have done a projection for a decrease of from 40 to 130 millimetres by the year 2030. Those decreases in moisture balance, according to the CSIRO, mean greater moisture stress for Australia.

One way of looking at the problem is to calculate water run-off into our river systems. The CSIRO has done this sort of modelling for the Macquarie River system in central New South Wales. Their models range from little change up to a 20 per cent reduction in water for the Macquarie system by 2030, and again from little change up to a 45 per cent reduction by 2070. Other theoretical modelling around the world tends to suggest that greenhouse gas increases will bring about a general loss of rainfall across the southern part of the Australian continent in particular. The CSIRO research raises the question: are we seeing the beginning of this?

In the south-west corner of Western Australia the present drought is in fact part of a 25-year-old drought, a period during which no year has had winter rainfall exceeding the previous long-term average. Dr Bryson Bates of CSIRO Land and Water says that a clearly discernible climate shift took place in the mid-1970s. There was a sudden warming in sea surface temperatures in the Indian Ocean and, since then, there have been unusually frequent, persistent and intense El Ninos. Average rainfall in some areas has settled into a pattern of about 20 per cent lower than the norm for the first half of the 20th century. This has led to a 40 per cent reduction in the inflow to Perth’s dams. As a result there are more dry dams than full, and wet winters have become very rare. Since 1975 there has been only one winter of above average inflow to the dams compared with 13 in the period from 1950 to 1975. This is, by definition, climate change. We have also been going through droughts in places like western Victoria and western Tasmania of several years duration.

The clear message of the CSIRO work is that climate change will give Australia more frequent and more severe droughts in years to come. In the light of this, it is amazing that the Howard government is not at the forefront of international endeavours to get control of climate change. By refusing to ratify the Kyoto protocol, John Howard and John Anderson are cutting the throats of Australian farmers.

There are strong environmental reasons for us to tackle climate change. Whatever its shortcomings, the Kyoto protocol is the only game in town. As well as environmental reasons for ratifying the protocol, there is a strong and growing business case for ratification. On the one hand, John Howard has committed Australia to meeting the Kyoto targets. You heard the environment minister claiming last week that we are within striking distance of meeting our Kyoto targets. In other words, we are doing our bit; we are taking the pain. But then the government goes on to say, ‘We won’t ratify the Kyoto protocol.’ That is the vehicle by which we get other countries to do their bit, to get others to do the right thing. That is completely illogical. If we are committed to meeting our target then why not get everyone else meeting theirs by making the protocol a reality?

In particular, why on earth should we not be part of the new international market in emission credits? The Prime Minister is locking Australian industry out of international markets for emission credits. Australia has a relatively low cost of abatement, and our industry is well positioned to benefit from new and growing markets for low-emission technologies, goods and services. With the additional incentive of access to the new Kyoto markets, Australia could go much further and reap billions from these new markets. On the other hand, Australia will miss out on investment if we are not part of the Kyoto process.
We are already seeing some countries refusing to take non-green products where alternatives are available. Martijn Wilder of Baker and Mackenzie has reported that a number of Japanese companies seeking to invest in renewable energy and carbon related projects in Australia have decided not to invest, given our refusal to date to sign the Kyoto protocol. The Tohuku-Powercoal transaction saw Tohuku purchase coal from Powercoal on the condition that it be bundled with emission reduction credits. According to the Executive Director of the Australia Institute, Clive Hamilton:

Australian business stands to lose access to carbon credits worth between $1 billion and $2 billion per year on the world market. If Kyoto is not ratified, no-one—not farmers, corporations or any of the state governments—will be able to access this revenue stream.

One major contract that Australia has already lost is a joint venture between Global Renewables Ltd and the Asian Environmental Rehabilitation Corporation. The joint venture has signed a contract with China to operate the waste management of Taizhou city. The supply of waste management to this city of five million people will generate $200 million within three years and $187 million worth of carbon credits by 2012. The Managing Director of Global Renewables, John White, said:

We are being forced to relocate to Europe in order to get the revenue streams created by access to a global market of carbon credits. China needs at least 1,000 projects like ours, so we can’t afford to jeopardise our position by forgoing the revenue carbon credits will give us.

The Managing Director of Asian Environmental Rehabilitation Corporation, Andrew Helps, says:

This policy position [non-ratification] is potentially costing Australian companies billions in lost business opportunities.

Another company, Advanced Energy Systems, is also considering moving its operations offshore to supply goods and services for renewable energy projects in India. Their managing director, Stephen Phillips, said:

It means we will be employing more people in India or Europe rather than Australia, and other countries will reap the commercial benefits of the Australian Government’s investment in research and development.

So the business case is loud and clear.

Finally, there is the international case. The environment minister sneeringly said yesterday that, if there is a treaty, Labor want to ratify it. But in this modern, globalised world we cannot just put our heads in the sand and pretend we are not part of it. Certainly all the economic fundamentalists on the other side are quick to lecture anyone who talks about trade barriers or tariffs, about the inevitability of globalisation and how we cannot shut ourselves off from the world. We cannot, and we certainly cannot shut ourselves off from the consequences of climate change. As I said earlier, it will hit Australia just as hard as most other countries around the world. We should be part of collective international action to deal with climate change.

Over 70 countries have now ratified Kyoto. They include all the Pacific Island nations. When the Prime Minister went to the Pacific Islands Forum in Fiji last week, he was the odd man out for a number of reasons, but also because all the other 15 nations had ratified. Our position is scandalously indifferent to the welfare of those Pacific islanders who face having to pack up, leave their homes and become refugees because of climate change and rising sea levels. Our position is also at odds with Japan. It is at odds with the European Union. It is at odds with the other Asian nations now facing a hideous toxic brown cloud. The Sydney Morning Herald in a strong editorial on climate change today—and I note the minister is very selective with his quotes from newspapers—referred to this three-kilometre high ‘toxic cocktail of ash, acids, aerosols and particles’ with a ‘direct impact on the respiratory health of billions’. It says:

It has altered local rainfall patterns, triggering deadly floods and droughts.

One country we are not at odds with is the United States. You will hear the minister come in here and say, ‘There’s no point in the Kyoto protocol because the United States won’t ratify it.’ But has Australia been putting any pressure on the United States to ratify it? No, it has not. While dozens of world leaders are going to the World Summit on
Sustainable Development in Johannesburg next week, George Bush is not, so John Howard is not. I think Mark Latham had it just about right. When George Bush said he was not going to ratify Kyoto, did we urge him to do so? No. On the contrary, the minister could not get to the US fast enough to conclude a so-called climate action partnership with the US. Around the Greenhouse Office I hear it is called the climate inaction partnership. It is supposed to include exchanging knowledge. So far it has apparently involved the Greenhouse Office telling their US counterparts, who are a little behind us in these matters, pretty much everything they know.

A report of Australia’s environmental performance over the past 10 years by Dr Peter Christoff, released yesterday, concluded: Since 1996 Australia has become a recognised spoiler at negotiations over the implementation of various environmental regimes, and a combative challenger to the authority of the United Nations and other agencies for international governance. The Howard Government has been marked by its willingness to destroy some of the world's most important international environmental treaties, such as the Climate Change Convention.

The same point was made by Professor Daniel Estey, a senior US EPA official in the Clinton administration. He said: There is no country that has swung more sharply against environmental improvements in the decade since the Rio Earth Summit than Australia.

I implore the minister to stop playing the role of international environmental vandal. When we go to Johannesburg next week, Australia should support targets and initiatives like 10 per cent global energy from renewable sources by 2010. It should support the UN millennium development goals of halving by the year 2015 the number of people without access to decent drinking water or decent sanitation. It should support the Earth Charter. Labor urges it to do so.

I mentioned at the outset Simon Crean’s policy framework on climate change released last week. By contrast with the government, Labor will show national leadership in combating climate change. We will make the National Greenhouse Strategy, which is languishing, a COAG heads of government agreement to get consistent state and Commonwealth policies. We will include a greenhouse trigger in the Environment Protection and Biodiversity Conservation Act. The key difference here is that Labor are about tackling this issue and positioning Australia for the future. The Prime Minister has no vision for Australia and no commitment to the protection of the environment for future generations. His approach to climate change is indicative of his short-sighted approach to our future. His approach is illogical, inconsistent and backward looking. (Time expired)

Dr KEMP (Goldstein—Minister for the Environment and Heritage) (4.01 p.m.)—Climate change is a very important issue for Australia. Australia is doubly exposed on the issue of climate change because it has a number of industries—reflecting our position in the world as a great resource country—which are quite greenhouse intensive and our agriculture and many of our natural ecosystems are quite vulnerable to global warming.

The opposition shadow minister’s speech showed all the weaknesses of the Labor Party’s thinking on this issue of climate change. He spent half his time telling us that climate change was an issue. That in itself suggested that he had very little of substance to say, because there is no dispute on that point. There is no dispute that climate change is a matter that Australia needs to address. He showed us, I believe, Labor’s short-sighted fixation on signing up to a flawed treaty which will not solve the issue of addressing global warming effectively. It is a treaty which has the potential to impose very great costs on Australia and it does not provide a global framework.

One of the greatest weaknesses of the Kyoto treaty is that it not only does not include the United States but also does not include any pathway for the involvement of developing countries in addressing the issue of greenhouse gas emissions. The treaty does not cover 75 per cent of global greenhouse gas emissions. It covers less than 30 per cent of global greenhouse gas emissions. When it is ratified, as I expect that it will be when the Russians finally sign up, it will have the effect of reducing greenhouse gas emissions.
globally by perhaps one per cent—probably less, but maybe as high as one per cent. By the end of the 21st century, if we are effectively going to address the issue of global warming, we will need to see a global reduction in greenhouse gas emissions of between 50 and 60 per cent. Labor has absolutely no plan and no policy to achieve this, apart from putting its signature on a flawed and inadequate treaty.

It is quite clear—and it is probably no coincidence—that we have today this debate initiated by the Labor Party on the very day when Greenpeace has endangered the safety of a number of its members by clambering up the Parliament House flagpole. Labor is, as we know, highly responsive to lobby groups of all kinds. Labor responds to pressure. Labor is in fact a lobby group party. It is a highly sectional party that believes in trying to get support by knitting together coalitions of special interests. Labor never speaks on behalf of the national interest. That is the huge difference between the government and the Labor Party.

The fact is that the Kyoto protocol does not apply to the world. This apparently is unknown to the Labor Party, because the shadow minister said, ‘Why not get everybody to reach their target by signing up to the treaty?’ The treaty does not embrace everybody. Everybody does not have a target under the treaty. In particular, those countries in Australia’s region of the world—those countries which are frequently competitors with Australia for investment and products—are not accepting legal obligations to reduce their greenhouse gas emissions under the Kyoto protocol. That is really the core of the matter. The core of the matter, which was not addressed or referred to in any way whatsoever by the shadow minister, is that if Australia, having said all the way through the negotiations and discussions leading up to the Kyoto protocol that it needed to include all countries to provide a global response, were now to accept legal commitments and legal obligations under that treaty—a treaty which does not embrace or cover our main competitor nations—we would be seriously disadvantaging our own industry. We would risk driving investment offshore. We would risk putting up unemployment in this country and throwing out of work people who are currently benefiting from the investment which is being attracted to this country by the government’s policies. This was clearly stated in a very good editorial in the Australian newspaper yesterday. The editorial was headed ‘Australia would lose under Kyoto’. I propose to read a couple of paragraphs from this editorial, because it puts the argument very succinctly. The Australian said:

There are proposals to create a market—and it is referring to the government’s policies here. The government has got in place a whole suite of highly effective policies, which are already projected to reduce Australia’s greenhouse gas emissions by some 60 million tonnes a year by the end of the decade—an amount equivalent to taking the entire Australian car fleet off the road. The Australian first of all commends the government for some of its plans and states:

The Australian then makes this very significant point:

All this is occurring outside the Kyoto framework. If we signed up the story would be very different. Business would bear the brunt of the
cost of implementing the complex requirements. It might not pursue home-grown innovations aimed at reducing emissions and improving overall environmental standards. The $25 billion gas deal signed recently with China, for example will increase our emissions. Under the Kyoto protocol this would not be allowed. Because of the flawed logic underpinning the Kyoto agreement, which requires developed nations such as Australia to make much more of an effort to reduce greenhouse emissions, we would face the threat of much investment moving off-shore.

That sums up the essential reason why Kyoto is not the answer. It is a flawed, incomplete agreement, which would impose quite discriminatory burdens on Australia at the expense of Australian industry.

Mr Kelvin Thomson—What about the 250 economists that completely disagree with you?

Dr Kemp—The shadow minister now says, ‘What about the economists?’ There was a significant answer to the economists by a very respected economist, Dr Alex Robson, from the Australian National University. Dr Robson referred to the fact that many economists in Australia were deeply concerned and dissatisfied with the highly political petition that was drummed up by the Australia Institute to support the Labor Party. This is typical of the Labor Party. Whenever it is in trouble, it gets a political petition signed by a few people and says, ‘You see, we’ve got all this support.’ But when you look into it, you find that it is nonexistent and that economists are in fact, and perhaps not surprisingly, somewhat divided on this issue.

Dr Robson makes the point—again in support of the government’s position—that it would be quite wrong to commit Australia to all the obligations that it would assume under the Kyoto protocol. And Dr Robson says:

A poorly chosen policy response might only marginally affect climate change at some point in the distant future, but at the same time it might involve economic costs today that are unacceptably high. Many economists, both in Australia and abroad, believe that the Kyoto Protocol is a good example of such a flawed policy response. It involves measures that would have large negative social and economic effects on all Australians and citizens in other countries.

… under the policies advocated by the Australia Institute and the signatories to its petition, ordinary Australians could end up paying twice for any climate change: living standards will be permanently cut for every year that the policies are in place, and then when 2100 arrives they could pay again because of higher temperatures, which are virtually unaffected by the Kyoto Protocol.

That really sums up the case against Kyoto—a case which I again underline was in no way even discussed, addressed or acknowledged by the shadow minister. These arguments apparently go right over Labor’s head. It is quite happy to burden Australian industry; it is quite happy to drive jobs overseas, because we know Labor’s philosophy on treaties: if you see a treaty, you sign it; if there is some opportunity to surrender Australia’s sovereignty, you are right in there leading the way because you think that it might increase the power of the central government over all other sections of Australian society. You are quite happy to give up some of Australia’s sovereignty, you are quite prepared to accept international obligations regardless of their costs—that has always been Labor’s philosophy.

There is no positive argument for signing that Labor can put forward. I only heard of one effort to put any positive argument for signing the Kyoto protocol by the shadow minister, and that was that there is a carbon trading credit system, which may advantage some Australian businesses. The first point to make is that there is no such system at the moment; such a system does not exist. So there is an act of faith there that some system is eventually going to come into place and is actually going to be useable. At the moment, even the European countries that are most supportive of the Kyoto protocol only support it because they see that they will be able to achieve their targets by buying hot air from Russia, whose economy has collapsed. That is how their emissions are going to go down—the economy in eastern Germany, the economy in eastern Europe, the Russian economy collapse are after 1990 and so the Europeans will be able to take advantage of the decrease in greenhouse gas emissions that will flow from that. So of course they are supportive of this but they are having great difficulty, even in their own countries,
in getting up carbon trading systems. So to suggest that somehow or other there is going to come into existence an international system which is going to be of vast benefit to Australia is nothing more than an act of faith at the moment.

What is missing from that is any proper assessment of any possible benefits against the possible costs—indeed, the very probable and likely costs—that would be incurred by Australian industry if we were to go into the Kyoto protocol. So there is absolutely no opposition case at all for signing the Kyoto protocol and only the opposition’s desire to cobbled together the support of Greenpeace and some of the extremists in the Green movement who oppose the capitalist system, who would very much like to see Australia give up its sovereignty. Only to get the support of those kinds of groups is the Labor Party prepared to make an argument to sign up to the Kyoto protocol.

At the end of the day, the bottom line is that the Labor Party still says it accepts the target. It is just that it has not got any policies to reach the target, unlike the government which so far has invested $1 billion in programs like the Greenhouse Challenge in which 700 major Australian companies have signed up to reduce their greenhouse emissions and in policies like the Mandatory Renewable Energy Target, which is leading to an explosion of proposals and opportunities for alternative energy in Australia. These are the kinds of policies that are actually working. The Cities for Climate Protection campaign involves local governments and their communities in putting into place, locally, policies that will help them make a contribution to reducing greenhouse gas emissions. We have seen now scientifically validated methodologies indicating that the Australian government’s policies are working and that they have brought us, even now, to within three per cent of the Kyoto target. This government will be participating constructively internationally to put the global framework in place and we will be working with industry and communities to make sure that our domestic policies are cost effective. (Time expired)

Ms LIVERMORE (Capricornia) (4.16 p.m.)—We are now nine months into this government’s third term and we are still waiting for some sign of a positive agenda for Australia. In the Governor-General’s speech when opening this parliament earlier this year, much was made of the government’s commitment to addressing the urgent environmental issues facing Australia—salinity, land and water degradation, and threats to biodiversity. As the Australia state of the environment 2001 report makes clear, the government’s record on these critical measures is not too flash, but none of those failures matches the government’s pig-headed negligence when it comes to the issue of climate change.

The threat of climate change resulting from greenhouse gas emissions has been identified as a priority for the international community. There is recognition that collective action is required globally to address the issue in the interests of all nations. The consequences of not acting will have social, economic and environmental impacts for all of us. By ignoring this issue, the government is failing to accept Australia’s responsibilities as part of that global community. It is also failing to seize important opportunities for our own country’s future. It seems that the government’s response to climate change is part of a larger pattern with the government. Firstly, there is no strategic agenda for Australia’s future. Secondly, there is no willingness to show leadership in pursuit of Australia’s long-term interests and also—and this is a familiar theme—it is out of touch on key issues.

The response last week by the Minister for the Environment and Heritage to the announcement of Australia’s latest figures on greenhouse gas emissions was a classic example of this—it was all over the place. It seemed that, all of a sudden, because we had found ourselves within striking distance of our Kyoto target, the minister committed Australia to meeting the target set under the Kyoto protocol. At the same time, he reiterated the government’s position that we would not be ratifying the Kyoto protocol. So we are committed to reducing greenhouse gas emissions to the Kyoto protocol levels
without taking part in the mechanisms under the protocol that would give our industries access to the more flexible and potentially beneficial ways of meeting that target.

While companies in those countries that have ratified the protocol—important competitors of ours—can take advantage of measures such as emissions trading and the clean development mechanism to meet their targets, the Howard government has effectively locked Australian industry out of those mechanisms. In doing so, the government is turning its back on the opportunities presented by ratifying the Kyoto protocol and pursuing sustainable development.

Opportunities have already been identified by industry and business leaders in Australia. For example, Greg Bourne from BP Australia, speaking in April this year at the conference Towards Opportunity and Prosperity, described the business opportunities that have been identified by BP in the post-Kyoto environment and the positive changes introduced by that company in pursuit of those goals and opportunities. Greg Bourne called for vision, leadership and action from policy makers in this important area. I wonder whether he is still waiting.

Similarly, international companies like Ford, General Motors and Shell and Australian companies like AGL and the State Forests of New South Wales are already out in front of the Kyoto protocol pursuing voluntary initiatives in developing innovative sustainable technologies, emissions trading mechanisms and clean development partnerships in developing countries. These companies have clearly already identified commercial opportunities arising out of the market based approach to emission reduction that is a big part of the Kyoto protocol. It is no surprise that these major corporations are determined to position themselves to take advantage of the opportunities emerging in the environmental goods and services industry.

Earlier this year, Ernst and Young produced a report for the Chifley Foundation into the environment industry. Using 2000 as the base year, it estimates that the world market for environmental goods and services is approximately $US1 trillion. It also estimates that currently the environment industry in Australia accounts for 127,000 jobs. National environmental expenditure, both public and private, is estimated at $8.6 billion per annum. Current exports are $300 million with significant growth potential. It is anticipated that the increasing adoption of environmental initiatives by mainstream industry will drive significant demand-led growth. Growth forecasts on the environment industry are variable but range up to $50 billion by the year 2011. Who would not want to be part of that growth and those opportunities?

The government—and the Minister for Industry, Tourism and Resources was here not long ago—in its Environment Industry Action Agenda, identifies significant opportunities in the environment industry sector but also impediments to the growth of that sector. In its report Investing in sustainability, which sets out a framework for development of initiatives in the environment industry to capitalise on the opportunities that exist, the government talks about the need for leadership as an important element for success:

The overarching goal for the action agenda reflects industry's strongly held belief that clear leadership is required from both industry and government to bring about a shift in thinking in the way the environment is viewed and the way in which environment issues are addressed.

Importantly, the report also identifies the lack of understanding of the value of the environment as a real impediment to the growth of the industry. There is a view that the environment is a cost rather than an opportunity. Every time the minister gets up brandishing negative editorials and quoting them favourably, it feeds into those impediments identified in the report put together by his colleague's department, the Department of Industry, Tourism and Resources. The opportunities are there, but so are the consequences of ignoring continuing climate change and the increase in the temperatures in the world.

One of the most important consequences, with the potential to impact on my electorate, is damage to the Great Barrier Reef, which is one of Australia's icons and a beautiful wonder of the world. Earlier this year, in May,
scientists from the CRC Reef Research Centre, the Australian Institute of Marine Science and the Great Barrier Reef Marine Park Authority surveyed over 640 reefs, stretching from one end of the Great Barrier Reef to the other. Nearly 60 per cent were found to be affected in some way by coral bleaching—the worst example of coral bleaching on record. The worst bleaching was around Bowen, Mackay and the Keppel islands, near my home of Rockhampton. It was found that some reefs around Bowen had died. They will take decades to recover and that recovery will not happen if sea temperatures continue to rise.

The warning bells are well and truly ringing. The minister playing politics on this issue will not help the people of Queensland, who rely on the tourism industry for jobs and their future development. Bowen has really done it tough in the last few years with the closure of the meatworks. Its future is dependent more than ever upon tourism in the area. Threats to the Great Barrier Reef pose very serious risks to the development of those regional communities and the future of people in those communities.

The warning signs from the Great Barrier Reef have been reinforced by more research by the CSIRO, which predicts a similarly grim outlook for the Australian agriculture industry, which is also very important to my electorate. The CSIRO talks about temperature increases of between one degree and six degrees Celsius by 2070, with a marked decrease in rainfall. How could there be any less rainfall in Queensland than there is right now with around 40 shires drought declared, including most of my electorate? Rainfall is predicted to decrease in southern Australia as well. There are very significant implications for the Murray-Darling Basin, which we are all committed to restoring to viability. Similarly, in 2001 the Intergovernmental Panel on Climate Change predicted future increases in the frequency of droughts and disaster impacts in Australia if we do not address this issue of climate change.

As with many other issues, the government is out of step on this issue. It is out of step with the Australian people. A Newspoll earlier this year showed 80 per cent of those surveyed agreed with the ratification of the Kyoto protocol. Eighty per cent is a good figure in anyone’s language. The government is also out of step with economists. The minister quoted one or two economists. Earlier this year, 254 leading academic economists supported the ratification of the Kyoto protocol and identified it as providing significant opportunities for Australian industry and jobs growth. The government is out of step with business and out of step with the international community. Recently we heard the Japanese Prime Minister, the German Chancellor and an important adviser to the Clinton government, Daniel Esty, calling on Australia to ratify the Kyoto protocol in line with its international obligations as a part of this global community. (Time expired)

Mr BILLSON (Dunkley) (4.26 p.m.)—What a difference a year makes! The member for Capricornia was trotting around this parliament, supported by the coal industry and cavorting with the Lavoisier Group, telling us how this whole protocol would bring the world to an end. The member for Bonython was out giving narrowcast messages to the energy generation industry, saying, ‘Don’t worry about it, guys! If Labor is elected, we won’t carry through all these environmental things that the city folk are looking for.’ It is another example of a narrowcast message that always trips up the Labor Party.

I give the shadow minister credit for his reading on climate change and for recognising—long after the rest of the Free World has—that there is such an impact from anthropological activities on climate change. It is good that he has now recognised that something needs to be done. He talked about getting behind measures at Johannesburg. Isn’t it fantastic! The only ones he did not talk about were some that we were sponsoring, such as oceans governance and how the exclusive economic zone experience in Australia provides the benchmark for management of oceans around the world. There he was: cheering on everybody’s agenda other than Australia’s.

The good thing about this climate change debate is how it has embraced the concept of outsourcing. The shadow opposition minister has outsourced his ideas, like a number of
the environment groups in our country—with their headquarters over in Europe—that are happy just to parrot the stories that are generated out of Europe while they luxuriate in the incidental gains that closures of eastern European industries present to them in terms of climate change.

What we are talking about today, though, is the government’s record. It is a AAA record—an A for ‘we have acted’, an A for ‘we have achieved’ and an A for ‘we have an agenda for the future’. The only thing the Labor Party can match is an A for antics. They perform antics. They come in here talking about collective effort and endeavours to tackle climate change. Substitute that with: why not just sign the protocol? Surely it might be helpful for the shadow environment minister to realise that it is about the molecules. It is not about the stunts and it is not about how neat your signature is on a protocol. This whole agenda is about the molecules in the atmosphere and the impact they are having on climate change.

Mr shadow minister, you will not find the answers in your drawer. This is about what can be done practically to bring about changes to the environment. We heard today from the minister on the areas in which the government has acted. Not only has the government acted domestically; it has collaborated internationally to bring about improvements in the global effort. What it has not done at this stage is to sign the protocol. It might be worthwhile for the shadow environment minister to realise that it is about the molecules. It is not about the stunts and it is not about how neat your signature is on a protocol. This whole agenda is about the molecules in the atmosphere and the impact they are having on climate change.

You have heard the minister talk about the billion dollar investment, the Cities for Climate Protection and Greenhouse Challenge programs where we are engaging the broader community and other levels of government. You have heard about the Australian Greenhouse Office, the world’s only greenhouse dedicated agency responsible for whole of government activity in this area. There is more than $114 million for the commercialisation and development of renewable energy and $31 million to implement photovoltaic cell systems for residential buildings and community use—a program that was over-subscribed. So good was the program, we actually had the resources allocated in advance of our timetable because the community responded to what we were doing.

There is nearly $180 million for the renewable energy generation sector. The shadow minister would be interested to know that the UK are interested in the Australian model, after realising that their ‘tax everybody and then spread the love and hope something happens’ did not actually work. This model was recognised on BBC World last night as a leading example of where Australian policy is bringing about genuine change, and that was related to the EnviroMission project. We have the equivalent of two new Snowy Mountain River schemes coming on board through these policy measures.

There are other things that affect the everyday life of our citizens: mandatory labelling of fuel efficiencies on cars; constructing better buildings that are not as energy intensive; developing energy efficiency codes out of a number of sectors; and the Greenhouse Gas Abatement Program, which results in financial assistance being given for the delivery of emissions reduction and sink enhancement—those sequestration measures, the reductions in emissions, actually make a difference to the molecules. I keep coming back to the molecules, because some of those who want to play politics about this idea forget what it is all about; it is about trying to take out climate-changing, greenhouse-unfriendly molecules in the atmosphere. The government gets AAA for a fantastic record of achievement. But it does not stop there. We have moved forward in reducing the dependency of our industry on our energy suppliers—as the minister described it, an uncoupling of economic growth from the carbon intensity of our industry—and have also delivered the equivalent of a $60 million tonne reduction in emissions which is, as the
That is not all. In terms of the protocol itself, the shadow minister is obviously going on his first jaunt to Johannesburg in a couple of weeks and should be thinking about getting behind the Australian measures that are being put forward. Not having been involved in the process up till now, still having his training wheels and his learner plates on, he might not be aware of the work that has already taken place. Australians were at the heart of the negotiations with GEF—that is not the great Jeff from Victoria; that is G-E-F, the global environment facility, where resources are made available to developing countries to bring about change in their climate profile. Australian technical experts informed the world on measures such as how to account for carbon sequestration and changes in land use and land clearing. It was our people who drove that, in the heart of the debate, providing sound advice. Some of the mechanisms coming out of the Kyoto protocol have Australian fingerprints all over them, because our people turned up and made a very real difference.

On that same theme, we have the shadow minister pooh-poohing the government about talking with the Americans. The Americans account for one-quarter of the globe’s emissions. It is Australia’s playing a constructive partnership role with the Americans that gives us some prospect that 25 per cent of the globe’s emissions may come into this protocol. Simply ignoring them, simply lambasting them, simply running slogans at them, as the shadow minister would have it, leaves a country that produces a quarter of all the emissions out of the mix. We have maintained a dialogue with the Americans because we have some shared interests but, above all, if we were not doing it, what prospect would there be for the globe bringing together the Americans and engaging them in this challenge?

The challenge of itself, as the minister points out, is that, if everyone complied with their targets, it would reduce the greenhouse gas concentrations by less than one per cent. We know there has been an enormous transformation in the way human activities affect greenhouse emissions, and what that is doing for the climate, but if everybody kicks a goal, under that Kyoto protocol we get less than a one per cent difference—a poopteenth of a difference. We know that if serious gains are to be made it is not the first accounting period that matters in 2008-12; it is what happens after that. But have you heard the Labor Party talk about what happens after that? That is why the Australian government is making sure that the instruments and the architecture of this protocol can deliver not only a fair, just and equitable effort for a good outcome in terms of the molecules in that 2008-12 period but also beyond that. Because, when 2012 comes along, the event is not over. The show is not packed up, everyone does not go home thinking, ‘That’s over—thank goodness for that. It’s fixed.’ We know this measure of itself makes no difference, and we need to do further measures with further commitments—

Mr Hardgrave—Niet?

Mr BILLSON—It is a technical term!—and with greater discipline beyond that time and we need the architecture there to do it. That is what the government is engaging in.

You heard the Prime Minister, at the Pacific Island leaders conference, talking about helping to build up the capacity of developing countries. That is a perfectly sensible way to go. We need to build up the tools of those other countries that currently are not participants to become participants. For the shadow minister’s little notebook, here are some ideas that you seem to be desperately lacking, in terms of Labor policy. Why not say to those developing countries that do not have commitments, ‘Why not join with Australia? Why don’t you at least end subsidising the burning of fossil fuels in your country? Why don’t you join us and reject the cap on the use of the flexibility mechanisms on things like land clearing and land use change?’—where South America and Asia have far more to gain than we have. Why not task the technical reference group with reporting on the timing, the nature and the modality of developing country contributions? Why not say to those countries that take our money and our ideas under the joint implementation process or the clean development
mechanism. ‘You might not have a target right across your economy but in these areas where we are giving you support, at least you could have a target for that,’ and start to engage these nations in the process. Above all, let us find some incentives for the developing countries to turn up, because at the moment it all runs their way and they do not have to do anything. (Time expired)

Mr WINDSOR (New England) (4.36 p.m.)—I would like to speak briefly to this matter of public importance. Rather than get into the debate about Australia versus the rest of the world in relation to the Kyoto protocol, I would like to talk about a couple of issues that I believe are very important in a practical respect in relation to the sorts of things that we can do in Australia to embrace the issues that are being raised here today.

I do not think anybody within the parliament denies that the world is going to experience problems in the future. There is some argument about the scientific basis of some of the allegations that are being made by different people but there is a general consensus that man has had an impact and is having an impact on the longevity of the world and on the climate of the world. Being a farmer as well as a member of parliament I am only too well aware of the El Nino impacts and some of the other impacts in terms of the global climate change that has occurred. One only has to look at both the poles to see that change is happening, but change has always been part of climate across the world.

I would like to raise an issue in relation to something that I believe the government is looking at quite seriously and has in fact put in place some programs to encourage. It is the replacement of fossil fuels with crop grown fuels—in particular, I refer to ethanol but not only to ethanol. I think there are certain biofuels that are in an experimental phase and some are technically feasible at the moment to replace some of the fossil fuels that we have used in the past. I know the government has put in place a $50 million fuel grants scheme in which various proponents who are interested in biofuels or ethanol production can apply for up to I believe $10 million by way of a subsidy to get those sorts of projects off the drawing board.

I know there are a number of members of parliament who at a cabinet meeting in Cairns recently raised the issue with the cabinet, particularly in relation to the sugar industry and the plight that the sugar industry is currently in. One of the issues that has been raised is the need for a mandatory percentage of ethanol in fuel usage within Australia. There have been a number of figures bandied about in relation to that particular proposal. I am very pleased to say that the Prime Minister has engaged himself in that debate. Hopefully, that has come out of his recent visit to North Queensland, where he would have identified with the peril that the sugar industry is experiencing and the sort of cap in hand mentality that agriculture has developed within Australia. The recent pronouncements by the Minister for Foreign Affairs in relation to the wheat industry and their capacity to deliver grain into Iraq has exacerbated that particular problem.

I think it is time, if we are going to get serious about this particular issue, that we did impose some mandatory level of crop grown fuel—for example, ethanol—in relation to the fuels that are accessed at the petrol bowser. I know that the government has put in place a 350 million litre aim for the year 2010. I suggest that we should be able to go much further than that. I would like the parliament to be aware of the magnitude of the opportunity of Australia possibly growing much more of our fuel than we do at present, whether that be through the sugar cane industry or some of the cropping industries such as sorghum, corn, wheat and so on. I am specifically talking about ethanol there but, as I said, there are other biofuels for which the same sort of processes could be used.

Currently, we use something like 30 billion litres of fuel. I think about 18 billion litres of that is petrol and a bit over 12 billion is diesel. But, to generalise for a moment, 30 billion litres of fuel is an enormous number in itself. If we were to impose a five per cent mandatory usage component of ethanol or biofuel—because with the diesel component you might have to use some other type of fuel—built into the bowser it would equate to 1.5 billion litres. The Prime Minister made, and quite rightly so, quite a to-do re-
cently about the export of gas from the North West Shelf, which is going to bring in $25 billion over the 25 years—$1 billion a year. A five per cent mandatory figure would have the impact of producing something like $1.3 billion annually in terms of the net effect on our internal payments.

I am also told that we as a nation import something like 15 per cent of our petroleum needs. Not all of that is petrol so, before anyone bombs me out on that particular comment, I am generalising in that statement. But we are talking about the future and I think we have to look at what is possible. If we were able to replace that 15 per cent currently imported product with a crop grown product, the magnitude of that would be something like $4 billion annually—four times the effect of one of our greatest export announcements, made only a week or 10 days ago. That is the magnitude of the impact that we are talking about.

They are mainly economic impacts that I have been talking about. Obviously, the environmental impacts are the main reason for this debate today, and they are quite enormous as well in terms of the emission levels of those sorts of fuels compared to fossil fuels and in terms of the replaceable energy source. A crop can be grown every year; the mining of fossil fuels has an end to it that we are all aware of. The production of fuels and other components also has certain emission levels which the Kyoto people and various environmental groups have some concerns over.

I do think we should look much more seriously than we have been at the crop-ping fuels to not only replace our imports but also grow the percentage of ethanol and bio-fuels in our fuels at the bowser, whether that be in the form of petrol or diesel. I would encourage the government to look more closely than it has at that particular issue. I know there are certain proponents right across Australia at the moment who are looking at accessing the subsidy in relation to the renewable fuel grant. I know there is one within either my electorate of New England or the Deputy Prime Minister’s electorate of Gwyder and I believe that those proponents are serious about that investment.

There are, obviously, a number of important aspects to an investment of that magnitude. I think we are talking about $60 million in relation to that particular plant. One way of guaranteeing that investment into the future—not only in my area and in the area of the Deputy Prime Minister, but also in Queensland and many other parts of Australia—would be to start to impose a mandatory level at the bowser. As I said, the environmental impacts are enormous in the long term, as are the short-term, medium-term and long-term economic impacts.

In conclusion, I would urge the government to look seriously at this matter. I know that in two or three years time we will probably still be having this debate as to whether we should have signed protocols or not, but I think the debate about having the capacity to grow our own fuels and replace some of the imports that we are currently obtaining from other countries should be taking place now.

The DEPUTY SPEAKER (Mr Jenkins)—Order! The discussion has concluded.

COMMITTEES
Selection Committee
Report

Mr CAUSLEY (Page) (4.45 p.m.)—I present the report of the Selection Committee relating to the consideration of committee and delegation reports and private members’ business on Monday, 26 August 2002. The report will be printed in today’s Hansard and the items accorded priority for debate will be published in the Notice Paper for the next sitting.

The report read as follows—

Report relating to the consideration of committee and delegation reports and private Members’ business on Monday, 26 August 2002

Pursuant to standing order 331, the Selection Committee has determined the order of precedence and times to be allotted for consideration of committee and delegation reports and private
Members’ business on Monday, 26 August 2002. The order of precedence and the allotments of time determined by the Committee are as follows:

COMMITTEE AND DELEGATION REPORTS
Presentation and statements
1 National Capital and External Territories—Joint Standing COMMITTEE: Norfolk Island electoral matters.
The Committee determined that statements on the report may be made—all statements to conclude by 12.50 p.m.
Speech time limits—Each Member—5 minutes.
[Proposed Members speaking = 4 x 5 mins]
The Committee determined that statements on the report may be made—all statements to conclude by 1.00 p.m.
Speech time limits—Each Member—5 minutes.
[Proposed Members speaking = 2 x 5 mins]

PRIVATE MEMBERS’ BUSINESS
Order of precedence
Notices
1 Mr Crean to present a Bill for an Act to amend the Workplace Relations Act 1996 and for related purposes. (Workplace Relations Amendment (Unfair Dismissal—Lower Costs, Simpler Procedures) Bill 2002—Notice given 26 June 2002.)
Presenter may speak for a period not exceeding 5 minutes—pursuant to standing order 104A.
2 Mr Barresi to move:
That this House:
(1) expresses its gratitude to the “Heroes of Kokoda” as we reflect upon the 60th anniversary of the Battles to Save Australia, and accordingly give due honour and respect to the memory of these heroes by:
(a) supporting the development of the Kokoda Track as a National Memorial Park, which will ensure it remains a historical, cultural and commemorative experience for all Australians; and
(b) establishing a joint Australian and Papua New Guinean Master Plan under the guidance of Australian Government and local PNG Provincial government personnel;
(2) expresses support of the Government’s commitment of $1.5 million for the establishment of 3 memorials in Papua New Guinea, one of which will be constructed at Isurava to commemorate the Battle at Kokoda; and
(3) calls on all Australians in this the 60th anniversary month to commemorate the sacrifice of all servicemen who participated in the battles along the Kokoda Track by:
(a) inaugurating a National Day of Remembrance celebrated both in Australia and at Owers Corner, PNG;
(b) congratulating the Australian Football League, the members, supporters and administrators of the Sydney Swans and Richmond Tigers for their annual commemorative game at Stadium Australia, honouring the Spirit of Kokoda; and
(c) supporting the establishment of a Fuzzy Wuzzy Angel Scholarship Foundation to educate the sons and daughters of the Kokoda Trail Villagers as a sign of our nation’s gratitude for the selfless sacrifice of the local people during the campaign. (Notice given 26 June 2002.)
Time allotted —remaining private Members’ business time prior to 1.45 p.m.
Speech time limits—
Mover of motion—5 minutes.
First Opposition Member speaking—5 minutes.
Other Members—5 minutes each.
[Proposed Members speaking = 8 x 5 mins]
The Committee determined that consideration of this matter should continue on a future day.
3 Ms Plibersek to move:
That this House:
(1) recognises the physical, emotional and psychological damage caused by child sexual abuse;
(2) recognises that in every state in Australia adults who have sexual relations with teenagers under the age of 16 are committing a criminal offence, and there are no excuses for this behaviour;
(3) commits itself to providing a safe environment for every child in Australia;
(4) commits itself to playing a role in ending sexual abuse of children overseas; and
(5) commits itself to acknowledging and seeking to mend the harm done to victims of child sexual abuse. (Notice given 14 March 2002.)

Time allotted—30 minutes.
Speech time limits—
Mover of motion—10 minutes.
First Government Member speaking—10 minutes.
Other Members—5 minutes each.

[Proposed Members speaking = 2 x 10 mins, 2 x 5 mins]

The Committee determined that consideration of this matter should continue on a future day.

Ms Vanvakinou to move:

That this House:

(1) notes the recommendation of the February 1995 report of the House of Representatives Standing Committee on Community Affairs to amend the Medicare rebate schedule to include the provision of mammary prostheses;

(2) recognises that estimates of women undergoing breast cancer surgery in Australia approach 1000 per month with more than one-third requiring a mastectomy;

(3) recognises the ongoing cost (financial, physical and emotional) of wearing required prostheses and shell/breast forms and acknowledges the strain on muscles and posture following the loss of a breast or a significant part of the breast;

(4) recognises the ongoing cost of prostheses and acknowledges that there is no Commonwealth Government scheme to lessen the financial burden faced by women following breast surgery for those in need of prosthetics;

(5) notes The Canberra Times article “Dead women’s breast prostheses resold” appearing on 3 June 2002 detailing the reuse of mammary prostheses amongst breast cancer patients facing financial hardship;

(6) calls on the Government to provide mammary prostheses through the Medicare rebate schedule; and

(7) condemns the Government over budget measures where the sickest and poorest Australians and families will be hit with an increase of almost 30% in the cost of their essential medicines. (Notice given 25 June 2002.)

Time allotted—remaining private Members’ business time.
Speech time limits—

Mover of motion—10 minutes.
First Government Member speaking—10 minutes.
Other Members—5 minutes each.

[Proposed Members speaking = 2 x 10 mins, 2 x 5 mins]

The Committee determined that consideration of this matter should continue on a future day.

Transport and Regional Services Committee

Membership

The DEPUTY SPEAKER (Mr Jenkins)—Order! Mr Speaker has received advice from the Chief Opposition Whip that she has nominated Ms Livermore to be a member of the Standing Committee on Transport and Regional Services in place of Ms O’Byrne.

Mr HARDGRAVE (Moreton—Minister for Citizenship and Multicultural Affairs) (4.48 p.m.)—by leave—I move:

That Ms O’Byrne be discharged from the Standing Committee on Transport and Regional Services and that, in her place, Ms Livermore be appointed a member of the committee.

Question agreed to.

MAIN COMMITTEE

The DEPUTY SPEAKER (Mr Jenkins)—I advise the House that the Deputy Speaker has fixed Wednesday, 21 August 2002, at 9.40 a.m., as the time for the next meeting of the Main Committee, unless an alternative day or hour is fixed.

BILLS REFERRED TO MAIN COMMITTEE

Mr LLOYD (Robertson) (4.47 p.m.)—by leave—I move:

That the following bills be referred to the Main Committee for consideration:

Customs Legislation Amendment Bill (No. 1) 2002
Import Processing Charges (Amendment and Repeal) Bill 2002
Health Insurance Commission Amendment Bill 2002
Plant Health Australia (Plant Industries) Funding Bill 2002
Veterans’ Affairs Legislation Amendment Bill (No. 2) 2002
Question agreed to.

**BUSINESS**

**Rearrangement**

Mr HARDGRAVE (Moreton—Minister for Citizenship and Multicultural Affairs) (4.48 p.m.)—by leave—I move:

That order of the day No. 1, government business, be postponed until a later hour this day.

Question agreed to.

**CRIMINAL CODE AMENDMENT (ESPIONAGE AND RELATED OFFENCES) BILL 2002**

**Second Reading**

Debate resumed from 13 March, on motion by Mr Williams:

That this bill be now read a second time.

Mr MELHAM (Banks) (4.49 p.m.)—I am pleased to speak on behalf of the opposition in relation to the Criminal Code Amendment (Espionage and Related Offences) Bill 2002. This is important legislation that deals with a fundamental aspect of our national security.

The bill is designed to strengthen Australia’s espionage laws and impose tougher penalties on those who break these laws. As long ago as 1991, the committee to review Commonwealth criminal law headed by Sir Harry Gibbs recommended that the Commonwealth’s espionage offences originally drafted on the eve of the First World War should be rewritten in a simpler form using modern language. Following the 1999 Wispelaere espionage case, the Inspector-General of Intelligence and Security, Mr Bill Blick, was commissioned by the government to undertake a comprehensive review of security procedures. Mr Blick’s report confirmed the need to update our espionage laws and impose tougher penalties on those who choose to break these laws.

A somewhat different version of this bill was first introduced into the House of Representatives on 27 September last year. The bill was not debated, and it lapsed when parliament was dissolved for the November 2001 federal election. In addition to the espionage provisions, which I will discuss in a moment, last year’s version of the bill also transferred the official secrets provisions of part VII of the Crimes Act 1914 to chapter 5 of the Criminal Code Act 1995. This aspect of the bill was heavily criticised, particularly in the press, for containing jail terms for secondary disclosure or whistleblowing in relation to non-national security matters, even when the information was disclosed or published on so-called public interest grounds. The 2001 bill did not take up the recommendations of the Gibbs review about the decriminalisation of disclosures of non-national security related information.

Given the criticism of the official secrets provisions of the 2001 bill, the government has dropped these elements from the 2002 bill. The government was well advised to do so. The bill as it stands today will modernise and strengthen Australia’s espionage laws. The bill transfers the offence of espionage from part VII of the Crimes Act to chapter 5 of the Criminal Code. The antiquated offences of harbouring spies, illegal use of uniforms and official permits and impersonation will disappear from the statute books.

A number of features of the bill are of note. First, by referring to conduct that may prejudice Australia’s ‘security and defence’ rather than ‘safety and defence’ and explicitly defining this term, the bill will afford protection to a range of material that may not be protected under current laws. In particular, the term will include the operations, capabilities and technologies of, and methods and sources used by, the intelligence and security agencies. The type of activity that may constitute espionage will also be clarified. A person may be guilty of an espionage offence if they disclose information concerning the Commonwealth’s security or defence and do so intending to prejudice the Commonwealth’s security or defence. They may also be guilty of an offence if they disclose information concerning the Commonwealth’s security or defence, without authorisation, to advantage the security or defence of another country. These provisions will capture the Wispelaere type situation where the information that is compromised does not necessarily prejudice Australia’s security or defence. Maximum penalties range from seven years to 25 years imprisonment for the most serious espionage offences. Penalties in comparable countries for
equivalent offences range from the death penalty in the United States to 14 years imprisonment in the United Kingdom, Canada and New Zealand.

The bill also covers a range of other matters, including initiation of prosecutions, holding hearings in camera and forfeiture of articles, which were originally enacted in the Crimes Act. The bill has been considered by the Senate Legal and Constitutional Legislation Committee and its unanimous report was tabled on 10 May 2002. With the more controversial elements of the 2001 version of the bill having been excised by the government, the Senate committee raised four remaining issues of concern. The committee advised that, subject to its recommendations on these areas, the bill should proceed.

The first area of concern identified by the committee is an element of the proposed offences relating to espionage involving communicating or making known information that ‘is or has been in the possession of the Commonwealth’. Essentially, questions were raised whether information both within the possession of the Commonwealth and in the broader public domain would still technically fall within the offence provisions. The Attorney-General’s Department advised that the bill is not intended to inhibit the free flow of information in the public domain. However, given that this intention is not made clear in the bill or the explanatory memorandum, the committee recommended that the bill be amended to ensure that espionage provisions do not apply to the communication of information already in the public domain.

The Senate committee also expressed concern as to whether the proposed offences would inadvertently cover government disclosure of protected information through lawful and official channels, such as under intelligence sharing arrangements Australia has with other countries—for example, with New Zealand or the United States. The Attorney-General’s Department agreed that this was an unintended consequence of the bill’s provisions. The committee accordingly recommended that the bill be amended to address the uncertainty arising from the term ‘disclose to another country or foreign organisation’. The Senate committee shared the concerns of the International Commission of Jurists that offences may be committed by a person who communicates information to another country not knowing that the information is in the possession or control of the Commonwealth. The committee recommended that the bill be amended so that an element of each offence is that a person knows that the information is or has been in the possession or control of the Commonwealth.

The other concern raised by the committee relates to the offence of illegal soundings. The Crimes Act contains an offence of communicating to any person outside of the Commonwealth hydrographic soundings of the sea surrounding Australia; and the bill proposed to translate that offence across into the Criminal Code. The 1991 Gibbs Review of Commonwealth Criminal Law recommended that, because of the questionable need for the provision in light of technological developments, the soundings offence should be repealed. The Senate committee took evidence about the unintended application of such an offence—for example, by foreign owned fishing vessels sending soundings information back to their country of origin and thereby committing an offence. The committee also raised concerns that, where the taking and recording of soundings is required under law, ships’ masters were inadvertently potentially committing an offence. It is currently a requirement for the safety of crew and ships that lie within Australian waters to maintain an ongoing record of the sounding of that ship at all times. The committee therefore proposed that the current provisions relating to soundings be repealed and that the bill be amended to delete proposed division 92.

The government has circulated amendments to the bill that substantially give effect to the recommendations of the Senate committee. These amendments will replace reference to ‘information disclosed’ with the words ‘communicated or made available’ and replace reference to ‘information in the possession or control of the Commonwealth’ with the words ‘information the person acquired whether directly or indirectly from the Commonwealth’. The government further
proposes to amend the bill to create a defence to the espionage offence where the information that has been communicated is already in the public domain with the authority of the Commonwealth. These amendments should ensure that the offence provisions are properly focused on action that genuinely prejudices or threatens to prejudice the security or defence of our country or any other country with whom we share sensitive information. The government has also agreed not to proceed with the soundings provisions contained in this bill. The government is not prepared to repeal the existing soundings provisions without further consideration of the commercial navigational safety and security implications. While the Senate committee did recommend repeal, the opposition does not demur from the government’s approach.

As I indicated at the commencement of my remarks, the bill relates to fundamental aspects of our national security. The capacity of the Commonwealth to deter and thwart espionage is vital to our nation’s defence, our foreign relations and, indeed, our national wellbeing. We must have both a strong legislative framework and appropriate administrative measures to safeguard sensitive national security information held by government and in some cases by private firms such as defence contractors. At the same time, we must also ensure that the pursuit of tighter security does not trample over the civil liberties or established democratic conventions.

In this regard, I note that on 25 June this year—quite unnoticed by our national media—the Minister for Foreign Affairs, Mr Downer, and the American Ambassador, Mr Schieffer, signed a new legally binding agreement governing the exchange of classified information between Australia and the United States. The General Security of Information Agreement replaces a 1962 pact between Australia and the United States and takes into account advances in information technology. The 1962 agreement took the form of a confidential exchange of notes between the Australian and United States governments. That agreement was made on 2 May 1962. It was declassified and released by our National Archives only late last year. In his press release of 25 June announcing the new security arrangement, foreign minister Downer indicated that it covers the appropriate protection and handling of classified information and includes:

... a requirement that personnel accessing such information be security-cleared to an appropriate level.

The text of the agreement is now available on the Department of Foreign Affairs and Trade web site. Article 1 of the agreement requires each party to protect classified information received from the other party in accordance with the terms of the agreement. Article 2 establishes the application of the agreement to all classified information exchanges between the United States and Australia, whether it is in oral, visual, electronic or documentary form, or in the form of material including equipment or technology.

The parliamentary Joint Standing Committee on Treaties will presumably examine this new security agreement before it is allowed to enter into force. Effective parliamentary scrutiny will be especially important if the introduction of new security clearance procedures is contemplated as a consequence of this agreement, for example, mandatory electronic polygraph lie detector tests for personnel with access to particular types of classified information released by the United States. In this regard, I note that in September last year the Attorney-General announced that following the Blick security review the Australian Security Intelligence Organisation had agreed to undertake an internal and voluntary trial of polygraph tests to evaluate the potential of such technology as a personnel security tool. Polygraph tests have, of course, been employed by United States intelligence agencies, including the Central Intelligence Agency and the National Security Agency, for many years. Such tests are indeed mandatory for US personnel having access to certain types of highly classified information. The United States shares some of this information with Australia and the new security agreement requires Australia to afford such information an equivalent degree of protection as in the United States.

It would be highly desirable for the Attorney-General to inform the parliament in gen-
eral terms of the result of the ASIO poly-
graph trial and whether the government in-
tends to proceed with mandatory polygraph
tests in ASIO or elsewhere in our security
and intelligence agencies, for example, in the
Defence Signals Directorate, the Defence
Intelligence Organisation or the Office of
National Assessments. The introduction of
polygraph tests as a general security tool
would be a significant development in our
country’s security arrangements. It is some-
thing that should not be pursued without very
careful, indeed exhaustive, consideration of
the administrative and legal implications.
The parliament should be active in examin-
ing not only our espionage laws but also the
administrative and procedural measures de-
signed to safeguard our nation’s security.

One other aspect of the new Australia-
United States security agreement is note-
worthy. Article 4, governing the protection
of classified information, includes a specific
 provision that is not contained in the 1962
agreement. Article 4 reads as follows:
No individual shall be entitled to access to classi-
fied information received from the other Party
solely by virtue of rank, appointment, or security
clearance. Access to the information shall be
granted only to those individuals whose official
duties require such access and who have been
granted personnel security clearance in accor-
dance with the prescribed standards of the parties.

Article 5, relating to personnel security
clearances, further requires as follows:
The determination on the granting of a personnel
security clearance to an individual shall be con-
sistent with the interests of national security and
shall be based upon all available information in-
dicating whether the individual is of unquestioned
loyalty, integrity, trustworthiness, and excellent
character, and of such habits and associates as to
cast no doubt upon his or her discretion or good
judgement in the handling of classified informa-
tion.

Each party to the security agreement is re-
quired to conduct an appropriate investiga-
tion in sufficient detail to provide assurance
that these criteria have been met with respect
to any person to be granted access to classi-
fied information received by the other party.
These provisions are of considerable signifi-
cance. At first glance they involve merely
codification of well-established principles:
the application of the ‘need to know’ princi-
ple and the requirement that public servants
and government contractors having access to
classified national security information must
be subject to a security clearance. Guidance
of a very similar nature relating to access to
classified information by public servants and
contractors is given in Part D of the Com-

What is novel and very important about
this new security agreement with the United
States is the inclusion, within a legally bind-
ing agreement, of a mandatory and all-
compassing requirement for personnel
security clearances. According to this new
agreement, all Australian persons having
access to classified information released by
the United States will need to be security-
cleared—that is, subjected to a detailed in-
vestigation carried out by ASIO to determine
that they are of ‘unquestioned loyalty, integ-
rity, trustworthiness, and excellent charac-
et cetera. As I said, this provision is not
contained in the current 1962 agreement,
which simply requires that the Australian
government ensure that all persons having
access to classified US information be in-
formed of their responsibilities to protect that
information in accordance with Australian
law. Under the 1962 agreement, the question
of security clearance arrangements is left for
each country to determine as they consider
appropriate.

The new security agreement with the
United States provides for no exceptions to
the requirement for personnel security clear-
ances. If this is indeed the approach to be
enforced, it creates for the first time a man-
datory requirement for government ministers
to submit themselves to a security clearance
process, if they are to have access to classi-
fied information released by the United
States. They will presumably have their per-
sonal affairs investigated at length by ASIO.
This requirement will presumably also apply
to opposition shadow ministers, if the gov-
ernment is to provide them with a confiden-
tial briefing on any matter that involves US
classified information.

It would be difficult to imagine how a
satisfactory briefing could be provided on
Iraq’s weapons of mass destruction programs

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without access to classified US intelligence information. The same can be said of any briefing on the classified functions and operation of the joint defence facility at Pine Gap. Given the very high level of cooperation between Australia’s security and intelligence agencies and their US counterparts, it is also difficult to see how members of the parliamentary Joint Standing Committee on ASIO, ASIS and DSD could be properly briefed on the functions of our own agencies without some access to classified information released by the United States.

The idea that democratically elected members of parliament, whether government or opposition members, will be investigated and security-cleared by security intelligence agencies beholden to the government of the day is something that has not been previously contemplated in this country. Successive governments have gone to considerable lengths to ensure that ASIO does not become embroiled in partisan politics. It would be a serious step for the government to require opposition members to be subjected to a security clearance process before they could be properly briefed on national security issues.

It could be that the new security agreement is accompanied by a confidential annex that among other things could provide clarification on the question of access by members of parliament to classified information released to Australia by the United States—and, one would presume, reciprocal arrangements for members of Congress in respect of classified information released by Australia. If so, it would be good to hear about it. It may also be the case that, in its great haste to embrace the United States at every level, the government has simply failed to consider the implications of this legally binding agreement for longstanding conventions relating to access to classified information by members of parliament.

As matters stand today, the published text of the agreement signed by foreign minister Downer on 25 June imposes obligations of an all-encompassing nature. For the first time members of parliament will apparently be required to submit to a security clearance process by the government of the day, if they are to have access to classified information from our most important ally. These issues should be explored thoroughly by the Joint Standing Committee on Treaties before the new agreement is allowed to enter into force. It would be very useful if the Attorney-General were to take the opportunity afforded by this debate to clarify the application of the new security agreement on existing procedures relating to access to classified information, especially the longstanding conventions relating to access by elected members of parliament.

I conclude my remarks by reaffirming that the opposition is pleased to support the Criminal Code Amendment (Espionage and Related Offences) Bill subject to the amendments that have been circulated. Scrutiny by parliamentary committees and a constructive approach by both government and opposition can significantly improve legislation to the considerable benefit of the community. This is especially the case with bills which relate to our national security. The opposition is wholeheartedly committed to a principled and constructive approach.

Mr BAIRD (Cook) (5.13 p.m.)—It is my pleasure to support the Criminal Code Amendment (Espionage and Related Offences) Bill 2002 in the House tonight. It is appropriate legislation that will do much to improve the security of the nation. It will apply appropriate penalties for those who leak government security information to various sources and will change some of the existing legislation in line with the Senate inquiry that has been undertaken to look at various aspects of national security.

We debate this bill in a context which is very different to perhaps 18 months or two years ago. Following the events of September 11, obviously security has become paramount, and punishing those who leak government security information is most important. This is at the core of it and has been singled out in other legislation being debated in other places because of its importance in the national security environment. There are many areas in which the national security has been upgraded, such as in Australia’s defence forces in terms of the security of intelligence which is gathered across the nation.
This is another aspect of this particular piece of legislation.

This is the first update of the legal framework concerning espionage and national security issues since 1960, when significant changes were made to the Crimes Act. Obviously, the current environment has precipitated the changes that have been brought before the House. The bill makes two changes to the existing law with respect to espionage and the protection of Australian national secrets. These changes will ensure that the appropriate legal framework is in place to punish people who attempt to compromise our national security. The maximum penalty will increase from seven years to 25 years, and I believe that that is appropriate when we consider the implications of our national security being jeopardised. We as a community would want to impose the highest level of penalty for the offence, and 25 years seems appropriate in all the circumstances and does reflect the seriousness of the crime.

The second part of the bill relates to bail and provides that a decision about whether to grant bail to a person answering a charge of espionage can be made only by a Supreme Court judge. Importantly, the changes made by this legislation bring Australia’s legal framework into line with comparable liberal democracies, including the USA, Britain, New Zealand and Canada. The difference between this bill and legislation that came before the House last September is that the provisions relating to official secrets have been withdrawn. The government considers that the real intent of the legislation is too important to be delayed by a lengthy debate or controversy over these provisions, and that is why it has been isolated out of this particular bill.

It is important to note the way in which this legislation concerning Australia’s national security evolved out of recommendations that have been made. In 1999, the Inspector-General of Intelligence and Security, Mr Bill Blick, was asked by the Prime Minister to review our procedures for protecting sensitive information on Australia’s national security. A report was handed down in 2000 and it included more than 50 recommendations, many of which are reflected in this legislation.

In 2002, the national security bill was put before the Senate Legal and Constitutional Legislation Committee, and this amended bill accepts all the recommendations made by the committee. I think it is appropriate to look at the recommendations and see how they are included in the legislation. The first recommendation relates to communication of information in the public domain. The committee recommended that the bill explicitly provides that a person cannot be prosecuted under espionage laws for leaking information to a foreign power when that information is already public knowledge. This is a refinement of definition, and the government has decided to explicitly spell this out in the bill. However, the provision does not include persons who attempt to put sensitive information into a false public domain via an obscure Internet site and then say that the information was already out in the public domain, when it would take a miracle to find the information in the obscure site. This was seen as a way of getting around the requirements in terms of penalties. A defendant cannot argue that the fact that information was posted on a web site made it public knowledge, even if the site was never advertised and no-one ever visited it. The bill, sensibly, will not allow this defence and will provide the means to punish spies acting in this way.

Recommendation 2 concerns the use of the word ‘disclose’. The committee thought that the use of the word ‘disclose’ in the original legislation might jeopardise the prosecution of people who leak intelligence to a foreign power without knowing that Australia had already shared that information with the country. The view was that even if an individual was not aware that information had been shared with a foreign power, the fact that the individual leaked information meant that they would come under the requirements of this legislation and would therefore be subject to penalties as defined. To avoid any problems, the bill has been amended to replace any use of the word ‘disclosed’ with ‘communicated’ or ‘made available’.
The third recommendation concerns knowing that information has been in the possession of the Commonwealth. This relates to the previous recommendation. The committee was concerned about instances where a person imparts information to a foreign power without knowing that it is information controlled by the Commonwealth government. To avoid unfairly prosecuting these people, the government has amended the bill so that an element of each offence within it is that a person must know that information is Commonwealth controlled. So a person cannot simply pass information on and say, ‘I had no knowledge.’ This can actually protect them if they had no knowledge of the fact that information is Commonwealth controlled.

The fourth recommendation relates to soundings provisions. The committee was aware of provisions in the original legislation concerning vessels taking soundings within Australian territorial waters, and it recommended that these be omitted. The government has accepted this recommendation, and the existing law surrounding soundings will be retained. Obviously there may be security needs to protect soundings of our territorial waters, and I am pleased to see that the government is working closely with the Department of Defence to ensure that a balance is reached with these priorities and those of watercraft that are negotiating Australian territorial waters.

This bill is significant in the context of the war on global terror. Provisions in the bill introduce significant penalties for people who deliberately and wilfully leak information to foreign powers or other individuals, knowing that the information is Commonwealth-held security information and that they could jeopardise Australia’s security. The bill provides no protection for a person who may claim that information was posted on an obscure web site. The only defence would be that they were not aware—and can prove that to be the case—that information was Commonwealth protected. Increasing the penalty from seven years to 25 years may seem draconian to some, but, in view of global events over the past 12 months, it seems more than appropriate.

This is a worthwhile piece of legislation. It provides a further step in securing Australia’s security by meting out appropriate penalties to those who breach security requirements for their own gain and pass on information to foreign powers. I commend the bill to the House.

Mr LEO McLEAY (Watson) (5.23 p.m.)—Today we are debating a piece of legislation—the Criminal Code Amendment (Espionage and Related Offences) Bill 2002—that this government originally introduced last September, shortly before the election was called. Because of the events of September 11 last year, the bill has been linked in people’s minds with other pieces of legislation currently before the parliament, which were hastily cobbled together by the government as part of the reaction to the events in the US on September 11 last.

But this legislation was developed long before then. It has its roots in the review of the Commonwealth criminal law headed by Sir Harry Gibbs, which reported in 1991—over 10 years ago. Eight years later, in 1999, the arrest of Jean-Philippe Wispelaere—an Australian citizen charged with offences relating to the disclosure of US intelligence material in the US—was instrumental in leading to the commissioning of Australia’s Inspector-General of Intelligence and Security, Mr Bill Blick, to undertake a review of security procedures. Mr Blick’s review, together with the Gibbs report, led to this legislation. Unfortunately, in its original form the legislation seemed to reflect hasty and poor drafting. No wonder some people were confused and thought it was part of the antiterrorism package the government rushed to introduce after September 11.

But I am pleased to note that the bill has been amended and made less draconian than it was when first introduced into the parliament last year. As originally framed, the bill was excessively repressive and could have had drastic consequences for innocent people. It could have caught people who had done nothing wrong and had no intention of doing anything wrong. I am sure I am not the only one who recalls some of the publicity this legislation was given earlier this year. Even though the Attorney-General claimed
that the bill evolved from the Gibbs report of 1991, the original legislation—that is, the 2001 legislation—had ignored key recommendations from the Gibbs report. They were that criminal offences for leaking be confined to material relating to national security and not to so-called ‘national safety’, which was the subject of the 2001 bill—whatever that ‘national safety’ was. I am pleased to see that the current bill specifically defines what the government means by ‘national security’.

If the bill had been passed in its original form, it would have made it easier to launch prosecutions with respect to leaks of information. Interestingly, the report of the review committee chaired by Sir Harry Gibbs—as you would expect from an eminent former High Court judge—said that such leaks should be decriminalised. The Gibbs proposals would have made it harder to prosecute people for the release of information. The implications for those who leak information or make use of alleged leaked information could have been in serious trouble under the previous legislation. The bill was originally intended to extend and toughen two sets of laws: one against alleged espionage and the other against the leaking of government information. I suspect it suited the government to put in people’s minds the idea that it was just as bad to leak government information as to be involved in espionage.

The media reaction to which I referred earlier encouraged the Attorney-General to drop the provisions relating to the unauthorised release of official information. But the espionage measures are still there and warrant some discussion. One of the provisions more than trebles the potential jail term for espionage from seven years to 25 years. That is a rather substantial increase. In three out of the four countries to which we are closest when it comes to security issues—the United Kingdom, New Zealand and Canada—the penalties are less; they are 14 years maximum in those three countries. The fourth country with which we are closely involved in security issues is the US, where the ultimate penalty is the death penalty. So maybe by increasing our penalty to 25 years we have been a bit harder than the UK, New Zealand and Canada but, fortunately, we have not followed the US to the extreme to which they have gone. To use the words of the Attorney-General in his second reading speech in March this year, the bill establishes:

… an effective legal framework that both deters, and punishes, people who intend to betray Australia’s security interests.

None of us would have a problem with this aim; however, we have to be sure that the legislation achieves this aim appropriately. We have to be sure that it does not have any unintended consequences and that it will achieve what it sets out to achieve—no more and no less.

Following its introduction into parliament in March, this legislation was referred to the Senate Legal and Constitutional Legislation Committee, which reported in May. It is worth noting that the committee’s report was unanimous. Its recommendations were sensible and, if implemented, would have improved the legislation. Recommendation 1 was:

… that the Criminal Code Amendment (Espionage and Related Offences) Bill 2002 be amended to ensure that espionage provisions do not apply to the communication of information in the public domain.

Recommendation 2 was:

… that the Criminal Code Amendment (Espionage and Related Offences) Bill 2002 be amended to address the uncertainty arising from the term “disclosed to another country or foreign organisation”.

Recommendation 3 suggested that the bill:

... be amended so that an element of each offence is that a person knows that the information is, or has been, in the possession or control of the Commonwealth.

So you introduce the issue of intent into the legislation. Recommendation 4 was that:

... the current provisions relating to soundings—that is, soundings of the seabed—
be repealed and that the Criminal Code Amendment (Espionage and Related Offences) Bill 2002 be amended to delete proposed Division 92.

That provided that it was an offence to provide to another foreign national the depth soundings of the coastline around Australia. Interestingly, there are other provisions in, I think, the Navigation Act which require captains of foreign ships that are going around the Australian coast—and under this government there are not too many Australian ships going around the Australian coast any more—to take soundings. So you have one piece of Commonwealth law which could have compelled people to breach another Commonwealth law. Recommendation 5 of the committee was that, subject to the committee’s recommendations, the bill should proceed. I am pleased to see that the government has now proposed amendments to the bill which, by and large, reflect the Senate committee’s recommendations.

We need to be very careful when considering this sort of legislation. I am happy to note that there have been relatively few espionage cases in Australia over the years. Those that do occur are well publicised and attract much interest—no doubt because they are relatively unusual. It is not a huge problem in Australia. We therefore need to be especially careful that we do not overreact, and it is easy to overreact when there are events external to Australia, such as the terrorist attacks in the US last year. There is no doubt in my mind that this legislation, while seeking to update and strengthen Australia’s espionage laws, has attracted more attention than it may have done at other times, because of the recent events in the US and other parts of the world which have heightened our general sensitivity to security matters. That is why we need to be careful before we pass legislation on these matters. We need to think very carefully. We do not want to punish innocent people; we do not want to punish excessively and inappropriately; and we want to ensure that the punishment fits the crime, if indeed a crime has been committed. A few well-publicised cases, such as those of Wispelaere and Lappas, should not be used as an excuse for draconian measures being adopted—as would have been with the proposal originally introduced last year.

Having voiced my concerns, I am pleased to say that the government has amended not only the original bill but also the current bill to take note of some of the concerns that I and others have raised. I think that this will prove to be a good piece of legislation, and I hope that the fears that I have put forward about its possible misuse are found to be groundless. I am a little concerned, as was the opposition spokesperson, about the new security agreement that the government has entered into with the US, which could have the effect, for the first time, of requiring Australian members of parliament—and one would assume that also means ministers—to be cleared for the use of classified material. That has not happened in this country before. It should not happen now. The government should be very careful to see that members of parliament do not have to be security cleared to handle classified material. Ministers, in particular, should not have to be cleared to use classified material. I support the bill and am pleased to see that the government has made some changes in line with the Senate committee’s recommendations.

Mr CIobo (Moncrieff) (5.34 p.m.)—I rise this evening to speak about the Criminal Code Amendment (Espionage and Related Offences) Bill 2002. As I rise to speak on this bill, it occurs to me that today is actually the first birthday of Freya Margaret Ciobo, my niece. As I reflect upon the fact that today is her first birthday, I cannot help but think that she has been brought into a world that I feel, not only as an optimist but also as a realist, has an incredible amount of potential—more potential than has ever existed in our planet’s history. We look around the world and we see developments occurring in all sorts of areas—developments that bode well for the future of humanity. We have incredible developments in terms of health, medicine, the distribution and allocation of foodstuffs throughout the world, access to water and access to basic medicines. Peace, broadly speaking, is prosperous throughout most countries. We have advancements in technology and advancements in education. We have democracies growing worldwide. We also have, for the first time in the world’s history, an incredible amount of freedom.
With each of these advances, though, there are also threats that arise from those who seek to use these very freedoms—these freedoms that have been hard fought and won in democracies throughout the world—to promote terror. Nearly one year ago on September 11 there was an attack on the Free World that occurred in the United States, in New York city. Australians were murdered; Americans were murdered; British subjects were murdered. All of these people were extinguished by the hands of terrorists—terrorists who would seek to misuse the very freedoms I have just been speaking about. This attack served to galvanise the thoughts of very many people about what we in the Free World need to do to protect ourselves from those who would seek to misuse the freedoms that we have. Those attackers who look enviously upon the freedoms that we enjoy and would rather tear down our country than build up theirs. It seems to me that the label of ‘terrorism’ is most appropriate. Although, I am certain what most terrorists do not realise is that, as they seek to extinguish life in the Free World, they do nothing but extinguish the light in their own world.

We see an increased focus on national security as a consequence of the attacks that took place on September 11. This increased focus was brought to bear in the most recent Howard budget, which focused extensively on improving national security. In addition to the many measures this government took in the budget, this bill now seeks to take another step with respect to espionage and related offences. This bill seeks to address and to apply criminal provisions to prohibit those who would seek to sell out our country. This bill affirms this government’s commitment to further protect sensitive information that is held by this government and its agencies—irrespective of whether or not this information regarding national security concerning international events was gathered by Australia or by other nation states.

Let us look at the history of this bill and how it has developed. This bill first flowed from a review by the Inspector-General of Intelligence and Security, Mr Bill Blick, who was commissioned by the Prime Minister to undertake a review of Australia’s security procedures. Part of the recommendations Mr Blick put forward to the government were the amendments now proposed to the Criminal Code Act 1995. These amendments serve several purposes, and this bill embodies these amendments. The main purpose is to increase the penalties that apply for espionage. The main aim of the legislation is to increase that maximum penalty from the current penalty of seven years to 25 years imprisonment. While some may say this is strong, the purpose is to deter those people who would seek to betray Australia’s security interests and, perhaps even more importantly, to make sure those who do betray Australia’s interests are appropriately punished—in a way that all Australians can feel justice has been served.

This bill also seeks to place the decision on whether to grant bail to a person who has been charged with espionage in the hands of a judge of a state or territory Supreme Court—the adequate superior court to make this kind of determination. In addition, this bill addresses some of the mechanics that were contained in the original bill that came before this House. It seeks to alter the language of the bill so that it no longer prohibits those who would disclose information but rather makes it an offence for those who would communicate information that is not already in the public domain, and I will speak about that further in due course. In criminal law we have, as a matter of principle, the view that individuals are responsible for intended acts that harm others. We have as a fundamental premise the notion that those who do these acts will be punished accordingly. It is little wonder then that this bill embodies those basic principles.

Terrorism can be broadly defined. It is an act, or a threat to act, that advances a political, religious or ideological cause and it nearly always involves serious harm to a person, to property, to public health—broadly speaking, to the safety of the community. I am pleased to note that under this bill the innocent supplier of information will not be prosecuted. But this bill will make sure that those who seek to betray our country, to assist those who would seek to threaten our very way of life and to threaten the safety and the security that we all enjoy
in the community will be prosecuted to the full extent of the law.

I recently had the opportunity to travel to the Persian Gulf to take part in an exercise known as Operation Slipper. This is an exercise that Australian naval men and women are partaking in as part of enforcing sanctions against Iraq. In speaking with our sailors in the Persian Gulf, one thing that became very clear to me is that these young men and women are thoroughly committed to the notion that they play a fundamentally important role in protecting Australia and in serving the people of Australia by enforcing sanctions against Iraq. This bill, although not directly related to Iraq, certainly serves the same purpose of upholding national security.

When you look at the mechanics of this bill, you will see some amendments incorporated that were proposed by the Senate Legal and Constitutional Legislation Committee. These proposals were put forward by the committee following the referral of the original bill to the committee. There were five recommendations—the fifth one being that the bill be allowed to progress if the other four were accepted. The first recommendation by the committee was that it be made explicit in the bill that a person could not be liable for prosecution under the espionage offences where they communicate information already in the public domain. This is a reasonable recommendation, and I am certainly pleased it is included—and I have heard members of the opposition speak in glowing terms that this has been incorporated. It is, in fact, eminently sensible that information in the public domain not be the subject of punishment if it is communicated.

The second recommendation put forward by the committee was that ‘information that is disclosed to another country or foreign organisation’ be restated so that it is no longer ‘disclosed’ but rather ‘communicated’. Subclauses 91.1(1)(c) and 91.1(2)(c) involve a person’s action resulting in ‘information being disclosed to another country or a foreign organisation’. The committee noted in its report that an unintended consequence of the use of the word ‘disclose’, meaning that information is revealed where it was previously unknown, could result in a person using it as a defence to say, ‘This information was already previously known, and as such I haven’t disclosed it.’ As a consequence of the recommendation, the Commonwealth now will be in a position to pursue a prosecution against a person who communicates this information.

The third recommendation is that a person who knows that that information is, or has been, in the possession or control of the Commonwealth ought to be able to be prosecuted. The Senate committee was concerned that an offence may be committed by a person who communicates information to another country not knowing that the information was in the possession or control of the Commonwealth. Accordingly, the committee recommended that the bill be amended. That amendment has now been included so that an element of each offence is that the person does in fact know that the information is, or has been, in the possession or control of the Commonwealth.

We have proposed this amendment to give practical effect to the recommendation. The amendments contained in this bill will replace the reference to information which is or has been in the possession or control of the Commonwealth with information a person acquired directly or indirectly from the Commonwealth. The fault element in this case will be ‘recklessness’, and it is a very reasonable test. Under the test of recklessness, a person will be reckless as to whether they acquired the information either directly or indirectly from the Commonwealth if they have not given its source due regard. With this test of recklessness applied, it is appropriate that a person who does not give it due regard should be prosecuted. The fourth recommendation deals with the issue of the repealing of the sounding provisions. Other members have spoken at great length on this and I do not intend to dwell upon it.

I also take this opportunity to comment on the removal of the official secrets provision from this bill. When this bill was originally proposed, there was concern that the official secrets provisions would be used as some sort of censor by this government against media agencies and other agencies which may seek to publish information. It is most
concerning that this would be put forward as a substantive line of argument to be used against the official secrets provisions. It is fair to say that at no stage in history—especially given that the amendments proposed in this bill do not substantially alter the mechanics of the legislation—have we seen misuse of the official secrets power by any government in this country.

In addition, I would like to focus on whether or not whistleblowers will in any way be affected by the changes that are incorporated in this bill. When examining the rights of whistleblowers and what the rights are concerned with, it is clear that media reports that official secrets provisions could limit press freedom and the ability of public servants to disclose information that they contend is in the public interest, are unfounded. The bill does not directly address the issue of whistleblowing. The bill strengthens espionage laws and makes sure that those who would seek to disclose information that is in Australia’s national interest will not be able to do so at the expense of information that can be brought forward that is in the public interest. Public servants who would seek to disclose information that is secretive in nature have the ability to speak to people such as agency heads—the Public Service Commissioner and the Merit Protection Commissioner—and raise their concerns appropriately.

In all, the amended bill, as currently put forward, presents a very reasonable position by this government. It is a position that takes into account the concerns that have been justifiably put forward by the Senate committee. It also, however, contains the strength that all Australians are looking for to protect our national security and to protect our national interest. In addition, this bill serves to make sure that other nations that seek to exchange information with Australia, or indeed have exchanged information with Australia, can take stock and place faith in the fact that Australia, as a nation, serves to protect that information and to make sure that those who seek to misuse information will be appropriately punished. I highly recommend this bill to the House.

Mr SNOWDON (Lingiari) (5.48 p.m.)—I rise to speak on the Criminal Code Amendment (Espionage and Related Offences) Bill 2002. Madam Deputy Speaker, with your indulgence, can I make a comment to the minister at the table, the Minister for Small Business and Tourism? The other day in question time, the minister referred to a visit down at the Mary River with the member for Solomon. What he ought to have known is that the member for Solomon is not the member for Lingiari and therefore has nothing to do with the Mary River, apart from taking the minister down as croc bait.

Mr Hockey—It would be a big croc.

Mr SNOWDON—They are big down at the Mary River.

The DEPUTY SPEAKER (Ms Gambaro)—I ask the member for Lingiari to come back to the content of the bill.

Mr SNOWDON—I will, Madam Deputy Speaker. The opportunity was too good to miss.

Mr Hockey—We had a good time in Alice.

Mr SNOWDON—You did and you did very well.

The DEPUTY SPEAKER—The member for Lingiari, come back to the contents of the bill.

Mr SNOWDON—The Criminal Code Amendment (Espionage and Related Offences) Bill 2002 is designed to strengthen Australia’s espionage laws and impose greater penalties on those who break them. Although September 11 is seen by many to have been the impetus for the introduction of this bill, in fact, as other members have said, consideration of the issues involved in this legislation came well before the tragic events of September 11. The bill transfers the offence of espionage and some related matters from part 7 of the Crimes Act 1914 to new chapter 5 of the Criminal Code Act 1995. It is designed to strengthen Australia’s espionage laws and will impose tougher penalties.

The bill essentially implements the Blick recommendations—the Inspector-General of Intelligence and Security’s report into the 1999 Jean-Philippe Wispelaere case—and a
number of the recommendations of the 1991 Gibbs Review of Commonwealth Criminal Law. By referring to conduct that may prejudice Australia’s security and defence, rather than safety and defence, and explicitly defining this term, the bill will afford protection to a range of material that may not be protected under current laws. In particular, the term will include the operational capabilities and technologies, methods and sources used by the intelligence and security agencies.

The type of activity that may constitute espionage will also be expanded. A person may be guilty of espionage if they disclose information concerning Commonwealth security or defence intended to prejudice Commonwealth security or defence. They may also be guilty of an offence if they disclose information concerning Commonwealth security or defence without authorisation to advantage the security or defence of another country. This will capture Wispelaere-type situations. Maximum penalties have been increased under the legislation from seven to 25 years.

Others have spoken about the controversial nature of the initial draft of this legislation, its referral to a Senate committee and the recommendations of that Senate committee, which related to four specific items: information in the Commonwealth’s possession, the disclosure of information, the knowledge of information in the possession of the Commonwealth and the soundings offence.

It is not my intention to repeat discussion which has preceded, because others have amply covered those issues. However, I want to make a couple of points as a result of the contribution of the member for Banks. I note the member for Banks is studiously listening to my contribution in the chamber. As the shadow spokesman, he raised a couple of very significant issues, which I wish to explore further. I hope the member for Banks will forgive me for repeating some of his comments. He noted that, on 25 June this year—and, as he said, quite unnoticed by our national media, which does raise the question: what do they do up there in the press gallery?—the government signed a new legally binding agreement governing the exchange of classified information with the United States of America. I followed with interest the member for Banks’s comments. He said that the Minister for Foreign Affairs, Mr Downer, indicated in his press release:

The new framework covers the appropriate protection and handling of classified information and includes a requirement that personnel accessing such information be security-cleared to an appropriate level.

The text, as the member for Banks advised, is now available on the Department of Foreign Affairs and Trade web site. The member for Banks spoke about polygraph tests. I concur absolutely with the remarks he made and the questions he raised about that issue. He said it would be highly desirable for the Attorney-General to inform the parliament in general terms of the result of the ASIO polygraph trial and whether the government intends to proceed with mandatory polygraph testing in ASIO or elsewhere in our security and intelligence agencies—for example, the Defence Signals Directorate, the Defence Intelligence Organisation or the Office of National Assessments. This is a significant issue for the Australian community. To have it slid under the door by deed of a press release on 25 June, without any contemplation by this parliament, is a matter of some concern. As the member for Banks said this afternoon, the introduction of a polygraph test as a general security tool will be a significant development in our national security arrangements. It is something which we need to discuss a lot more thoroughly.

As the member for Banks said, the parliament should be active in examining not only our espionage laws but also the administrative and procedural measures designed to safeguard our nation’s security. The member for Banks spoke about articles 4 and 5 of this agreement. Article 4 governs the protection of classified information and includes a specific provision that was not contained in the original 1962 agreement. Article 4 reads as follows:

No individual shall be entitled to access to classified military information solely by virtue of rank, appointment, or security clearance. Access to the information shall be granted only to those individuals whose official duties require such access
and who have been granted a personnel security clearance in accordance with the prescribed standards of the Parties.

Article 5 says:
The determination in the granting of a personnel security clearance to an individual shall be consistent with the interests of national security and shall be based upon all available information indicating whether the individual is of unquestioned loyalty, integrity, trustworthiness and excellent character and of such habits and associates as to cast no doubt upon his or her discretion or good judgment in the handling of classified information.

The member for Banks went on to say that these provisions are of considerable significance. At first glance they merely involve codification of well-established principles: the need-to-know principle and the requirement that persons having access to classified national security information be subject to a security clearance. This is the nub of the issue raised by the member for Banks, which we need to think very seriously about: the mandatory and all encompassing nature of these requirements within a legally binding agreement. As the member for Banks rightly said, according to this agreement all Australian persons having access to classified information released by the United States will need to be security cleared—that is, subjected to a detailed investigation carried out by the Australian Security Intelligence Organisation to determine whether they are of ‘unquestioned loyalty, integrity, trustworthiness and excellent character’.

The security agreement provides for no exceptions to this requirement. As the member for Banks said, if this is indeed the approach to be enforced, it will create for the first time a mandatory requirement for government ministers to submit themselves to a security clearance process if they are to have access to classified information released by the United States. This requirement would also apply to opposition shadow ministers if they are to be briefed by the government on any matter that involves US classified information.

Just a fortnight ago, a number of the members of this House and the Senate, under the auspices of the Joint Standing Committee on Foreign Affairs, Defence and Trade, undertook a journey to the Persian Gulf, Kuwait, Kyrgyzstan and Afghanistan to visit Australian personnel serving in that part of the world. I make the point that these Australian personnel are, by and large, involved in joint operations with the United States. As it happens, there are senior Australian defence personnel at the heart of some of these operations.

When our committee undertook this visit, we were given very detailed briefings on operations by the commanders, whether they were members of the Australian or the United States military forces. The member for Banks said in his contribution that to get access to these sorts of briefings we would be required, under this agreement, to have security clearance. There is a growing number of joint operations involving Australian and United States defence personnel, where Australians are featured in the chain of command and where Australian troops and defence personnel in the Navy in the case of the Persian Gulf or in the Air Force in the case of Kyrgyzstan—based out of Manas Air Base at Bishkek—are engaged. When Australian parliamentarians seek to review what these personnel are doing in terms of the operations they are undertaking, whether or not these Australian parliamentarians will be subject to the conditions of this agreement, is not clear to me. If that is the case, then I suggest that it raises very serious questions about the integrity of this agreement, given that the people who will assess whether or not we pass the test of the security arrangements will of course be employees of the Australian government. I am sure you can see the absurdity of this proposition.

I note that the member for Banks referred specifically to a number of joint committees of this place which have specific interest in the area of intelligence. He referred to the Joint Standing Committee on ASIO, ASIS and DSD but, of course, he could have also said the members of the Joint Parliamentary Committee on Foreign Affairs, Defence and Trade because of the nature of the work they do in the general sphere of foreign affairs and defence.

I am a resident of Alice Springs and I have been a constant critic of the fact that
Australian politicians are not given access to security briefings from the joint defence facility at Pine Gap. We know that members of the United States Congress periodically get access to that base and periodically get security briefings. We also know that the members of the Security Committee of cabinet are able to get briefings and that the Leader of the Opposition is afforded the opportunity of a briefing. But why is it that people who are members of the Joint Parliamentary Committee on Foreign Affairs, Defence and Trade—I am a member of that committee—who have an interest in defence and foreign affairs matters, who are intricately involved in giving consideration to important issues to do with the welfare of this country, are not given access to briefings regarding security matters to do with Pine Gap and, indeed, other joint operations arrangements? This is a significant question, because ‘who watches the watchers?’ is an issue which I think we should have considerable interest in.

The member for Banks raised a very important matter—that democratically elected members of parliament, whether government or opposition members, being investigated and security-cleared by agencies beholden to the government of the day is something that has not previously been contemplated in this country. In my view, that is a very serious issue. Yet, on the face of it, it seems to have been agreed to in the signing of this agreement on 25 June this year. To my knowledge, there has been no discussion in this parliament to date about this very important matter. I note that in the context of this legislation we are taking very important steps to secure our nation’s future, but it does raise questions about the role of parliamentarians in making assessments and being informed of important matters of security, particularly where Australian defence personnel may be involved but also, importantly, where Australian sovereignty is in fact involved and where, by the nature of any agreement with the United States or any other party, we could be seen to be ceding some aspects of our decision making or overseeing responsibilities as members of parliament.

I regard this matter as being of great importance. I am pleased to have been able to make a contribution to this debate and I want to again strongly endorse the remarks that have been made by other speakers, particularly the remarks made by the opposition spokesperson, the member for Banks.

Ms JULIE BISHOP (Curtin) (6.06 p.m.)—There can be few more serious crimes against our nation and its people than that of espionage. It is an offence that places in danger the lives and property of Australians by betraying our national security and by placing in jeopardy our allied relations with other free nations such as the United States, the United Kingdom, New Zealand and Canada. It is ironic that in the post-Cold War world—a war won at least in part by the intelligence and counterespionage services of the aforementioned countries—the need for reform and revitalisation of our international services has seldom been more necessary.

In the post-Cold War world and what has been termed the profound shift in international terrorism not only have intelligence agencies in the West had to refocus away from the Soviet Union—away from traditional anticipated threats—but we have been confronted with events so extraordinary that they challenge our set of beliefs about the way we see the world. Our assumptions as to who or what is a risk to national security may no longer be valid. They may be challenged. Who or what now is our enemy? Threats to national security and the need for vigilance to determine what those threats are in this age of terrorism require an ongoing analysis and understanding of post-Cold War ideas, individuals and regimes for we now face a world of multiple divisions, of floating alliances and of new realities.

We also face ideologies of the irrational, whether religious or nationalistic, that we must assume directly threaten our security. And not all the enemies of liberty are states. The obvious example of a non-governmental organisation with an irrational and thoroughly dangerous ideology is the Islamicist group Al Qaeda, responsible for the atrocities in the United States last year. As we watched in horror as the Twin Towers crashed to the ground, we wondered who or what did this and why. The who or what was
soon established. The why threw up numerous theories.

In a most provocative essay in the latest edition of *Policy Review*, published by the Hoover Institution at Stanford University, Lee Harris explores the fantastic nature of Al Qaeda’s ideology, its millenarianism and most provocatively its non-political nature. I think most would agree that the essence of this enemy is ideological but what Harris seeks to do is take the intellectual challenge of defining the enemy to a new level. I will take a moment in the context of this debate to elaborate, for it does bear on our understanding of the sorts of challenges our intelligence agencies face and there is no doubt that the public debate following on from the Twin Towers tragedy certainly focused on the activities of the US intelligence agencies—what they did not know or what they should have known.

Harris points out that when we are confronted by a culturally exotic enemy, our first instinct is to try to understand their conduct in terms that are familiar to us, terms that make sense to us in the light of our own experience. If the enemy is doing X, it must be for reasons that are comprehensible in terms of what we understand within our universe. Yet, as this particular thesis goes, this entirely human response can sometimes be very dangerous.

If we take September 11 and the events of that day, how do we explain what it was that happened? Was it an act of war? Most seem to agree it was, but what political objective was being furthered by it? As our thinking goes, surely people do not commit such acts unless they are trying to achieve some kind of recognisably political purpose? But herein lies the problem, according to Harris. The established assumption of the whole point of war is that it is an attempt to get others to do what the wager of the war wants them to do—to bring about a new state of affairs through a combination of violence and the promise to cease violence if certain political objectives are met, whether it be territory or treasure or another outcome. This is the Clausewitzian definition of war as politics carried out by other means.

But post September 11, Al Qaeda and its associated militants should be understood as acting outside of the historical orthodoxy. The political consequences of its actions are secondary to its principal aim of acting out a deadly fantasy ideology of jihad. Harris argues that we in the West, faced with the truly alien abomination that is Al Qaeda, have fitted that phenomenon into our own understanding as part of Clausewitzian war as an extension of politics and have assumed it was a declaration of war waged for a political end. Instead, Harris suggests that the key to understanding the Al Qaeda phenomenon, and for that matter killing it, lies in aesthetics, in fantasy projection, in the will to believe—that is, the fanatics are acting out an ideology that is based on a fantasy and that is why there is still much argument over what was behind the attack. We are not dealing with traditional notions or concepts of strategic purposes. Many commentators drew analogies with the attack on Pearl Harbor, but in that instance all parties knew what was at issue. It was a strategic decision to bring about an outcome: an attack on a large naval base in order to cripple the United States in an ever expanding theatre of war. No-one had to argue what the real objectives behind the attack were.

This is a particularly provocative thesis indeed and I shall not enter into further debate here as to its particular merits. Nevertheless, it is indicative of the extraordinary circumstances that our national security agencies face in the 21st century. In fact, national security is no longer national security; it is transnational cooperation. Post September 11, we cannot assume that we understand all the threats to our national security for we live in extraordinary times and extraordinary times demand flexibility, creativity and comprehension within the agencies of Australian security—the Australian Security Intelligence Organisation, the Australian Security Intelligence Service, Defence Signals Directorate, the Defence Intelligence Organisation, the Office of National Assessments and the Federal Police. They also demand the updating of our intelligence and counterintelligence capabilities.
Thankfully, we have much useful research to draw on—namely, the comprehensive reviews of Australian intelligence, including: the 1991 report by the former Chief Justice the Rt Hon. Sir Harry Gibbs; the Senate committee report of 1994; the commission of inquiry report into ASIS, chaired by Gordon Samuels; and the report forwarded to the Commonwealth government in 2000 by the Inspector-General of Intelligence and Security, Mr Bill Blick. This government has undertaken considerable reform of our national security operations, yet there is still more to be done, not least in the critical area of information security and counterintelligence. This need has been highlighted by a number of recent episodes of concern, including: Mervin Jenkins’s suicide in Washington; the conviction of former analyst Jean-Philippe Wispelaere, who is presently serving a 15-year sentence in the United States; the case of former DIO employee Simon Lappas; and, you might recall, allegations aired on the ABC’s Four Corners program years ago regarding ASIS.

In an article headed ‘The spying game’, in the Financial Review in March this year, Geoffrey Barker observed that, given the nature of intelligence, the necessity to work in secret, the nature of their activities and their extensive intrusive powers, the successes of our agencies are rarely heralded, but their failures, when they emerge, are front page scandals. He said:

In Australia’s liberal democratic society, the intelligence agencies embody the tension between society’s commitment to open public administration and its need to ensure that the Government anticipates foreign and domestic threats and protects society from them.

The episodes involving Wispelaere and Jenkins have been of particular concern because of their impact on Australia’s relations with our allies and the willingness of our allies to share intelligence with us. I therefore endorse the reforms provided for in this bill.

The bill—which follows a similar bill which was introduced, but not debated, in the previous parliament—intends to transfer the offence of espionage from the Crimes Act 1914 to a new chapter 5 of the Criminal Code Act 1995 and make a number of changes to the way the Commonwealth treats the offence. At present, the law, in the form of part VII of the Crimes Act, contains references to espionage, official secrets, unlawful soundings, harbouring spies, the illegal use of uniforms or permits, et cetera. The bill transfers to the Criminal Code the offence of espionage, but the offences of harbouring spies and the illegal use of uniforms and the like will be removed from Commonwealth law. They are already covered in other ways; for example, division 148 of the Criminal Code sets out offences relating to the impersonation of Commonwealth public officials.

Further, the offence of espionage will be subject to a much heavier penalty: a maximum of 25 years imprisonment rather than the present seven-year maximum. This new sentence is more commensurate with that of like-minded nations. In the US, espionage is a capital offence in circumstances where the act leads to the death of an American operative or where the information in question is of a special nature, such as nuclear information. In New Zealand, Canada and the United Kingdom, the maximum sentences range from 10 to 14 years imprisonment. But perhaps a more useful comparison is the penalties in Australia for drug trafficking and organised people smuggling, at 25 and 20 years, respectively.

To address the issue of the security of foreign sourced information—for example, intelligence shared by a nation allied with Australia—the bill expands the definition of ‘espionage’ to include information concerning Australia’s security or defence with the intention of prejudicing that security or defence or advantaging the security or defence of another country. This will ensure that we are better able to prosecute offences of the kind carried out by Mr Wispelaere. He was arrested in the United States and charged with a range of offences associated with the unauthorised disclosure of US intelligence material which had been in the possession of the Australian government. The expanded definition of espionage will now encompass Wispelaere-type situations where the information disclosed does not necessarily, as a matter of fact, prejudice Australia’s security or defence.
In the light of the findings of the Senate Legal and Constitutional Legislation Committee’s report of 10 May 2002, government amendments to the bill will ensure that there is a defence to the charge of espionage where the information in question is already in the public domain with the authority of the Commonwealth. References to the word ‘disclosed’ are replaced using the words ‘communicated’ or ‘made available’. That is to cover a situation where Australia may have already shared the information with an ally but the person disclosing it is unaware of this. References to ‘information in the possession or control of the Commonwealth’ are replaced using the words ‘information the person acquired (whether directly or indirectly) from the Commonwealth’.

The bill also addresses procedural matters. Only a judge of a state or territory supreme court will be empowered to decide questions of bail in espionage cases. What is more, the Australian Federal Police Commissioner will instruct all members of the Federal Police that in such cases the Commonwealth will, as a general rule, oppose bail. Other procedural matters included in the bill relate to the initiation of prosecutions, arrests, searches and in camera hearings.

I mentioned the offence of unlawful soundings, which refers to the measurements of water depth taken by vessels in Australian waters. This offence was to be carried over to new section 92.1 of the Criminal Code. Such a person would have to prove that the soundings were made with federal, state or territory authority or were reasonably necessary for navigation or any other lawful activity. In the absence of these requirements, a person might have been subject to a two-year term of imprisonment for the taking or recording of soundings, the possession of soundings or the communication of such information to foreign persons, directly or indirectly. Following the Senate committee recommendations, the offence of unlawful soundings will not now be transferred. Nonetheless, the government will not remove the offence from the Crimes Act, given its importance to security in Australian waters. Instead, the Attorney-General’s Department and the Department of Defence will cooperate in a re-examination of the existing provisions.

With regard to official secrets, this bill does not canvass their transfer other than in the minor reference in schedule 1. This is in contrast to the 2001 bill, and it reflects the need for further consultation on matters related to whistleblowing and transparency in government administration. I hope that when such future debate is undertaken there will be somewhat more comprehension by the press than there has been previously. There is a difference between public interest whistleblowing and the unauthorised disclosure of official information by public servants.

This legislation delivers on the government’s commitment to protect Australia’s national security at this most extraordinary time in our history, to deter espionage and to be tough on any action aimed at betraying Australia’s security interests. I am pleased that, given the government’s accommodation of the Senate committee’s recommendations and the national security aspects of this legislation, the opposition will join with the government in this House in supporting the passage of this bill. I commend the bill to the House.

Mr McARTHUR (Corangamite) (6.21 p.m.)—I am pleased to be associated with the Criminal Code Amendment (Espionage and Related Offences) Bill 2002, because of the increasing public interest in protecting our borders, in terrorist activity, in Al-Qaeda and, of course, in the anniversary of September 11. There is increasing public support for the government’s moves to improve the espionage legal framework. I note the very good work that the security services undertook during the Sydney Olympic Games. I was privileged to receive a briefing on those matters, and all Australians would be delighted that our security services were able to ensure that the Sydney Olympic Games were free of trouble from foreign elements and anyone who sought to disturb that wonderful event.

This bill, as mentioned by other speakers, is of a fairly technical nature. It is a commitment to protecting Australia’s national security and is aimed at anyone betraying Australia’s security interests. It strengthens
and restates the existing provisions of the Crimes Act that prohibit deliberate disclosure of national security information to a foreign power. Obviously, one of its key elements is the increased penalty for espionage from seven to 25 years.

In the detail of the bill, as enunciated by the member for Curtin in a fairly effective manner, is the initial factor of espionage offences being significantly changed to establish a more effective legal framework that deters and punishes people who intend to betray Australia’s security interests. I particularly note the deterrent elements of the bill: its legal framework and its 25-year jail sentence. They would certainly have an impact on anyone who might be disposed to betray Australia’s security interests.

Also outlined in the bill is the term ‘security or defence’. This will apply to espionage offences as well as existing official secrets offences in section 79 of the Crimes Act. The bill also encompasses the expanding range of activity that may constitute espionage. This has been done to capture situations where a person discloses information concerning the Commonwealth’s security or defence, with the intention of prejudicing the Commonwealth’s security or defence or to advantage the security or defence of another country. It also affords the same protection to foreign sourced information belonging to Australia as that afforded to Australian generated information.

Other speakers have mentioned the need for change regarding espionage offences, and this has occupied the minds of the cabinet and the legislators. The position was a little unclear with Mr Jean-Philippe Wispelaere. He was arrested in the United States and charged with a range of offences associated with unauthorised disclosure of United Nations intelligence material that had been in the possession of the Australian government. It is my understanding that there was no particular tight net, in a legal sense, to convict Mr Wispelaere. This bill will give a greater capacity to handle this type of situation.

As stated previously, the penalty for these types of offences has been increased from seven years to 25 years. As for penalties in comparable countries for similar offences, there is the death penalty in the United States; that particular country takes this matter very seriously. In our more democratic tradition, we have put in place a very big penalty of 25 years for people who do the wrong thing by Australia in terms of espionage. In the comparable countries of the United Kingdom, Canada and New Zealand, there is the penalty of 14 years imprisonment.

Let us look at relative penalties—an issue which recently has been in the headlines in connection with an important case in Sydney relating to the ability of judges to impose severe penalties. I note that for a trafficable quantity of drugs there is a penalty of up to 25 years imprisonment; for a commercial quantity there is a penalty of life imprisonment; and for organised people-smuggling there is a penalty of up to 20 years imprisonment. Certainly a penalty of 25 years imprisonment would act as a deterrent for people who might be minded to cause difficulty through espionage activities.

In the couple of minutes remaining to me I would point out, as other speakers have mentioned, that this bill emerged from the Commonwealth’s review of the criminal law, headed by the Rt Hon. Sir Harry Gibbs. He recommended that the espionage offence be written in simple language, using modern terminology. I note that the Inspector-General of Intelligence and Security, Mr Bill Blick, also compiled a report. Those two reports have formed the basis of this new rearrangement of the espionage bill. I put on the record the good commonsense of Mr Bill Blick, the Inspector-General of Intelligence and Security. I have observed his comments on the public record and I am confident that his recommendations, along with those of the former Chief Justice, provide a very sensible basis for bringing about change in our espionage arrangements, both in a legal sense and in a practical sense.

This legislation enables us as the Commonwealth to handle espionage in 2002 in Australia and in relation to our allies in other countries. It is important that they have confidence in our law making and law enforcing processes and that those processes are compatible with theirs. It is important that people
who break such laws be dealt with, as I have said, with a 25-year jail sentence. Furthermore, it is important that this set of laws has been drawn up in a way that is compatible with those recommendations and that the amendments that have been dealt with by the Senate committee have been incorporated in this legislation. Along with other speakers, I commend the legislation. I support it. It is a step in the right direction in this very difficult area of the Commonwealth providing a legal framework to deal with the difficulty of handling espionage activity, especially as this must be done in a democratic way with the government of the day being accountable and the opposition of the day being very aware of all that is done. I noticed that one member opposite in particular raised this accountability argument. I commend the legislation. I also commend the Attorney-General for his work and thank the opposition for supporting this legislation.

Debate (on motion by Mr Cox) adjourned.

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

RESEARCH INVOLVING EMBRYOS AND PROHIBITION OF HUMAN CLONING BILL 2002

Second Reading

Debate resumed from 27 June, on motion by Mr Howard:

That this bill be now read a second time.

Mr CREAN (Hotham—Leader of the Opposition) (8.00 p.m.)—Tonight we begin debate on an important piece of legislation, the Research Involving Embryos and Prohibition of Human Cloning Bill 2002. Not only is this legislation important but it is a unique debate for this parliament. It involves a conscience vote but, unlike the euthanasia debate, the leaders of both major parties are supporting the bill. My party also supports this bill but, because of the moral issues at stake, I have allowed a conscience vote—a position that I proposed back in March, a lead subsequently followed by the Prime Minister in relation to his own party. But whilst I have supported a conscience vote for Labor members, the policy of the federal parliamentary Labor Party is to support the use of excess embryos for research. Our policy does not support human cloning. It will only support research on embryos created for IVF purposes that would otherwise be destroyed. It is policy also that, where the specific consent of the donor is given, research will be allowed, and only then for research where there is a real likelihood of a significant advance in knowledge.

There are strong views and widespread community interest, so the way this debate has been conducted is important. It has been an exhaustive process. The House of Representatives Standing Committee on Legal and Constitutional Affairs considered this issue for two years before releasing its report in favour of the research back in August 2001. The issue has been to the Council of Australian Governments. It has been debated in party forums. It has been debated in the community, on television, on radio and in the newspapers. The National Health and Medical Research Council has taken the draft legislation—the legislation that we are now debating—to public fora. And today, this parliament and beyond has the opportunity to put aside partisan divisions and allow a conscience vote. Every Australian has had a chance to have a say, and it is a tribute to our democracy.

I support the legislation because it does the right thing—the right thing for the people with debilitating illnesses and for the health of future generations; the right thing for our scientific community and our future as a knowledge economy—and I support the process of the conscience vote, because it does the right thing by people with strong moral beliefs about this issue. I say to those Australians who disagree with my support for this legislation: I respect your beliefs and I will always argue strongly for your right to express them. That is why I allowed a conscience vote in my caucus. But, after carefully searching my conscience, I am clear in my mind that the arguments in favour of using embryonic stem cells for medical research are overwhelming.

Stem cell research is the major new hope being held out for people suffering from debilitating and often fatal diseases. Just listening to the stories of those people and the
optimism of our scientists, who argue the case about the possibility of finding cures and effective treatments, were the greatest arguments in favour of allowing this research. I want this research to take place, and I want it to take place in Australia. We must develop treatments and cures for diseases like diabetes, motor neurone disease, Parkinson’s disease, Alzheimer’s disease and spinal cord injuries. We as a nation have a proud history of leading the world in medical breakthroughs. Australian medical expertise provided the world with penicillin, it helped make childhood leukaemia curable and it eradicated polio from the Pacific. We can lead the world again, and passing this legislation will help us do so.

I came to my support for embryonic stem cell research through a series of steps. I have long understood how valuable and important IVF is in offering couples the chance to be parents and the joy of having their own children, and it is inevitable in doing this that IVF procedures generate more embryos than most couples can use. If these embryos are not donated to other couples, there are only two possible consequences: they are destroyed or they are used for research. Either way, they will be destroyed. So I think it is best that they are used to help the living. For those who donate their embryos for this purpose, it is a gift to society not unlike that given by those who donate their loved one’s organs for transplantation.

I have met a number of people suffering from diseases that can be tackled through embryonic stem cell research. In fact, the public got to hear from a number of them yesterday. These were people whose lives can never be normal. Some face an early death. I met 12-year-old James Shepherd, who has been a diabetic since he was five. James goes to school and he plays football, but he must give himself an insulin injection several times a day for the rest of his life. He knows social isolation because of his disease. He fears amputation, kidney disease and blindness. He hopes for a cure for diabetes and the chance to be a normal teenager. James knows that that will require the ability to replace his lost insulin producing cells with new cells that can produce insulin. He does not know if these new cells will ultimately come from adult stem cells or embryonic stem cells, but he does know that embryonic stem cell research must go forward.

I also met Dr Paul Brock, a family man and a former political staffer, who is in a wheelchair and facing increasing disablement. Paul has motor neurone disease and he knows that eventually he will lose all of his functions. He hopes for a reprieve from inevitable death and a better life for himself and his family. Paul spent 12 years in a Catholic seminary. He does not dismiss the ethical ramifications of using excess embryos for research, but he believes in this case the worthy ends justify the means. He makes a powerful argument for embryonic stem cell research—one that we should all listen to.

One dad, Steve Alderton, summed up the real issue at stake when he asked who among us could look his son Luke—who is paralysed from the neck down—in the face and tell him that we should not try and find a cure. Luke is just 2½ years old. His parents, Steve and Alison, have talked with specialists worldwide about his rare condition. They know that the possibility that embryonic stem cells can be used to reinsulate Luke’s spinal cord is very real indeed. Embryonic stem cell research offers them hope for a better life and future for Luke. Even a small improvement, something as simple as being able to feed himself, can make a massive difference in his life.

These families speak for future generations as well as for themselves. There are many others out there who are asking this parliament to listen to them, understand them and pass the laws that will help them. Every member of this House will know someone who can benefit from the type of research that this bill will allow. Our task, in a sense, is easy—to pass the bill—but these people have to cope with serious illness day in, day out. They know—we all know—that such cures are not imminent. But if there is a cure or even an improved treatment and a better quality of life, there is compelling evidence that stem cell research holds out our best hope for a breakthrough. We can never be sure just where and when these break-
throughs will come, but we do know that they will only come if the research is allowed to continue. We must pass this legislation for these people.

There is another important reason why the bill should be passed. This legislation will ensure that Australian biomedical research continues to lead the world. Without it stem cell research will become another lost opportunity for Australia; more of our brilliant young scientists, technicians and ethicists will leave for overseas, making the brain drain even worse. Industries like biotechnology are crucial to Australia’s economic future. We have a long and proud history as one of the world’s leaders in medical research, and it would be a tragedy if we were not at the forefront of this research. If we do not build strong medical research and a community around it, our nation will pay a very high price in the future. Instead of exporting new drugs and medical services to the world, we will have to buy them from others. In the long term that will seriously weaken our economy. Instead of creating wealth and jobs in the new biotechnology industries, we will drive these jobs overseas. We cannot afford, as a nation, to keep doing this; the Australian people have seen too many of our ideas commercialised abroad. But let us remember, important as this aspect is, it is more important to pass this legislation because it gives patients and their families hope.

The bill itself implements the decisions made by the Council of Australian Governments on 5 April this year. I want to pay tribute to the work of my Labor colleagues from the states and territories who were able to work so effectively with the Commonwealth to reach this agreement. This national approach is important because it means that there will be no need for researchers to seek out the most favourable state in which to do their research, those seeking treatment in this area will not need to move interstate to have it and there will be no pressure to drive the research into the private sector or overseas where the environment may be more open and welcoming. It is the sort of cooperative partnership between the states and the Commonwealth that we need to see more of. It is a great example of how we can get good outcomes for the nation if we work together. The same approach, properly developed, could help resolve other great national issues, such as an end to land clearing, tackling the salinity crisis and improvement of our aged care and hospital facilities. It is because the process that arrived at this result is important that I will fight to maintain the integrity of the COAG agreement as contained in this legislation.

The legislation itself is strong. To reassure the community, it contains built-in reviews to monitor progress and a clear recognition and consideration of the ethical issues involved. Labor will work to ensure that the National Health and Medical Research Council licensing committee set up in this legislation to licence and oversee the research is properly constituted and supported so that its decisions can enjoy the support of the research community and the public. In an area of science that is on the cutting edge with new progress announced with every new science journal issue, it is important to monitor the impact and effectiveness of the regulatory system that will be imposed. That is why the reviews included in this legislation are crucial. We must ensure that they are carried out in a timely and unbiased fashion with due consideration of all the facts. The people who are appointed to the review panels must be such that a fair assessment of all of the issues is possible.

I also will push for better mechanisms to educate and involve the public in bioethical debates. We need to ensure that the public have access to information, that they are educated about the issues in language that they understand and that they feel able to make their voices heard on the issues. And for those who are intimately involved in the research, either by donating their excess IVF embryos or by participating in clinical studies, we need to make sure that they are really able to provide informed consent. We need to build further understanding about these complex issues in the community as well.

For some years now, both the Clinton and Bush administrations in the United States have had a presidential commission on bioethics. It is a model we could well adopt
here. That commission provides a forum for a national discussion and exploration of bioethical issues. It is charged with exploring the ethical and policy questions related to developments in biomedical science and technology and assessing public concerns about those developments. The commission is guided by the need to articulate and present a variety of views, rather than reaching a single consensus opinion. Such a process, properly constituted, could help facilitate a greater understanding of bioethical issues and a better public debate here in Australia. Today I take the opportunity in this debate to propose the establishment of such a bioethics commission in Australia. I would like to see the Prime Minister work with Labor to help develop and implement such a proposal.

One expects that there will be amendments to this legislation which will need to be considered by the parliamentary Labor Party to determine our position on them. One amendment has already been flagged, that is, the proposal to split the bill into two parts—those sections that would ban human cloning, which everyone supports, and those sections that deal with the regulation of stem cell research. If and when such an amendment to the legislation emerges, Labor will give consideration to whether that amendment falls within the ambit of the party’s conscience vote, which goes only to the question of the use of excess IVF embryos for research purposes. If the amendments go to this point, clearly a conscience vote applies from our point of view, not just to the policy substance but to procedure as well. Regardless of where your conscience leads you on the substance or the procedure, in the end the vote is inevitably the same: will you allow embryonic stem cell research to proceed or not? Will you give hope or will you take it away from James, Paul, Luke and many others?

This is important legislation for all of the reasons I have outlined. Because of the conscience vote, the debate will be followed with a lot of interest by the community. People have a right to hear their member speak and many will follow the debate on radio and on the Internet. We must respect their democratic rights in this matter as well. This is an important opportunity to demonstrate to the Australian people the relevance of the parliament. Therefore, the debate must take place here in the chamber, not in the Main Committee where proceedings are not broadcast.

In conclusion, this is a unique debate for the parliament and an issue of great interest to all Australians. It has been the subject of widespread public discussion. Whilst we have allowed members a conscience vote, I believe strongly that we must pass this legislation. Whilst I respect people’s views, I believe that in the near future when we will look back on this debate, we will find that the passing of this bill—if that is the conclusion, and I sincerely hope it is—was a positive and a correct decision. The debate ultimately comes down to this choice: do we allow stem cells from IVF programs to die naturally or do we allow them to be used to help give others life and hope? Let us choose to give people like wheelchair-bound Luke Alderton, whom I mentioned earlier, life and hope. We can do so knowing that this legislation contains strong safeguards that ensure that those stem cells will be put to good use and only to good use. By passing this legislation we can help create a flourishing biomedical industry to generate wealth and jobs for Australians. If we do not, research will take place, but it will not take place here. We have the know-how. The challenge for us is to grasp the opportunity. Passing this legislation will give us this opportunity. It will also give those people who are so clearly crying out for the legislation to be passed new hope, new opportunity. I commend the bill to the House.

Mr ANDERSON (Gwydir—Minister for Transport and Regional Services) (8.20 p.m.)—I want to record my respect for the way in which the Prime Minister has sought a nationally consistent legislative framework for stem cell research in Australia and legislation which would ban cloning. I certainly also respect the way in which he has not only allowed and facilitated a conscience vote but encouraged that outcome. On a matter of profound importance such as this one, the will of the people ought to be reflected in the decision we make. I am confident that it will, but the chances of that reflection being accu-
rate are considerably enhanced by this being a conscience vote.

It is the case that I have come to a different view from that of the Prime Minister and others in this place, including the Leader of the Opposition, as I have listened to this debate. I have considered the issues as carefully as I can. I say at the outset that I am very supportive of medical research. I think we would all accept that bounds and frameworks for medical research, for any research, should be set on the basis of ethical considerations in this country most appropriately by those involved in the nation’s parliaments. Broadly speaking, there can be no question that medical research has brought the most astonishing benefits to all of us. We rejoice in that and we want to see it extended. Indeed, a scientist put it to me the other day that we really are almost landing at Botany Bay in terms of a whole vast nation, which he used as a metaphor for the scientific field before us, to be explored and from which we will benefit enormously.

I am all for adult stem cell research. Adult stem cells are those drawn from the human body and the placenta, even from foetuses, but they exclude stem cells drawn from embryos. Adult stem cells are already delivering benefits. I hear a range of views from scientists. I have heard scientists say they believe that, overwhelmingly, future benefits will come from adult stem cell research. Indeed, I heard a scientist put forward a very plausible case recently that we would be better off if we do not diminish the resources available for stem cell research by devoting any of it to embryonic stem cell research because we will get there quicker and find better answers if we simply concentrate on adult stem cell research. I know that not all scientists share that view, but there are respected scientists who do put that view. It ought to be noted that it is by no means the case that scientists agree that embryonic stem cell research is necessarily the best way to go, as I read in one newspaper article this morning. Certainly they do not say it is the only way to get there quickly, and many cast real doubts on whether it will provide the benefits people are looking for.

It is my view that the way we handle this debate and the decisions we take will potentially have a very profound influence on the sort of society we hand on to our children. We do, however, face some difficulties in ensuring that there is a widespread debate in the Australian community about an issue of such great importance. For a start, the issues are very complex. Secondly, sometimes with the best will in the world—and sometimes for inappropriate motivation—there are times when the debate is clouded by the emotion of excessively raised expectations. The excessive raising of those expectations is contributing to an environment that makes it difficult for us to come to grips with the very real ethical problems not only of the research itself but also of what may follow if we continue down this road. In what I see as the unlikely event that therapies are developed, before those therapies can be deployed and used to treat illnesses, there will be several more potentially very difficult ethical hurdles for us to overcome. They will be more difficult to overcome because we have embarked upon the road and we will be further down the slippery slope, as some have called it, of an almost inexorable drift in Western society towards utilitarianism—the view that if, by the dictates of the time, you happen to have a voice to be valued, to be wanted, then almost nothing is too good for you, but if you do not have a voice, you need not be heard; if you are not valuable by the dictates of the day, you are somehow less important and less worthy of having your humanity respected.

This is not a simple debate, but if we call it the wrong way the effects may be profound and very far-reaching. At the outset, a clear sense of our history, our culture and the values that undergird our freedoms—the things that go beyond the ever changing fortunes that modern technology and shifting values bring to us day by day—would be a very useful precursor to this debate. I will elaborate on that in a moment.

I want to come back to the problem of setting appropriate boundaries in the context of what I think is the overselling of the potential benefits. There has been quite a bit of that in recent times. Something else that con-
cerns me is the emotive labelling of those who would have reservations about embryonic stem cell research as lacking in compassion and lacking in humanitarian concern for others. It is often the very concern for the human values of others that lead people to oppose this research. There is a suggestion that those who oppose this research are lost. I read the other day the subtle theology of the 19th century. As I reflect on the 19th century, it strikes me that there were many figures who fought long and hard to ensure that the boundaries of humanity were extended. For example, a couple of hundred years ago, which is not long at all in the history of our own culture, Wilberforce fought long and hard to have slaves—blacks—recognised as fully human. They were not recognised as fully human. They were mapped outside the circle of humanity, and they were not able to map themselves inside the circle of humanity. Others had to do it for them. That work was continued in the United Kingdom by Lord Shaftesbury, who believed that the humanity of too many people was being limited and drawn down. He fought to extend those boundaries, particularly for poor women and children.

Here in Australia we ought not to forget that for a long time there were those who saw the Indigenous people as less than human. Indeed, I recall the debate in this place about the matter of our regret for things that happened in the past and I raised the issue of the Myall Creek massacre, which happened in the northern part of my electorate around 1840. Seven stockmen were apprehended. They were charged with the murder of over 30 Aboriginal women and children. The trial was aborted because of the view, widely expressed in Sydney, that a white man should not suffer for harming a black man. They were somehow—and the language was used—less than human. There was a vigorous debate at the time, led by the Catholic Church, which demanded a retrial on the basis that this was an unsatisfactory drawing of the boundaries of humanity. As you know and as is now well recorded, there was a retrial. Seven men died for their part in those murders on the basis that those who had been murdered were entitled to a full recognition of their humanity.

That leads us to the very tricky issue that is at the nub of this debate: how are we to view embryos? It was when I was challenged on this issue that I started to realise that I had a real problem with research being carried out on embryos. Whilst there might be those who would say it is embarrassing, it is difficult or it is awkward to describe an embryo as human, the great problem that I have is that, if you choose any other point, it is of necessity arbitrary. And, as I have heard the scientists discussing this, that has emerged; the contortions, the different positions, have been extraordinary. It is often painted as a religious debate but it is not, in my view. As a non-religious writer, Kristine Kerscher Keneally, observed in the March Sydney Morning Herald:

Proponents of stem cell research on embryos often accuse critics of relying on religion and ethics to answer the question. What if we look to science?

The human species is scientifically identified by its DNA, and each human is characterised by a unique DNA code. An embryo, like any collection of human cells, contains DNA. But an embryo’s DNA is a new genetic code. It has never been seen before and will not be seen again. It is unique. She continues:

The new DNA code found in an embryo signifies the beginning of a new human existence. It is complete and equal to any adult. Scientifically speaking, an embryo and an adult are exactly the same—each a distinct human being.

The writer goes on:

... we must resist the temptation to destroy human life even in the hope of saving it. If we don’t, our efforts may backfire, and we may end up destroying ourselves.

It is an awkward argument. It is hard to imagine something so small that you can fit 10 of them on the point of a pin as human life, but we have to commit ourselves here to establishing the truth.

What options are there, if you are going to deny its humanity, if you are going to map it outside the circle of humanity? I have made a couple of historical references, and we have seen just how dangerous it is for people who are not themselves able to insist on being inside the circle of humanity. If we are not going to put them in there, where are we
going to put them? In all conscience, as it is a conscience issue, I can only conclude that we have to accord them very real respect indeed. That is, if you like, the most basic point that I come to. I have not found that easy— I would be the first to say it—but, logically, I honestly and genuinely cannot find myself in any other position. I know that there are many people in our society who hold that same conviction and want it put forward in this place.

I want to move on from that. What has concerned me about this debate is that there has been surprisingly little focus on the very real difficulties that appear to almost inevitably follow any decision to go down this road, in the unlikely event of it actually producing therapies. It is plain that the obstacles to developing therapies are massive, and I again want to emphasise that it seems to me that the odds are overwhelming against even Superman benefiting in his own lifetime. But suppose therapies do become available?

I am not a scientist, but I have noticed that when I have made some of these observations in recent times they have not been seriously challenged. The problem of rejection, for one, is likely to be almost insurmountable. The problem does not apply with adult stem cells, but it does with embryonic stem cells. We really will face a situation where, to get over the problem of rejection, it is likely to lead to calls for cloning or we will be faced with calls for the development of massive tissue banks to try to ensure compatibility for somebody who suffers from diabetes or something else—nobody would like to see cures for them more than I would. To get over the problem of rejection, you are looking at either cloning or the development of massive tissue banks and with those would come of course the almost insatiable demand for the production of human eggs. I find that prospect quite appalling. Absolutely huge numbers of eggs might be required—the sorts of numbers that would mean that women would have to be exploited. That is inevitably what would happen if you were to meet the demand for any therapies that might be delivered. I really think that this needs to be fully explored and drawn out.

I have watched scientists on this. It needs to be recorded that there has been some massive shifting here. First we were told there were enough stem cell lines in existence; we did not need access to any more. Then we needed access to the 70,000 in storage. It was quite obvious we were then being set up for open slather on any embryos, and you can see why. It is also quite apparent that many are advocating access to therapeutic cloning. I just cannot contemplate going down the road of therapeutic cloning. We ought to close the door on it now and close it permanently. It raises too many prospects for deep, sustained and very nasty, evil intent. It simply should not even be contemplated, and I think that will be reflected in some of the amendments that will come forward to tighten our security against the prospect of cloning in the future.

I have a number of reasons for these views. Firstly, I really do have a problem with the concept of using embryos for research. I think it is very different to develop embryos for the purposes of giving life for those who have not been able to have children. I have to ask: how has it come about that we have such vast numbers of embryos in storage? I do note the expert view that producing more embryos is a matter of clinical manipulation and that it is relatively a straightforward process. Given that we do have vast numbers now, people say that we ought to use them for research; otherwise they are going to die anyway.

I think I am right in saying that the reason the original provisions were made for them to be allowed to succumb was so that they could not be used for research—interestingly enough—because at the time people thought that was an unfortunate contemplation and they did not think it was a wise thing to allow to happen. But we now find that there is a proposal to use embryos which have been produced for the purposes of giving life for research. It needs to be noted that essentially that means that unused embryos, which are frozen after three days, would be thawed, allowed to grow again and then destroyed for the purposes of research. I have, for the reasons I have outlined, a real problem with that. But, more than that, I have a problem
with the drift towards utilitarianism. I have a problem with the drift towards what I think will be the inevitability of calls for cloning and for the development of massive tissue banks involving vast production of human eggs for the reasons I have outlined. I think we will face calls for either or both if we go down this road.

I say to all present: I have seen a great deal of human suffering. I would not normally inject that note into the debate but I do so because I know it is very easy to paint people like me who oppose this research as lacking in compassion for those who suffer. I am not. I have faced some truly awful ethical decisions about the level of medical intervention that we ought to persist with or perhaps not persist with in my own family. But while I have very deep and compassionate concern for all who suffer—I really do—and would like to see that suffering alleviated, I very strongly believe that it ought to be done by throwing all of our research efforts at adult stem cell research.

I can say no more than that, except perhaps to reiterate the point that I made in an article I wrote recently for the Australian in which I urged a more rational debate and said that we ought to focus on four crucial issues. Firstly, is there any realistic chance of clinically viable therapies being developed from embryonic stem cell research, given the obstacles? There are many scientists who would say the obstacles are virtually impossible to overcome. Secondly, would we not then therefore be wiser to concentrate all our efforts in researching adult stem cells, which are already producing cures? Thirdly, are we prepared to accept human cloning or embryo farming, given that embryonic stem cell research will almost certainly lead to calls for either or both? Lastly, is there any sound reason—let me ask it rhetorically—for our not regarding each human embryo as deserving care, respect and recognition?

Mr STEPHEN SMITH (Perth) (8.40 p.m.)—I support the Research Involving Embryos and Prohibition of Human Cloning Bill 2002 and I strongly support the granting of a conscience vote on the fundamental point at issue, which is whether or not stem cell research ought to be allowed on spare and excess embryos for therapeutic purposes or for medical purposes. In some respects I come to this issue earlier than some of my parliamentary colleagues because shortly after I became shadow minister for health, Simon Crean asked me to help prepare Labor’s position on this matter. I read and I thought, in particular drawing from the benefit of the report of the House of Representatives Standing Committee on Legal and Constitutional Affairs on the issue and to a lesser extent the relevant report of the House of Lords committee report. I came to the view that the House of Representatives majority committee report ought to be supported. That is reflected by the decision of the Council of Australian Governments in April of this year and it is also adequately and correctly reflected by the bill as presented to the House by the Prime Minister.

I also agreed with Simon Crean when he suggested that a conscience vote ought to apply on the issue of whether stem cell research ought to be allowed on spare or excess embryos procured for the purposes of IVF and for therapeutic purposes. This is an issue on which strong views are firmly held in this place, outside and in the other place. It is not as though any of us come to this issue without careful thought and thoughtful consideration. As is often the case in matters such as these and in parliamentary life generally, almost exclusively the focus is on that thing in respect of which we may well disagree and very little attention is given to those things on which all of us almost certainly agree. There is a range of things in the legislation which in my view are sensible and which I am absolutely confident the vast bulk of the parliament will almost certainly support.

The ban on human cloning is sensible and I think unanimously and universally supported. That there ought to be a strict regime on stem cell research is also reflected by the legislation and also certainly sensible and acceptable. That our premier National Health and Medical Research Council ought to be charged with the responsibility for administering that process is also sensible and supported. That the legislation ought to be subject to a review after a sensible period of
operation is also necessary and sensible, not just to ensure that changed community atti-
ditudes or changed parliamentary attitudes or attitudes generally are reflected or repre-
sented or considered but also because in this area it is clearly the case that scientific and
medical research for the benefit of therapeu-
tic purposes advances very quickly.

It is also appropriately the case that in the
legislation we find very hefty penalties for
individuals and for corporations who do not
comply with the strict regimes outlined,
firstly and primarily in respect of a ban on
human cloning but also in the strict licensing
regime in general. Finally, it is of course sen-
sible that what this piece of legislation seeks
to do, coming as it does after a decision of
the Council of Australian Governments, is to
implement and effect a national approach.
One of the last things in such a sensitive and
delicate area that we want in my view is the
notion of border hopping or jurisdictional
forum shopping.

There are very many aspects of this legis-
lation which are almost certainly instinc-
tively and unanimously agreed by members
in this place and senators in the other. There
is one crunch issue or key issue in respect of
which it is clear that we do not agree. This is
the issue in respect of which the Labor Party
has a conscience vote and members opposite
have a conscience vote generally.

To address this point, I think it is impor-
tant to return to fundamentals. What is the
issue here? It seems to me that the issue is
whether spare or excess embryos procured
for the purposes of IVF, for the purposes of
artificial reproductive technologies, ought to
be the subject of stem cell research for therapeu-
tic purposes under a strict regime superv-
ised by the National Health and Medical
Research Council and subject to further re-
view by this parliament after an appropriate
period.

In my view, when you look at the ration-
ale—the moral, ethical, philosophical and
legislative rationale—for IVF, it is this: IVF
is an artificial reproductive technology which
is provided to those people who desperately
want to create life but cannot do so naturally.
In the last decade or so, this parliament, and
state and territory parliaments, have deter-
mined that that is an appropriate moral, ethi-
cal, philosophical and legislative position to
adopt. It is a necessary consequence of that
decision that there will be spare or excess
embryos. What do you do with those spare or
excess embryos? You could store them in
perpetuity; you could, as is now the case,
destroy them; or, as is proposed by the
framework of this piece of legislation, which
I support, you could say that, prior to de-
struction, which currently occurs, research
for therapeutic purposes can occur on those
spare and excess embryos which would oth-
ernwise be destroyed. What is the rationale for
that? The rationale for that is that that therapeu-
tic research, that medical research for
therapeutic purposes or medical research
purposes, might just lead you to a position
where existing life is saved, is extended or is
made better.

If you come to the view, as this parliament
has and as state and territory parliaments
have—and I believe there is overwhelming
community acceptance for it—that IVF is an
appropriate procedure morally, ethically and
legislatively, then to me it follows as a nec-
ecessary and logical consequence that, rather
than destroy spare or excess embryos pre-
pared for that purpose, we allow research,
not for human cloning purposes but for
therapeutic purposes, under strict guidelines.

The strongest argument against that is not,
in my view, the argument essentially made
by the Deputy Prime Minister: that you do
not know whether any benefits will come
from stem cell research on embryos and that
it is preferable to restrict your research to
adult stem cells. That, in my view, is not a
substantive argument. You do not know the
benefits that will come from stem cell re-
search on embryos unless and until you al-
low the research. If you want to mount an
argument against stem cell research on spare
and excess embryos for therapeutic purposes,
the strongest argument is that, because of a
view that you take in respect of where life
begins, you do not actually believe that IVF
procedures should be effected. That is be-
cause a necessary consequence of IVF pro-
dcedures is the creation of spare or excess
embryos.
If there is a moral view, if there is an ethical view, if there is a legal view, if there is a community view that IVF is an appropriate procedure, then, in my mind, it follows as a natural consequence that the bill presented to this House, supported by the Australian state and territory governments, introduced by the Prime Minister and supported by the Leader of the Opposition, is right and ought to be supported by this parliament.

The fact that we allow a conscience vote on this issue reflects the fact that the strongest argument against that is the view you take as to where life begins. As a consequence, we allow a conscience vote—just as we do on abortion and just as we did in earlier years on the question of euthanasia, when the issue was when life should appropriately end. The most important thing about that is to ensure that we do not seek to impose our conscience on someone else’s conscience and that we do not disparage someone else for the view that they articulate as a result of the conscientious belief that they have come to.

Having dealt with some issues of substance, let me deal with things which will be important to us as parliamentarians but, I suspect, matters of indifference or irrelevance to the community. I refer to our parliamentary process. It is certainly the case that this bill will be referred to a Senate committee in the other place. As a consequence, a range of technical or other amendments will no doubt be suggested. Whilst I may not have the opportunity in this place to deal with those, I am sure that, courtesy of the Leader of the Opposition, I will have the chance to have my say about those things in our own party forums. It may well be the case procedurally in this place that a suggestion is made that the bill be split into what I have described as the areas which will almost certainly be unanimously agreed by the vast bulk of us, if not all of us, and the point of conscience and contention.

I agree with the Leader of the Opposition about that procedural issue. If that procedural amendment arises, then, in my view, if it is restricted to that issue of conscience, the procedural issue is also a matter of conscience. I believe that you can have a conscience vote on procedure just as you can have a conscience vote on substance. In some respects, I helped formulate my own view of that when we dealt with and debated the euthanasia legislation, because I argued in my own forums that, because a conscience vote applied to that piece of legislation, a conscience vote also applied to the processes in respect of that piece of legislation.

That leads me to the final procedure or process point I would like to make. I strongly took the view that the way in which this chamber dealt with the euthanasia legislation was an issue of conscience, because the government at that time believed it was appropriate to send that bill to the Main Committee—to sideshow alley. I believe it would be reprehensible if the government, on a piece of legislation of this nature—which, out of its own mouth, it articulates, argues and acknowledges is a matter of extreme conscience—decided that there are two degrees of conscience: a first-order degree of conscience for those people like the Prime Minister, the Leader of the Opposition, the Deputy Prime Minister and me, who might have the opportunity of expressing their conscience and their view in this chamber; and a second level of conscience for those members who are confined to the back halls in sideshow alley by a procedural resolution which says that they have a second-degree conscience. It would be reprehensible in the extreme for that to occur. I will strongly oppose that tooth and nail if the government seeks to impose it not just on the parliament but on its own members and on its own members’ consciences.

In substance, what is the key point of this piece of legislation? In my mind, it is this: there is, in my view, parliamentary and community acceptance for IVF procedures, for artificial reproductive technologies. That is regarded as being moral, ethical and appropriate because it assists people who desperately want children to create and have children. I suspect that each and every one of us—in our own families, through our friends or through people we know in the community—have come across children who are only here because of those techniques. We treat those children in precisely and exactly the same way as we treat our own children or
the children of our friends and of members of our families and those people whom we know in the community who are naturally born. Once you accept that as an appropriate process, it is a necessary consequence that there will be spare or excess embryos created for that purpose. You either do as we do now and allow those to be destroyed; or you say, ‘Let us take the opportunity to see whether research on those embryos can save existing life, extend existing life or make debilitated life better.’ I say we do. I commend the bill to the House.

Mr ENTSCH (Leichhardt—Parliamentary Secretary to the Minister for Industry, Tourism and Resources) (8.55 p.m.)—I rise this evening to speak on the Research Involving Embryos and Prohibition of Human Cloning Bill 2002. I am very much aware that this is certainly a highly controversial bill and a highly emotive issue. This is only the second time in my seven years in this place that the vote will be cast on conscience. Because of their nature, conscience votes are controversial, and one of the main arguments here is: where does a life actually begin? I believe that this will require of us a greater level of thought and consideration. In votes like these, we tend to look at what we ourselves believe is the right thing. However, it is vitally important that we also consider how our decision will impact on others. That is what I have endeavoured to do in this debate, putting aside philosophical and moral arguments and basing my decisions on what I feel will impact on others.

With regard to the first section of the bill, human cloning, let me state now that I totally and fully support the ban on human cloning. I am totally opposed to human cloning in any shape or form. I think it is absolutely abhorrent and I would never support it. However, the second part of the bill requires of us much more thought and consideration. Over the past month I have spent a tremendous amount of time attempting to better understand both sides of the stem cell research debate. No doubt over the next few weeks you will hear all of those arguments; many of them will be based on moral and ethical issues surrounding embryonic stem cell research. I am not going to give you any moral or ethical arguments; I do not believe that it is my place to do so. However, allow me to address some of the arguments that are being put forward.

Some will argue that our scientists should concentrate solely on research using adult stem cells. I do not deny that adult stem cell research has played an important role in medical breakthroughs in a number of conditions, including breast cancer, Crohn’s disease, heart disease and blindness. In June, doctors in Brisbane conducted the world’s first clinical trial on spinal cord regeneration, transplanting nasal cells into spinal cords of paralysed patients. The jury is still out on that trial, but it is certainly encouraging to see such medical research take place. It raises a new level of hope for those with similar injuries and those with diseases that stem cell research may benefit. There are, however, many afflictions that adult stem cells have to date had little or no effect on—afflictions such as multiple sclerosis, Parkinson’s disease, Alzheimer’s disease and type 1 diabetes.

Embryonic stem cell lines are derived from excess IVF embryos that are about one week old and consist of a ball of about 100 cells measuring less than one-seventh of a millimetre in diameter. IVF embryos are frozen at the two-cell, four-cell and eight-cell stage, and that is two or three days from fertilisation. These embryos are formed for IVF patients, with normally four to 10 embryos being formed during each cycle of treatment with fertility drugs. Only one or two, and occasionally three, embryos are transferred to the patient at any one time to limit the occurrence of multiple births. Surplus embryos are permitted to be kept frozen for various periods of time—five years in Victoria and a maximum of 10 years in all other states, in accordance with strict National Health and Medical Research Council guidelines. I am advised that most of the 70,000-odd embryos in Australia will be used by patients. However, it is calculated that some 3,000 to 5,000 embryos will be disposed of or destroyed in Australia every year. I am also advised that around 50 embryos would be sought by the National Stem Cell Centre to derive new embryonic cell lines for research.
It is these surplus embryos from the IVF procedure that we are dealing with in this legislation. To use these surplus embryos, consent must be obtained from the donors. Embryonic stem cells are immortal, which means that they can be multiplied in the laboratory for many years to produce large numbers of cells. Once the required number of cells have been obtained, the cells can be directed to form particular types of specialised cells such as heart muscle, nerve and blood cells, insulin-producing pancreatic cells and even skin. This creates immense opportunities for the discovery of new regenerative medicines and potential cell therapies. I am advised that embryonic cells do not have the capacity to develop into viable human embryos. Embryonic stem cells are unique in their ability to multiply indefinitely and become any one of the 200 known cell types. This is what makes them so important for use in medicine. By contrast, adult stem cells are much less able to multiply and are unable to differentiate into as many cell types as embryonic stem cells can.

There are some who liken embryonic stem cell research to the Nazi medical experiments. Comments like that have no place in this debate; they are being offered for purely emotive reasons and have no relevance to the legislation that is being debated. There are some who are opposed to the legislation for moral reasons, believing that it will lead to embryo farming or designer embryo development. They argue that it will open the door for therapeutic cloning—perhaps even the use of foetuses for research. Again, I reject these arguments on the grounds that these practices are not what we are debating in this place this evening. The use of anything other than embryonic stem cells for research would have to generate a separate and full parliamentary debate before it could ever be legislated, and to suggest that this bill represents the thin edge of the wedge I believe is a nonsense.

There is also the argument that the push for stem cell research has been covertly driven by the biotechnology industry, with opponents claiming that any such research will make some scientists in the biotechnology industry extremely wealthy. It may well end up being the case that some will profit from stem cell research. However, I also argue that there are a myriad of other drugs and treatments currently on the market that benefit a great many people and have generated significant profits for those who have developed those drugs and treatments. I personally do not see anything wrong with that. At the end of the day there will only be a monetary benefit if the treatment produces positive results. I have no issue with people being rewarded for positive outcomes, especially if that positive outcome is a cure for Alzheimer’s disease or a life without the need for a wheelchair.

As I stated, most arguments concerning stem cell research revolve around moral and ethical issues, but, before the members of this House cast their votes, I would like to share some stories from two of my constituents and their hope for the future. Tom Taylor lives in the Daintree. He is only 58 years old but he is already suffering from the effects of Alzheimer’s disease. Tom was diagnosed five years ago while he was at the peak of his career as CEO of the Mossman Sugar Mill. The disease struck Tom in the part of his brain that controls verbalisation. He can no longer speak or write what he is thinking but his memory and understanding of language, both spoken and written, are still completely intact. Tom is also acutely aware of his condition and how it will affect his brain as the disease progresses. Ever since he was diagnosed with Alzheimer’s, Tom and his wife Laurie have been actively involved in helping to find a cure for the disease. In 2000, the Taylors moved to Melbourne for a year so that Tom could participate in a human clinical trial, the first of its kind, conducted by the eminent Australian Alzheimer’s researcher, Professor Colin Masters, in conjunction with the Mental Health Research Institute of Victoria and the Royal Melbourne Hospital. The clinical trial hoped to succeed in removing the plaques of tissue that block neural pathways and cause Alzheimer’s disease, thereby clearing the way for signals to pass unhindered from brain cell to brain cell. Where the brain cells were still alive, the pathway could be reactivated, restoring function to parts of the brain that had been blocked by the disease.
The clinical trial was largely successful. Doctors were able to remove the plaques from Tom’s brain. They have estimated that it could be 10 years before plaques in Tom’s brain grow to the level they were before he joined the trial. However, the doctors were not able to return Tom’s ability to speak and write. Although the plaques were successfully removed, the brain cells affected had already died. The progress of Tom’s disease has been slowed but he certainly has not been cured. Alzheimer’s will eventually kill him. Tom’s only hope for a full recovery lies with further research into embryonic stem cells. It is hoped embryonic stem cells can be grown to replace the cells in Tom’s brain that have died. Australian researchers are standing on the brink of a breakthrough in the treatment of Alzheimer’s disease. However, a ban on embryonic stem cell research could prevent that breakthrough from happening or at the least set it back years. For Tom, and many thousands of other Australians suffering Alzheimer’s, time is the scarcest commodity in the world.

Robert Pyne also lives in my electorate. He is a bright 33-year-old man who has spent the last 10 years living in a wheelchair. At the age of 23, on a fishing trip with some mates—we have all heard this sort of thing before—Robert dived out of a boat into deceptively shallow water. He suffered a spinal cord injury that left him a quadriplegic. He is without the use of his legs and has only 50 per cent function in his arms. To this day, Robert experiences a great deal of physical pain and is on medication to manage that pain. Robert is a practical man. Intellectually he came to terms with his disability quite early. He enrolled in his first university course while he was still in the Cairns Base Hospital’s spinal unit and has since completed two degrees. A keen advocate for the rights of people with disabilities, Robert has a challenging job at James Cook University’s Cairns campus, where he is employed as a liaison officer to help undergraduates with disabilities navigate their university years and achieve their academic potential.

Robert has built a life for himself. He married Jenny and together they have a beautiful four-year-old daughter, Katie. It is obvious from speaking to Robert that he has not let his disability get the better of him. His attitude and outlook on life are inspiring to all who meet him. Robert has come to terms with the fact that he will never walk again—the muscles in his legs have wasted far too much for them to ever be of any use. He has accepted that fate. What he hopes for, above all things, is to regain control of the little things in life; namely, the use of his fingers and his hands and to control his own bladder. To be able to open an envelope, to riffle through a file, to fill a glass with water—these are the little things that will allow him to become fully independent in his work and home environment. Independence is not too much to ask for. Robert told me recently that the saddest thing he has had to endure since the initial mental trauma following his accident was having a daughter and knowing he could never spontaneously hold and hug her without the assistance of others. These are the little things that the rest of us take for granted—the little things that Robert desperately hopes to win back with the help of stem cell therapy.

I do not have the right to deny Robert Pyne or Tom Taylor and their families that hope—and there are many others. I do not have the right to deny toddler Alex Roberts of Kewarra Beach and 14-year-old Douglas Robins of Smithfield—both of whom live in my electorate, suffer from Duchenne muscular dystrophy and are not likely to live much past their teenage years—the hope of a possible future. I do not have the right to deny hope to the many thousands of Australians in similar circumstances. Their hopes for a future are very dependent, I believe, on breakthroughs in stem cell research, and that is why I strongly support this bill.
people’s varied views on this matter, I think we should remember that there is no particular magic in exercising our conscience: it is actually what we are elected to do all the time; we do have to weigh up and choose and decide what is the right course of action in many areas. In this case, having worked on this issue now for some time, I have come to the very clear view that this is a piece of legislation that we should support, and I support it strongly.

The interest that has been created in the process of having a conscience vote is one that we should not allow to detract from the debate on the issues before us—and there are some very important issues. The weighing up for me—and everyone, I guess, will weigh up different issues in their own consciences—involves a very core position to start from: how do you weigh up the value of a bundle of cells in an embryo in its first few days of development against the quality of life of a young person like the examples that many on both sides of the House have already used? These include those suffering diabetes and those with spinal cord injuries from accidents, examples given by the previous speaker, the member for Leichhardt. How do we weigh the quality of life for those people against the value of a small bundle of cells? Although other people will come to different decisions, for me there is actually no way, try as I might, I can feel the same sympathy for a small bundle of cells in an embryo in its first few days of life that I can for many people living with severe disabilities. I sympathise with them and understand the difficulties that each of those people and their families suffer day in, day out. If the research that this bill is drafted to permit provides some hope of treatment in the future for those people, I do not want to be one that is going to stop it. That is how I will exercise my conscience, but everyone else will weigh up different things.

I would like to address an argument that has come up already in the debate tonight, that is, this is the start of a slippery slope—once we say yes to this, we are on a slippery slope down towards all sorts of Frankenstein disasters. I think we are selling ourselves short in this parliament if that is what we think. We get to choose how far we go, we get to choose the regulations and restrictions we put on research and we get to say what the parameters will be. This bill, as I will address in some detail, actually is an extremely cautious and careful set of rules that will ensure that we take things carefully—a step at a time. So I reject the idea that, once we say yes to this, we are on a slippery slope—a downward spiral into creating all sorts of Frankenstein clones or other types of fears that people have. Those issues can be handled within this House. The mature debate that we have mostly had to date on this issue does show that we can include the public in the debate and we can argue amongst ourselves about the right way to go.

Part of the reason I am so pleased to be here speaking in this debate is that, like my colleague the member for Dunkley, who is speaking next, I was on a House of Representatives committee inquiring into the scientific, legal and ethical aspects of human cloning. It was one of the most rewarding things I have done since being elected to this House. We spent a very long time arguing over a lot of things and we certainly heard a lot of evidence, but it was a very worthwhile process. The committee, comprising members of the Liberal-National parties and the Labor Party, came to a unanimous decision and was able to be unanimous on every single recommendation. The recommendations all went to the need for us to have a national system and a licensing regime.

The only area of disagreement was the one that is exercising many members’ minds, and that is the use of excess IVF embryos. For many people it is something which offends their religious views, and for other people there are other reasons. I think that it was a really important development that people with a wide range of views were able to work through, in great detail, a set of recommendations which recognise that we needed a national system to govern this sort of research, and I was very pleased that the Prime Minister was prepared to take that up. The work that has been done through COAG in negotiating something that has the agreement of not just the Prime Minister and the
Leader of the Opposition but every Premier and Chief Minister was no small task. Often in this federation that we are landed with, trying to get a national scheme in place is incredibly difficult. I would never have thought, at the start of this process, that we would have even a hope of all states, territories and the Commonwealth signing on to something that set up a national system that would be consistent across the country—and that we would be voting on a piece of legislation like that. I think there is a lot of tribute to be paid to all of the people who have worked on this; part of the reason there is such widespread support is that this is a sensible, cautious and balanced piece of legislation.

We have not heard much so far about all of the cautious parts of the legislation, but I think that they are part of its strength. There are incredibly strict prohibitions in this bill. If it is passed, and then passed in other states, these prohibitions will be introduced across the entire nation to prevent human cloning. There is no such legislative provision in place at the moment. We need a clear statement and we need clear penalties. This bill makes it an offence, in a way that has not been made clear previously, to conduct any research or to manipulate an embryo in any way that would result in human cloning. It prohibits the implantation of any embryo that has had any sort of research undertaken on it into the body of a woman.

There are sections in the bill which prohibit the sorts of things that we read about in sci-fi books, including some of the more extreme things, such as the creation of animal-human clones or placing part of a human embryo into an animal womb. We are prohibiting those sorts of things in this legislation. It is incredibly important that the community understands that we are responding to their desire to make sure that these sorts of scientific experiments have no place in this country, and we must not lose the value of those provisions when we debate the use of excess IVF embryos. There is a whole package of provisions which are extremely important for us to introduce, and they should not be lost in the debate on other issues.

Another very important provision in the legislation which has not been touched on yet tonight is the prohibition of the importation and exportation of human embryos. I know that for some people it relieves their conscience to hold the view that we do not need to use excess IVF embryos in Australia because we can import them from elsewhere. From my point of view, I do not support importing embryos from other countries for the purpose of creating stem cells, which is what has been done previously, because we may have no adequate indication of the circumstances under which the embryos have been collected or the regulations that apply in those countries. It is not appropriate for us to say that we have ethical considerations in Australia but we do not mind if people in other countries do not exercise the same ethical considerations. The provisions in clause 21 of the bill go specifically to that, and I feel confident that we have debated and put in place a system which makes sure that the circumstances under which any excess IVF embryos are used are extremely carefully regulated, able to be publicly scrutinised, and able to be reviewed—rather than there being no possible way for us to adequately measure that. I think that is a very important view. As I said, I know that some people have this view, but I think it is an odd way of balancing your ethical considerations if it is okay to do something in Singapore, China or Venezuela but it is not okay to do it in Australia.

Other restrictions, in terms of any commercial handling of human eggs, sperm, etcetera, are very important, and I think that the considerations that some people have raised about not wanting to commodify human material are also extremely important. I am emphasising those issues because there has not been a lot of attention paid to them in this debate. There are important restrictions being proposed in this bill, and people should have much more confidence that we have a system to regulate the scientific research that is undertaken in this country.

The other thing that I think is very important—and many people have made this point—is that we are proposing a national scheme. In a country the size of ours, with
the number of people that we have, and with a much higher proportion of fabulous scientists per head of population than a lot of other countries have, we do not want to be in a position where people will move from state to state because there are different regulations. For instance, someone might do part of their research in Victoria, then move to Queensland to do another part, and then do another part of it in Western Australia, just because there are different schemes in place everywhere. I think that there is a really persuasive argument, even for people who may have reservations about some minor aspects of this bill, that the value of having one national scheme should override minor suggestions and concerns that people might have about the bill. One of them that I believe is a little bit arbitrary is the cut-off time for using excess IVF embryos; that is, they may be used only if they were in existence on 5 April 2002. I think that is slightly arbitrary, but the fact that we have a national agreement with that makes it an important enough provision to have, just to get that agreement. So I support it on that basis.

Introducing the national licensing regime is also very important. As I have said, the capacity for reporting to the parliament and for the public to get information about the research and researchers that have been licensed is very important. The bill goes into quite a lot of detail about what the licensing body needs to be satisfied of before it will grant permission for any research to be undertaken—in fact, before it will grant permission for any single excess IVF embryo to be used. So you will see that, despite the very great public interest in this bill, the government is proposing a very cautious scheme, which we are supporting.

The use of excess IVF embryos is difficult for a number of people. My personal view is that, as others have expressed, IVF embryos are not currently given much dignity in the way they are treated once they are excess to the needs of the parents or donors who have provided them. We already have hundreds of donors who have previously signed consent forms to say that they would like these embryos to be used for some positive research purpose—if they cannot be used by other parents seeking and hoping to have children—rather than be destroyed.

It seems to me to be very odd that others might try to prevent that even if we put all the appropriate protections in place; even if we make sure, as we do in this bill, that you cannot produce an embryo simply for the purposes of research. We are only using a by-product. I know that is not a way that many people—including the Parliamentary Secretary to the Minister for Finance and Administration, who is at the table, Mr Slipper, who is actively shaking his head—would like to describe it. But the reality is that a lot of human material is currently being destroyed. I see this bill leaving the way open for that material—for those embryos in their early days—to be put to an extremely positive purpose for the community. And that is only when the parents or donors consent, only when the researchers are properly licensed and only when the research has already been shown to be making at least some new discoveries and requires embryonic stem cells to be used. These are not easy tests to get through. I think it is important that we keep in context the scale of the proposals put forward in this bill.

The ultimate question is: why do this at all? Why do we want to allow this research at all? Can’t we divert our money to other things? I remind the House that what we are deciding with this legislation—is what we are voting on—is a choice between a permissive but tightly regulated scheme and a prohibitionist one. We are not voting on the allocation of funds. We are not voting on a requirement that we suddenly put all our research money into embryonic stem cell research and neglect every other area. In fact, one of the reasons we can support this bill and confidently say that we are not going down a slippery slope is that we have opportunities to publicly make decisions about where our public money goes.

This area holds out great hope for many people. Scientists hold out great hope that there will, long-term, be cures for many people with debilitating diseases. I am one of the first to say that those possibilities are a very long way down the track. I think it is right that we do not unnecessarily build up peo-
people’s hopes, but I would not like to be part of a scheme that prohibits this research purely because we cannot yet show what the answers will be.

I turn to the Deputy Prime Minister’s comment that he cannot get his head around why this will not lead us to a position where we need to use more and more embryos for therapeutic cloning and other treatment if this research is successful. I am not a scientist—unfortunately, in these sorts of debates you realise how few scientists there are in the House. Without being a scientist, my understanding is that, by conducting embryonic stem cell research rather than adult stem cell research, we are trying to find out what triggers an embryonic stem cell—which can grow into any cell in our bodies—to grow into a nerve cell or some other type of cell. That is a very lay way of describing it. Our hope is that, when we find out what triggers are, they may provide a treatment for someone suffering from Alzheimer’s disease, for example. It may be that we find something that stimulates a cell and tells it to grow into a brain cell, and that stimulus can be applied as the treatment for someone suffering from a debilitating disease.

The options are so broad that it seems to me to be wrong to say, ‘We do not want to do this primary research because we may end up in a position where we need to use embryos to get any benefit from that research.’ The first thing is that we will be able to say no at that point if we want to, because this legislation does not allow it. The second thing is that we will know a lot more about what the research can deliver at that time and see whether there are other benefits we want to pursue. I think it is very premature for us to say now that we should not do it. I think it is the reverse slippery slope argument: we do not know whether we will discover a whole lot of other ways to treat these debilitating diseases.

I think that hope means it is worth supporting this bill. The bill has a built-in review system which acknowledges that this scientific research is developing very quickly and that we may need to change along the way. But the best way for us to do that is to have everyone signed on to a national scheme and have a licensing body in place which has some power of enforcement, prohibits the extreme activities we have seen in some other countries and says to scientists and investors, ‘This is a fantastic place to do your research,’ but also says to our community, ‘This is a pretty good place if you are in the unfortunate circumstance of being ill, having a disease or having a disability because we are going to do what we can to help.’ My view is that you cannot afford to turn your back on those people to exercise your conscience. This is something we should support. It is a very important piece of legislation. I hope that each member in this House will give very serious consideration to voting for the bill.

Mr BILLSON (Dunkley) (9.29 p.m.)—I rise tonight to give considered yet strong support to the Research Involving Embryos and Prohibition of Human Cloning Bill 2002. My support draws from the very reason for my participation in public life and from what I believe citizens expect of elected representatives in a vibrant contemporary democracy: the hope that, through the election of men and women to our nation’s parliament, we can improve the living standards, wellbeing and quality of life of our citizens; the hope that, through our stewardship, we can enhance the lot of the people who elected us, that their prospects for the future can be improved and that there is a capacity within our nation to support their dreams and aspirations. My agency as a parliamentarian is to help to articulate what a better future might look like, to embrace the aspirations of Australians, to share in their dreams and to give effect to how an improved future can be achieved—to give effect to the hope of our citizens.

The measures contained in the bill before the House provide for a scientific inquiry into new remedies to cure illness, to relieve pain and suffering, to abate debilitating conditions and to improve the quality of life of our citizens. It can be characterised, in my view, as life giving. Ultimately, I believe I cannot deny those living with illness and medical conditions, who may be able to secure some relief and remedies from embryonic stem cell research and therapeutic tech-
nologies that will enhance their wellbeing and their comfort, the chance to pursue that hope and those opportunities. My ‘on balance’ conclusions have been informed by 18 months work as a member of the House of Representatives Standing Committee on Legal and Constitutional Affairs. In fact, the committee’s report *Human cloning: scientific, ethical and regulatory aspects of human cloning and stem cell research* and its majority recommendations form the template for the bill we are debating tonight. Like the conclusions of the Standing Committee on Legal and Constitutional Affairs, the vast bulk of the provisions contained in the bill are not contentious and are not in dispute.

There are three main elements to the bill: a ban on human cloning, a ban on certain other practices relating to reproductive technologies and a system of regulatory oversight for the use of excess assisted reproductive technology embryos that would otherwise have been destroyed. The first two elements represent the uncontentious and the very widely held consensus on the need to ban what we find abhorrent. Besides human cloning, the other practices that are prohibited by the legislation relate to the creation, importation, exportation and implantation in a woman of embryos created other than by the fertilisation of a human egg by human sperm, embryos that contain genetic material from more than two persons, embryos maintained outside the body of a woman for a period of more than 14 days, embryos created or developed using precursor cells from an embryo or human foetus, embryos that contain a human cell whose genome has been altered in such a way that the alteration is heritable—otherwise known as an alteration of the germ line—embryos that are the result of a viable embryo having been removed from the body of a woman, hybrid embryos created by combining human cells and animal cells, and chimeric embryos created by combining animal cells with a human embryo. These protective measures, these safeguards, give me the comfort to move forward with this bill.

The contentious elements of the bill are the provisions that will enable stem cell research using embryos surplus to the IVF program. The legislation establishes a system of licensing, administered by the National Health and Medical Research Council through a new principal committee, the NHMRC licensing committee. The legislation also provides the NHMRC with the power to monitor and enforce compliance with the legislation. A proper and complete donor consent regime will also apply for the use of surplus IVF embryos, with licensed institutions obliged to comply with any restrictions placed on the excess ART embryos by the donors. Only embryos created before 5 April 2002 can be used.

These provisions, these safeguards, and these prohibitions on what we find abhorrent give us the comfort to move forward with what is contentious. The contentious use of surplus IVF embryos will be highly regulated and will be managed in an open and accountable way, which shows that not only the Andrews committee but also the parliament has taken on board some of the objections from members of our community to this broad package of measures. It is not satisfactory for us to ignore any considered argument derived from moral grounds, some other view of the world or some insights that might not be widely shared—they are legitimate and genuine views, and they have been incorporated into the safeguarding provisions of this package that is before us.

The date that the member for Gellibrand referred to was 5 April 2002. That is an important date. That was the date that the COAG agreement was entered into. That date also represents the end date for when embryos need to have been created if they are to be used for this kind of research. Intellectually it could be argued that that date is relatively meaningless, but the relevance of that date is that it is a further measure that gives a safeguard and comfort to people concerned about what might come of this package of legislation. This bill guards against the farming of embryos and the use of ART for the express purpose of creating an embryo for research. It says we will only permit the use by licensed institutions of embryos created before that date. So it takes away the incentive for overproduction of embryos through ART and it takes away some of the
concerns about people being coerced into, or remunerated for, providing research embryos for the purpose of finding some of these therapies.

There is also an issue about a review process, where the parliament and the government will oversee whether there are sufficient stem cell lines available to support the research and the therapeutic applications that these measures seek to accommodate. It may well lead to a reinstatement of the previous situation where surplus IVF embryos are simply destroyed. It is worth talking about what the options are. If we do not allow surplus IVF embryos to be used for this line of work, it is not as if they will come into being, it is not as if they will be allowed to develop in a natural way or be implanted leading to the birth of a child. That is not what is going to happen. They are destined to be destroyed. They are destined to contribute no good to the wellbeing, the health and the life-giving prospects that the technologies available to us can provide. So what we are seeking to do is to make available surplus IVF embryos destined to become medical waste and to transform those surplus IVF embryos into a life-giving research vehicle that promotes health and wellbeing.

A great deal of evidence was considered by the standing committee in forming its recommendations. I was involved in the process for 18 months; some of my colleagues who are also on the committee, who have already spoken and are with us in the chamber tonight, spent longer than I did on the committee—almost two years. We took a wide body of work and input and research and came out with a quality piece of literature, but also a very insightful piece of policy. Unlike inquiries into this subject in other jurisdictions, our committee bit the bullet and tried to draw out what the ethical issues are and then articulate those ethical issues; not simply say that they exist. In fact, our own health ethics committee probably did the parliament a favour in doing its work and not really teasing out what these ethical concerns are. It gave ground for the parliament to carry out this work at the request of the minister.

The infringement of human dignity, the effect of cloning for reproductive purposes on family and personal relationships, issues of identity and individuality, the safety question, the eugenics and the diversity, and also areas of coercion and future concern—we have, on the committee, set out to canvass, explore and explain those concerns and then take that input into the policy development process. I would encourage people who are interested in getting behind the broad terminology about ethical concerns to read this parliamentary committee report. It does that and it is recognised around the globe as being a body of work of some excellence, and I would like to congratulate Kevin Andrews on his work in chairing that committee. There are some issues that have come up in this debate. The uncontentious issues I have outlined, and the prohibitions are clear and strong. An improvement to an earlier draft of the legislation recognises that efforts to create embryos or to apply them in ways that are prohibited by the law also amounts to an offence. There was an earlier draft in which an attempt was not an offence but succeeding was an offence. That was thought to be inappropriate and that area has been strengthened.

In consultation with members of my community, there has been a lot said about the slippery slope. This slippery slope is an interesting concept. It is often an argument that is used to introduce other issues into a debate, maybe because the substance of the debate itself does not provide avenues or lines of attack for people with a different point of view. My undertaking to my colleagues who do not share my view is: let us all work together to guard against the slippery slope. Let us all work together to contain this area of scientific inquiry and research so as to deal with the slippery slope question and make it clear that if things are to change, if these foreshadowed variations in public opinion lead to some pressure for change in the law itself, the law has to come back here. So the slippery slope has a very big fence around it; a great leveller of that slope is the parliament. The fact that we are debating this issue here today shows that we have actually worked together to guard against the foreshadowed dilemmas and aw-
ful consequences that some talk about as a justification for opposing this package; against those contrived ‘down the track’ examples that some are trotting out as reasons not to support the bill.

The other issue—and the member for Gellibrand touched on it before—is that I would much rather see this research carried out in our nation, where there is a strong supervisory regime. We have an open and accountable process of licensing those people involved in this work, a consent and an audit trail of where the embryos are coming from, and also these safeguards to ensure that the research does not drift into areas contrary to what we believe is in the best interests of the country. I would rather that work go on here; I would rather that work be facilitated in our country, where the researchers and brightest minds can participate in that area of scientific inquiry—not only knowing that the parliament and the nation is supportive of their work, but also being clear on where the boundaries are. I would rather that all happened in our country and not be left for operators in other countries where there is no such close supervision, where the constraints are few and also where the safeguards that we have put in place do not exist.

Some talk about the United States example, and I find it quite ironic to hear from those who proclaim to have been active in establishing the United States regime. It is quite interesting that in the United States there are prohibitions on embryonic stem cell research—to the extent that you want US taxpayer money; that is all. If you have got your own cash, you can do a bit of ‘free-range’ haring’ in the United States. It is interesting to hear people active in developing that regime in the United States talk about the enormous moral hazard represented by allowing closely supervised, scrutinised research in embryonic stem cells which is protected by safeguards. They point to the framework put in place by President Bush, yet that framework relates only to the availability of National Institute of Health research grants. So, if you have got your own cash, go for it. I would much rather see a regime that reflected what we thought was in the national interest—that had the safeguards that are in this bill—regardless of where the money came from. To those trying to suggest to us that the United States presents a model, I would say that is a flawed argument because their framework lacks the rigour and the robustness that we are debating here today.

The other issue that is worth talking about, in my view, is what benefits can be secured for our nation. Here is a package of measures, safeguards, checks and balances providing for open and accountable research. I will not go through story after story that has moved me, but it is important to recognise that those people look to us to provide them with some hope for a better future.

Just last week a constituent in my electorate, Derek—I will not say his surname—came to see me, strongly persuading me to argue for the listing of a drug for motor neuron disease. He told me that this drug will not cure him. It will not relieve the future suffering that he knows he will have to face. All it does is slow down the rate at which he gets to that debilitating stage. He was saying, ‘Please get this pharmaceutical product covered by the Pharmaceutical Benefits Scheme and I can extend the quality of my life and maintain functionality in my body for as long as possible.’ That was his plea. Yet we know through some of the work that is going on around embryonic stem cells that there are prospects for a remedy to his ailments and his condition. I say ‘prospects’ because one of the things that has dominated this debate is the vast use of overstatements. We are not knocking on the door of miraculous cures for some of the most horrendous health conditions and ailments that our citizens suffer. There is no line of research that has the answers popping out of a genie’s bottle tomorrow. We are making progress towards remedies. There are promising research findings going on. We are trying to facilitate the progression of that research to some meaningful therapeutic application—to signal a cell to divide and multiply to form a new pancreas from someone who, through treatment of diabetes, has a damaged organ, or a therapeutic replication of organs that could give them a
better quality of life. That is what we are talking about. It is not here now. The research work is in that general direction.

This is not a debate about what is likely to be the most fruitful avenue of research. I am not here saying we should stop working on cells drawn out of umbilical cords. I am not here to say that adult stem cells are a dud idea and we should not put some effort into that. These are all parallel lines of research. They all have promising moments. They all give us the hope that there will be remedies in the future, but they are not there yet.

Even opponents of embryonic stem cells who point to the work of international research agencies do not read the whole press release from those agencies. The folk in the University of Minnesota who are showing some of the most promising work in the area of adult stem cell research—Catherine Verfaille—are doing terrific work on adult stem cells. They are pointed to as the justification—and their work in June 2002—as to why we do not need to get involved in embryonic stem cell research. Let us listen to what the people discovering these insights have to say. They are saying we should continue embryonic stem cell research, side by side with research on cells from adults, to determine which are the most useful for treating particular diseases. Even where that evidence is drawn into the debate, the person providing that evidence, the institution doing excellent work on adult stem cells, says we need to keep working on embryonic stem cells and there are reasons for that.

We believe there are limitations to the utility of adult stem cells. We all age; we know that some of the atrophy processes are carried forward in adult stem cells and we know that this atrophy or senescence produces some defects in their application. We know that. We do not know whether that can be abated or overcome. We are not sure about that, so work continues. What also goes on in parallel with that work is an understanding of what those signals are that instruct cells to divide and replicate themselves along a particular tissue pathway. We do not know what those triggers are. That is an important body of knowledge, even if we are to find ultimately that adult stem cells hold the most promise. We still need to know how to trigger that transformation and multiplication down to a particular tissue type. Work on those cell signals, those endocrine substances and chemicals that influence the growth of stem cells towards specific cell lines—we do not know what they are—needs to continue. That is why we need to get behind this bill.

My closing comment may surprise some. I am a strong advocate of this whole package of bills but I respect those that have problems with parts of it. The idea of a conscience vote is something that I think needs to be treasured and respected. For that reason, I signal tonight that, if not I, someone with my active support will be moving for a splitting of the bill. Some view that as a tactical advantage for people who are opposing embryonic stem cell research. I do not see tactical advantages having much currency in this debate. Moreover, I am optimistic and confident that the parliament will pass the embryonic stem cell element of this bill quite well. That will send a very clear signal to the nation that there is no second guessing the motives of the parliament. The parliament’s position is clear. The support is clear and we should embrace the whole package, even if it is passed in instalments.

Ms MACKLIN (Jagajaga) (9.50 p.m.)—I want to talk about a fellow who lives in my electorate, Gerry Kinsella. Two years ago, Gerry, who is now 56, could be found down at the local park either going for a jog or hitting the cricket ball down in the nets. Gradually, he began to develop a limp. It was so slight that at first he did not notice it. It was not until other people around him began to comment that they had noticed he was developing a certain awkwardness in his walk. Not long after that, he was diagnosed with motor neurone disease and the creeping muscular paralysis has robbed him of his ability to stand and walk.

For someone once so active, working as a tradesman before moving into the field of quality assurance, being confined to a wheelchair is the cruellest blow of this terrible disease. If he is lucky, Gerry will live to see the Commonwealth Games in Melbourne, but the muscles that allow him to breathe are starting to go. His life is blighted by an ill-
ness which is little understood and for which we have no cure, yet. In my electorate alone, there are dozens of people like Gerry suffering terrible diseases and conditions that rob them of lives of quality and impose great burdens on those who care for them. What do we as a parliament say to Gerry and to others like him if we deny them the hope that one day there will be greater knowledge, that there will be a cure?

The potential of embryonic stem cell research to save or improve countless lives is breathtaking. Scientists believe that it could unlock secrets that go to the heart of some of the worst conditions affecting humanity, including cancer, birth defects and degenerative conditions such as Alzheimer’s and Parkinson’s disease. It could lead to a great leap forward in transplants, including the potential to grow rejection-free skin grafts for burns victims and bone marrow transplants for cancer patients. In short, what until recently seemed little more than a medical pipedream is now within our technical grasp.

Of course, something merely being technically possible does not mean that it is necessarily desirable. While we might have the capability to drill for oil beneath the Great Barrier Reef, few would welcome this development. It is true that embryos are not the only potential source of stem cell material. Scientists are examining the suitability of adult stem cells for research, and such a possibility must not be ignored. But neither should it be used as an excuse to close off other promising avenues of research. Embryonic stem cell research and the benefits it promises are both technically feasible and demonstrably desirable. While we might have the capability to drill for oil beneath the Great Barrier Reef, few would welcome this development.

It is true that embryos are not the only potential source of stem cell material. Scientists are examining the suitability of adult stem cells for research, and such a possibility must not be ignored. But neither should it be used as an excuse to close off other promising avenues of research. Embryonic stem cell research and the benefits it promises are both technically feasible and demonstrably desirable. Like everyone here in this parliament, I have thought deeply about this issue. There is a moral question here but, for me, it is not the one that many taking part in this debate have identified. The question for me is simply this: should we allow an embryo that would otherwise be discarded to be used to help rid people of truly awful illnesses and conditions? For me, that is the moral question.

These embryos have been created as part of the process of giving parents the greatest gift they can ever receive—the creation of a child through in-vitro fertilisation. Instead of simply letting these embryos be thrown away, we can ensure that their potential to enhance life is respected. I see another view in the arguments of many who are against embryonic stem cell research. A lot of the opposition to embryonic stem cell research is in fact opposition to in-vitro fertilisation itself. Since the first IVF birth in Australia in 1980, more than 5,500 Australian families have experienced what can only be described as the great joy that a new child brings. I have personally seen very close friends go through the IVF process and have witnessed that great joy that has come into their lives. It is a wonderful thing to see people, for whom having a child seemed a distant hope, holding their own baby thanks to IVF. Children created through the IVF program are being born into families where they are truly wanted, truly valued and truly loved.

We know that vast strides have been made in the development of IVF techniques, which now achieve pregnancy rates much higher than those attained by the pioneers. Nevertheless, it remains a fact that, in achieving a viable pregnancy, multiple embryos may be created. At present, those embryos that are not needed are discarded. From my point of view, we must end this waste and realise the potential of these embryos to improve and prolong the lives of hundreds of thousands of people suffering from terrible diseases, whether they be degenerative disorders or other illnesses. Of course, it is the case that the use of embryos for stem cell research must be closely controlled. The importance of the legislation that we are debating tonight lies in its goal to establish national controls that ban human cloning. It also bans the creation of embryos purely for research purposes.

In speaking to this bill tonight, I will be joining many others in supporting a ban on human cloning. I am sure everybody in the parliament will support that ban, and I imagine everybody will support the ban on the creation of embryos specifically for research. It is important that the parliament is not silent on these issues. We must have a proper and effective regulatory system in place that makes sure that surplus embryos
are not wasted but are allowed to contribute to the betterment of life.

Gerry realises that, short of a medical miracle, nothing can free him from the inexorable advance of motor neurone disease. The medication he is on merely helps to calm him in the face of his helplessness. But that does not mean he has given up hope. He knows that an answer will be found one day. It may be too late for him, but he passionately supports embryonic stem cell research as a way to spare future generations from sharing his fate. He said that the 20th century was the century of travel, beginning with the flight of the Wright brothers and ending with flights to the moon, Mars and beyond. Gerry believes that this century will be known as the century of medicine, and the efforts of those who seek to block the progress of research will come to naught.

On behalf of the people around Australia just like Gerry, who hope for and believe in a better future, I urge the House to support this bill. It is a way of our being able to say that these embryos, which otherwise would be wasted, will be put to very good use.

Mr PYNE (Sturt) (9.59 p.m.)—This evening the House is debating the Research Involving Embryos and Prohibition of Human Cloning Bill 2002. Let me say at the outset that I will support a ban on cloning, and I am one of those people who will support the splitting of the bill between a ban on human cloning and embryonic stem cell research. I certainly support a ban on human cloning but, while the bill in its current form links the two, I am in the perverse position of having to oppose a bill, half of which I support. I hope the House will agree to split the bill to allow people like me who are exercising their conscience to vote in favour of one part of the bill and against the other.

I do not support the aspect of the bill involving embryo research, which I wish to speak on. As parliamentarians we are irregularly faced with matters of conscience. We are asked to think carefully about moral issues. When we do, we inevitably disappoint some members of our constituencies who do not share our views. My view would appear, at this time, to be against the majority as has been expressed in some quarters in my own electorate. I would say two things about that. Firstly, I am not certain that the majority is against the position that I hold and I am not certain that the public has had a comprehensive discussion on the issues involved in the proposal that embryos be allowed to be used for scientific research. The media that has covered this debate so far has put one side of the argument quite forcefully and not the other. I do not think the public has had the full opportunity to consider all the issues as comprehensively as they should have by the end of this debate.

Mr Latham—What about Lateline?

Mr PYNE—The second thing I would say is that it is not the role of MPs—I am sure the member for Werriwa would agree with me—to be ciphers in this House. It is the role of MPs to make decisions based on their knowledge and their judgment of what they think is right for the country. They have to stand and fall on those decisions and they do so every three years or less, at election time.

Similarly to the euthanasia debate, this is a debate about what kind of society we want to be. I wish to live in a society that values human life, that values each individual in our society, no matter how able, sick, demented, old or young, for the intrinsic worth of that particular life. Each human life must be respected for its intrinsic value—that is a defining characteristic of a civilised society. To allow experimentation on human embryos would be a failure of this civilised society to protect the smallest human being. In our own High Court, in Marion’s case in 1992, Chief Justice Brennan, then Mr Justice Brennan, said:

The law will protect equally the dignity of the hale and hearty and the dignity of the weak and lame; of the frail baby and of the frail aged; of the intellectually able and of the intellectually disabled. ... Our law admits of no discrimination against the weak and disadvantaged in their human dignity.

He said that the responsibility of the law was to protect those people, no matter how small, weak or disadvantaged.

I have heard some people describe these embryos that we are debating as tissue. To me, and scientifically, a one-cell embryo has
every aspect that is required to form a human being that I have or that you have, Mr Deputy Speaker. To suggest that it is tissue is to deny the fact that if it is not a human being, what on earth is it? It has every aspect of a human being at one cell. It requires no more to become a fully active baby, then teenager and adult. It has a unique DNA

- DNA

which has never been seen before and will never be seen again in the history of mankind.

The proof of the pudding is in the eating. Each one of these embryos could be implanted in a woman and have the potential to develop into a baby. Some will fail and some will succeed—

Mr Latham—Is that what happens to them?

Mr PYNE—Yes, that is exactly what happens to them.

The DEPUTY SPEAKER (Hon. I.R. Causley)—The member for Werriwa!

Mr PYNE—but they have the potential to develop into a growing baby. The IVF program has given tens of thousands of couples in Australia the opportunity to have the greatest gift known to man and woman; their own child. They are creating life, and I salute them and the work that they are doing. But to take what the IVF program has discovered it is capable of and use that embryo for scientific research is a perversion of the IVF program that sickens me as a human being and that I would hope sickens the House.

Before I deal with the comparisons with adult stem cell research, I would like to comment on the suggestion often put that we are going to let these embryos die anyway, so why should we not use them for some purpose for humankind? There is a profound moral difference between killing and letting die. There is a difference at law, in our long-established system inherited from Great Britain, and there is a difference in our moral understanding of how we interact with each other as human beings. It is why removing a patient from life support is not a crime, while actively killing a patient is. It is the same difference. Human embryos which are frozen as part of assisted reproductive technology programs and then, when no longer required, are allowed to thaw and succumb, are being treated with respect and in concert with the purpose for which they were created, which was to assist life. They are treated with the respect that they deserve as human beings to be allowed to thaw, succumb and pass away.

There is a vast difference between treating those embryos with that respect and using them for scientific purposes to create human embryonic stem cell lines that destroy and kill the embryo in the process. If you think of an embryo in its frozen form as being supported in life by being frozen in the same way as patients who are kept alive on life support systems, then taking away that life support system or in fact allowing the embryo to thaw and succumb is the same process. It is no different. To do it any other way would be to kill the embryo. Similarly, to actively seek to intervene in a patient’s medical therapy rather than let them die by taking away the life support system would be to kill the patient. The same process is involved when embryos are allowed to thaw and die: the support system has been taken away from them, but they have been treated with the same respect as one would expect a human being to be treated.

The irony of this debate is that we have the capacity in it to have our cake and eat it too. It has been put by so many people in this debate—not in the House tonight but outside the House—that this is an either/or debate and that if you do not allow embryonic stem cell research somehow you are condemning people with diabetes, people like Gerry who was talked about before by the member for Jagajaga and people in wheelchairs to a life of misery. That is assuming we accept that they are having a life of misery, and one would need to put that question to each individual who is being in a pejorative sense determined to be having a life of misery because they are in a wheelchair or because they have an illness.

The benefits of embryonic stem cell research are all in the future. There is no current operation using embryonic stem cells that is having the impact that the supporters of embryonic stem cell research are claiming. It is all something that is possibly going to happen—it may have tremendous benefits
for humankind in the future; there is enormous potential for embryonic stem cell research in the future. That is the rhetoric that has been put by those people who support embryonic stem cell research.

However, right now, today, as we speak, adult stem cells are being used following research to benefit the injured, the diseased and those people who are disabled. Adult stem cell research is actually being used right now as we speak to help humankind. The potential of it is even greater but in fact adult stem cell research is making the breakthroughs that those proponents of embryonic stem cell research claim may be possible in the future.

Let me give you some examples. In July 2001, German doctors used stem cells taken from a patient’s own bone marrow to regenerate heart tissue damaged by a heart attack, successfully improving his coronary function. American doctors have reimplanted stem cells taken from the brain of a patient with Parkinson’s disease, resulting in an 83 per cent improvement in the patient’s condition. The Washington Medical Centre treated 26 patients with rapidly deteriorating multiple sclerosis with their own stem cells, stabilising the condition in 20 patients, improving the condition in the other six. Israeli doctors implanted adult stem cells taken from a paraplegic woman’s blood into her spinal cord, allowing her to regain bladder control and the ability to move her own toes and legs.

In Canada, another paraplegic had movement in her toes and legs restored after stem cells from her immune system were implanted in her severed spinal cord. Surgeons in Taiwan have used stem cells taken from a patient’s eyes to restore vision. In the US, adult stem cells have been used to treat sufferers of the sickle blood cell disease. Stem cells taken from umbilical cord blood have allowed doctors to restore the immune systems of children which were destroyed by cancer. In the UK a three-year-old boy was recently cured of a fatal disease by the use of stem cells extracted from his sister’s placenta. American doctors have reported that adult stem cells have been used to improve the condition of 15 people with insulin dependent diabetes. Blood cells have been used to repair gangrenous limbs. Adult stem cells have been used to repair the cornea of an eye to restore sight and at Cedars-Sinai in LA adult stem cells have been found to treat Parkinson’s disease.

The University of Minnesota has published research in the last three months that shows that adult stem cells are as versatile as embryonic stem cells, meaning that the only feature of embryonic stem cells which was regarded as unique to embryonic stem cells—being their versatility and their ability to change into many different organs of the body—has been swept away by the fact that adult stem cells have now been shown in recent research from the United States to be able to be as versatile as embryonic stem cell research without the disbenefit of being rejected by the immune system and requiring major immunosuppressant drugs.

In the light of this why wouldn’t we agree to adult stem cell research, put our resources into adult stem cell research and bypass the ethical dilemmas that we face with embryonic stem cell research? Those who trivialise this debate by claiming that people like me who oppose embryonic stem cell research are condemning people who are disabled or injured to a life of misery need to really think about the fact that maybe they should be careful that they are not the ones who, by moving resources from adult stem cell research to embryonic stem cell research, are in fact denying the disabled and those with injuries and those with diseases the capacity to break through the barriers that have stopped the cures to their ailments from succeeding by not putting the money into adult stem cell research.

There is another obnoxious argument that I wish to deal with tonight before I conclude. That is the argument put by some people, some state premiers and others, that this is an industry that Australia cannot afford to lose; that we have hundreds of millions of dollars invested in this industry and that Australia cannot afford to lose it because it employs people and it has the potential to earn us export dollars. This is a truly facile argument. Many of us could argue—and the member for Jagajaga pointed out arguments—that
there are great benefits in jobs, in export dollars, in the capacity to raise money for Australia and earn huge profits in industries that we obviously believe have a societal disbenefit and we therefore do not support. Ones that come to mind very easily are the landmines industry, the chemical and biological weapons industry and the weapons of mass destruction industry. All of these are huge dollar earners for those countries that participate in them. They have the potential to create tremendous numbers of jobs and profits and taxes for countries. But nobody seriously argues in Australia that we would want to be involved in every kind of industry that creates profits. Obviously, there are some industries where we believe there is a societal disbenefit to allowing that industry to operate and the government should legislate against it.

With embryonic stem cell research, the arguments against it are so great that I believe that the government should legislate to stop embryonic stem cell research. It is not an industry that Australians want to be involved in. It is not an industry that we want to be earning profits from and earning taxes from. It is an industry like, I believe, those that Australians would generally agree are not the sorts of areas we would like to be involved in.

The parliament is being asked to cross a moral line that it should not cross. If the parliament passes this legislation, it will permit the in principle use of human embryos for scientific research. It is a line that, once crossed, can never be remade. Once it is crossed, the calls to extend the parameters will be hard to deny. And once it is crossed, we will soon be asked for permission to allow the cloning of embryos, the making of hybrid or parthenogenetic embryos, the creation of embryos for the purposes of destructive research, therapeutic cloning or even reproductive cloning.

Once the line is crossed, how will we refuse to allow embryos older than 14 days to be used in scientific research, when that 14-day limit is just an arbitrary limit set by legislators: it has no meaning, because a 14-day-old embryo is exactly the same as a one-day-old embryo and exactly the same as a three-month-old embryo? How long will it be before we are asked to cross the line to move to embryos older than 14 days—to 60 days or however many days? It is a meaningless and arbitrary figure. Once the line is crossed, how will the parliament continue to ban embryos created after 5 April 2002, which is simply an arbitrary figure with no basis in principle? What is the difference between an embryo created before 5 April and after 5 April? Nothing whatsoever, except a meeting of ministers, premiers and a Prime Minister at COAG which set that date as an arbitrary date. How long will it be before the parliament is asked to cross that line and ignore that arbitrary date when it has no basis in principle? The only way to ensure that these and other questions are resolved is to value each human life that is created in Australia and not cross that line.

In the consideration in detail of this bill, there will be amendments moved to the bill which I will support and hope will be adopted. They will improve the bill if in the end it is adopted by this parliament and the Senate. But after those amendments are made, if they are successful, I will be voting against this bill, because the only way for society to demonstrate its belief in the value of human life, which defines a civilised society, is to ban embryonic stem cell research and the destruction of human life that it brings.

Ms PLIBERSEK (Sydney) (10.17 p.m.)—I want to make a number of comments on this very serious legislation, the Research Involving Embryos and Prohibition of Human Cloning Bill 2002, but I want to start by addressing some of the comments of the member for Sturt. He has said that there is no difference between a five-day-old embryo, a three-month-old embryo and a 60-day-old embryo. Anyone who has experienced pregnancy, or watched their partner experience pregnancy, would know that there is an absolutely enormous difference between a pregnancy that has progressed three months, six months or to full term and a five-day-old embryo. Anyone who has experienced pregnancy, or watched their partner experience pregnancy, would know that there is no difference between a five-day-old embryo, a three-month-old embryo and a 60-day-old embryo. Anyone who has experienced pregnancy, or watched their partner experience pregnancy, would know that there is an absolutely enormous difference between a pregnancy that has progressed three months, six months or to full term and a five-day-old embryo that is the result of the process of people naturally trying to get pregnant but that has not taken successfully and that is often spontaneously aborted. The difference
is between losing a baby, in later pregnancy, and not becoming pregnant, at five days. To argue that the difference is negligible misses the point entirely.

The member for Sturt has compared medical research to other types of research. He has compared the sort of medical research we are talking of here, which involves finding cures for diseases like juvenile diabetes and Alzheimer’s, with building landmines to sell overseas. He says that the two are equally morally reprehensible and that Australians would not want to be involved in either of those two industries. Any poll of Australians would tell you very definitely that people feel very differently about those sorts of industries. Most people see that there is a strong case for the sort of medical research that we are talking about here tonight.

The member for Sturt also talks about the moral difference between killing and letting die and says that embryos left to thaw out at room temperature—to thaw, to succumb and to pass away, as he says—are somehow shown more respect than embryos used for the extraction of stem cells for use in medical research. I really think that that decision is a decision for the people who have donated the eggs and the sperm that created the embryo. A lot of people who go through the IVF process look forward to having their surplus embryos involved in something that they believe will give benefit to society at large, that they believe might actually bring some relief to people who are suffering from chronic illnesses. It is an abuse of our power for us to stand in the parliament and talk about the decisions that should be made on behalf of those people who have gone through the difficult, expensive, painful, emotionally distressing process of IVF and have either finally, fortunately, had the number of children that they desired in the first place or, unfortunately, not been successful and given up trying. For us to make decisions on what should happen to those embryos that are so difficult to create and so precious to those parents, and not to give that decision to those parents, is an absolute abuse of our power in here.

Getting back to the points I initially wanted to make, I must acknowledge that this has been one of the more contentious issues as far as correspondence to my elector- 

torate office goes. I have received a lot of correspondence, both for and against the legislation as it is proposed. For me personally, the decision is one to which I have given a lot of thought. However, I never really considered voting in opposition to this legislation. For me, the fundamental issue is that these embryos exist and they are surplus to the requirements of the parents who have created them. One option is to destroy them—to allow them to thaw, to expire and, not to be too brutal about it, to be thrown away, disposed of. The alternative is to perhaps gain some scientific benefit from their use that will actually affect the quality of life of children and adults who suffer serious illnesses.

For me, that is not a difficult moral question. The potential good to come from the medical research associated with embryonic stem cells is in opposition to no good coming of the excess embryos. That is the juxtaposition for me. If we are really honest about this debate, many of the same people who are arguing about whether embryos should be allowed to be used for medical research are the same people who would probably tell you in a quiet moment that they do not support the IVF program at all because one of the by-products of the IVF program is surplus embryos. If we really want to be honest about this debate, we should admit the original positions these people took on the IVF program.

Surely the best way to respect human life is to gain the maximum universal good from these surplus embryos. I repeat: I believe that the IVF participants who have created these embryos should have the first and most important say in what happens to them. This legislation insists that donors should give fully informed consent and have a good understanding of what is likely to happen to the embryos. I quote from a letter that was sent to all MPs from Access, Australia’s National Infertility Network. It states:

For many couples, the opportunity for their embryos to have some added meaning would be given if they were permitted in law to donate them to embryo stem cell research. This would
allow these embryos to contribute to scientific knowledge that will ultimately provide a way to ease the suffering of others with debilitating diseases. This should clearly occur only when the couple gives informed consent for this purpose and the research is conducted in a facility with institutional ethics committee oversight. This would be consistent with families who give consent for organ donation following the tragic death of a loved one. The wishes of the families are rightly respected, as no-one loves the person more, or has a greater interest in [his or] her welfare.

Infertile people have no vested interest. We care about the fate of the embryos that once had the potential to be our children, to see that their existence has had some meaning. We do not believe that to use them for research would be disrespectful, quite the contrary. An embryo is not a child who would suffer in the process. It is a cluster of cells with an extraordinary potential. If that potential is not going to see it develop into a child, let it be that it may help to find ways to fight or cure diseases.

Infertile people reject the suggestion that anyone else values or respects these frozen embryos more. We value life and we value children, which is why we have been prepared to go through extensive investigations and treatment in order to try to create a family.

I think that is very well put. I think it is important to say that these embryos are at a very early stage after conception—usually about five to seven days. They are a collection of cells, 100 to 150 cells. They are of a size that a woman, if she naturally conceived and at five- to seven-days pregnant then had a spontaneous miscarriage, probably would not even notice that she had been pregnant. This happens with many pregnancies that go unrecognised in women. To say that every one of these 70,000 embryos in frozen storage surplus to the IVF program should become a child I think does not even reflect what happens in nature, let alone the expectation that the female of a couple should be implanted with every embryo that they have frozen.

The writer of one letter I have had complaining about the IVF program—many of them were not about stem cell research fundamentally; they were about the IVF program—said that he had friends going through IVF who had committed to having every one of their fertilised eggs implanted. That is a terrific choice for them to make. But that is not a decision that every family could make lightly, particularly when talking about a number of successive multiple pregnancies and multiple live births.

The potential with stem cell research to find cures for conditions is enormous—and I am not the one saying that; it is scientists who know what they are talking about. There has been an argument that we offer too much hope to people and that there is no proof that this science will be successful. At the start of any scientific investigation we cannot possibly know where it will take us. That is like saying we should have known, when we sent people to the moon, that we would eventually be able to send a probe to Mars and be able to track the outer limits of our solar system. At the beginning of a field of scientific research, how could we ever possibly know what benefits it may have in the end? To say that we do not know what the outcomes will be and therefore we will not pursue this course of research to me seems an absurd suggestion.

The Coalition for the Advancement of Medical Research Australia has done an excellent job of informing members of parliament about some of the potential for this research and it has picked out a number of diseases or chronic conditions that it believes might benefit from research in this area. The first is motor neurone disease. One person dies every day in Australia from motor neurone disease. There were three times as many deaths in 1999 attributed to motor neurone disease as to HIV-AIDS. The average life expectancy of someone diagnosed with motor neurone disease is two or three years. There are spinal cord injury, with 20,000 people having spinal cord injury and one person being confined for life to a wheelchair every day in Australia. There is also type 1 diabetes. There are 100,000 Australians who have type 1 diabetes. Even with insulin, type 1 diabetes usually results in a drastic reduction in quality of life and shortens the average life span by about 15 years. It is one of the most costly and chronic diseases of early childhood. Rett’s syndrome affects one in every
10,000 live baby girls. Seven out of every 10 Rett girls have either never walked or have lost the ability to walk. All Rett girls are totally dependent on others for their daily needs and most cannot communicate by speech.

There is no promise that this research will lead to cures for these conditions. But surely, if we believe that these conditions may benefit from such research, we have an obligation to explore where the research might take us. There has been significant debate on whether we should have research focusing on adult stem cells or embryonic stem cells. I do not believe that we have to make a decision to have either one or the other.

Debate interrupted.

ADJOURNMENT

The SPEAKER—Order! It being 10.30 p.m., I propose the question:

That the House do now adjourn.

Greenway Electorate: Banking and Branch Closures

Mr MOSSFIELD (Greenway) (10.30 p.m.)—I rise to advise the House of a successful public meeting held at the Blacktown Civic Centre recently in support of establishing a community bank in the Blacktown area to replace the two Commonwealth banks that have closed down in recent times. The closure of these banks has caused considerable inconvenience to residents in the Quakers Hill and Lalor Park areas. The meeting was organised by Councillor Ron Alder and chaired by the mayor of Blacktown, Alan Pendleton. A steering committee has been established and it is hoped that at least one community bank will be formed in the area with possible other sub-branches being formed in the outer shopping centres.

A glance back at what was said when the Lalor Park and Quakers Hill branches of the Commonwealth Bank were closed will give the House some indication of the inconvenience to the residents these bank closures have caused. The first bank to close was the Lalor Park branch in October 1998. This branch was situated in a busy shopping centre strip adjacent to the council car park. In most cases local residents could walk to their bank, or if they drove they could park within close walking distance of the bank and other shops. In the area there are also a number of Department of Housing units accommodating both aged and invalid pensioners. These pensioners now have to travel to other locations to do their banking, at considerable cost and inconvenience.

The second bank closed its doors at Quakers Court, Marayong in September 2001. This bank was also situated in a busy shopping centre within easy walking distance from a car park and developing residential areas. The branch was next door to Brother Albert’s Home for the Aged, and the residents of this home were not in a position to be able to travel long distances to another branch. It was convenient for these residents to walk a short distance to do their banking without traffic hazards. To balance this ageing community there are two large schools in the area with over 700 students enrolled. This indicates a substantial young population, which the Commonwealth Bank appears to ignore as potential bank customers. It was not even the case that the branches were unprofitable and were losing money—far from it. The branch and the community that supported it paid its way; it was just that it was not profitable enough for the ‘suits’ in town.

The disappearance of the suburban bank branches has left many people disillusioned and left businesses facing a fall in customer base and income. Since this government was elected, the Commonwealth Bank has closed 136 branches in New South Wales and the Australian Capital Territory—well over 50 per cent in Labor electorates. And that is just the Commonwealth Bank. The ANZ, St George, the NAB and Westpac are just as guilty of closing branches, reducing services, cutting jobs and making life tough for their customers. Banks do have an obligation to their communities which they cannot deny. Abandoning suburban centres is leaving a gaping hole in our local communities.

It has been shown time and time again that when a branch closes in a small suburban shopping centre other shops close shortly afterwards. When people do their banking they drop into the local fruit and veg shop, the butcher or the newsagent and the local
community shopping centres survive. When the bank goes so does the reason for people to shop there; they are forced to shop at the big shopping centres instead and the corner store goes under. When one shop disappears there is less reason to shop there, and the downward spiral begins until all that is left is a suburban wasteland of boarded-up shops marked with graffiti.

The local communities in Greenway are fighting this decline and I support them 100 per cent. A community bank is just one starting point. It is obvious that banks will not implement or adhere to a voluntary code of conduct. That is why there must be legislation to ensure banks have regard to community service obligations. I congratulate Councillor Alder and the Blacktown City Council on their initiative in forming a steering committee to establish a community bank in Blacktown, and I urge local residents to fully support this move.

Aston Electorate: Scoresby Freeway

Mr PEARCE (Aston) (10.34 p.m.)—I would like to take this opportunity to inform the House of the latest developments, both positive and negative, in regard to the Scoresby Freeway. While I welcome the small steps under way on the project, I am mindful that there is a long road ahead before the people of Aston will be able to use this important piece of transport infrastructure. In late July, work began on the geo-technical investigations for the freeway. This $3 million phase of the project is expected to be completed by October this year.

While this progress is pleasing, concerns remain about the project overall. The first concern relates to the funding arrangements. Despite making a myriad of media statements, the Victorian government still has not submitted its overdue business plan outlining how it will contribute its share of the funding towards the freeway. I find this truly amazing. The Scoresby Freeway has been a key issue in the outer eastern suburbs of Melbourne for a number of years. In fact, it was the Bolte Liberal government that originally purchased the land reservation for the Scoresby Freeway back in 1961, so this issue has been going on for decades and decades.

I remind the House that it was in May 2001 that the Howard government committed $220 million towards the construction of the Scoresby Freeway and in October 2001 a further $225 million toward the construction. It is the Liberal government that has been totally committed for many years to seeing the Scoresby Freeway built. For some time now, we have heard from the Victorian state Labor government that it too is completely committed to this freeway. However, I have to report to the House that, many years later, we still find ourselves in a position where the Victorian government still has not finalised its business plan in relation to how it plans to fund its contribution towards this very important piece of transport infrastructure in the outer eastern suburbs of Melbourne.

The second concern relates to the construction timetable. Under the memorandum of understanding signed by the Commonwealth and Victoria, construction is required to begin this year. The Victorian government committed to construction beginning this year. However, the Victorian government is yet to provide even a provisional timetable for the commencement of construction. Even more concerning for the timely completion of the project is the current industrial climate in Victoria which adds and threatens further delays. This is also a major issue for, again, what is a very important project.

The third concern relates to the proposed changes to the design of the road. I am concerned at recent media reports which suggest that the Victorian government may be seeking to scrap important on-and-off ramps. These reports centre around changes to the interchange of the Scoresby Freeway with the Monash Freeway. This has particularly been brought to my attention over the last couple of weeks. The ramps in question include one allowing outbound city traffic to head off the Southeastern Freeway—more commonly referred to as the Monash Freeway—and travel north along the Scoresby Freeway, and also the one that would allow southbound traffic to head into the city.

It is vital for the people of Melbourne’s outer east to gain the maximum benefit from this huge infrastructure investment. I join with my colleagues, the members for Deakin
and Dunkley, in reaffirming the Commonwealth’s commitment to this important project. As the member for Aston, I will continue fighting to ensure that this important project becomes a reality as soon as possible and that all people who live in the outer eastern suburbs of Melbourne have the advantage of being able to utilise a freeway that will truly add both economic and substantial lifestyle benefits to all the people of Melbourne, completing the basic ring-road concept surrounding the outer eastern regions of Melbourne. This is an important project and it is a project whose construction we need to see commenced as soon as possible. *(Time expired)*

**Employment: People with Disabilities**

Mr COX *(Kingston)* (10.39 p.m.)—Tonight I would like to address an issue that reflects on the character of Australian society—how we treat our disabled citizens. Lincoln once said:

*You cannot escape the responsibility of tomorrow by evading it today.*

This is apt in light of the Howard government’s decision to cut people off the disability support pension while simultaneously cutting funding to employment services for the disabled under the Job Network. The implications of the combined effect of these two policies have not been considered by ministers Vanstone or Brough. It is a double whammy for the disabled. By shirking its responsibilities, the Howard government is consigning thousands of disabled job seekers to a life half lived. Labor believes that government has a responsibility to assist those citizens who face physical or intellectual barriers to employment.

Under its new Job Network contract, the Howard government is cutting funding to those providers who supply specialist employment services, and this includes services to the disabled. In a joint submission sent to the Department of Employment and Workplace Relations, the specialist providers estimated that their funding under the new arrangements would be cut by between 35 and 60 per cent. On a case by case basis, the implications are astonishing. According to one provider, where a specialist provider places a ‘B’ level client—that is, a person who is classified as the most disadvantaged—and that person retains employment, then under the current system the provider would receive approximately $9,450 in funding. Under the new contract, the provider would receive approximately $4,885. With only $4,885 available, the provider cannot afford to provide anything like the quality of service that is possible under the existing contract.

The government is taking a ‘one size fits all’ approach to job seekers facing the most barriers to employment. Under the new contract, specialist providers will be required to accept a fixed fee from the government for their services. Previously, specialist providers could put in bids to reflect increased costs. The new fees, even with supplements for particular clientele, are still significantly less than the current arrangements. Another submission made to the government in relation to assistance to disabled clients states:

*Early investment in ... employment versus possible lifelong unemployment is [a] very good financial investment not even considering the personal and social benefits.*

The government needs to take responsibility for providing the disabled with the means required to get a job; otherwise, those with disabilities are left abandoned.

I would like to take this opportunity to commend those specialist providers around Australia who dedicate themselves to helping people with disabilities find jobs. Australia is indebted to these people. The quality of the services provided by specialist providers is evidenced by the high ratings received by specialist providers under the Job Network’s star ratings system. Five-star ratings were awarded to 25 organisations that provided intensive assistance across Australia. Of those 25 organisations, 10 were specialist providers.

By providing the appropriate level of funding to specialist Job Network providers, we as a society are enabling those with disabilities to actively participate. Cutting off people with disabilities from employment services says something disturbing about the character of our society. I call on Minister Brough to increase funding for specialist
services under the third employment services contract.

Veterans: Vietnam Veterans Day

Mr BARTLETT (Macquarie) (10.43 p.m.)—Last Sunday was the annual Blue Mountains Vietnam Veterans Day march and commemoration service to remember Australian service personnel who served their country and for those who lost their lives in Vietnam. It also recognises those involved in other post-World War II conflicts, such as Korea, Malaysia and the Indonesian Confrontation.

Vietnam Veterans Day coincides with the anniversary of the Battle of Long Tan—18 August 1966—which at that stage was the largest unit battle involving Australian troops in the Vietnam War. D Company, 6RAR were conducting a fighting patrol to clear suspected enemy rifle and mortar sites when they encountered a large force of Vietcong and North Vietnamese, who would suffer heavy casualties from Australian small arms fire, artillery and machine-gun fire from an armoured relief force. Eighteen Australian soldiers were killed and 24 were wounded in a horrific battle in which Australian troops were heavily outnumbered.

The annual commemoration of Vietnam Veterans Day remembers not only the 522 Australians who lost their lives in Vietnam but also the many others, both volunteers and conscripts, who fought there.

Blue Mountains Vietnam Veterans Association was formed on Anzac Day 1985 as an autonomous, apolitical organisation to foster social contact among all who have had any active service in any service arm or civil capacity during the period of involvement in the war in Vietnam. In 1997, its successor, Blue Mountains Vietnam Veterans and Associated Forces Inc., was formed and now accepts veterans who served in all post-World War II conflicts, such as Korea, the Malayan Emergency, the Indonesian Confrontation, special operations areas and peacekeeping operations.

Last Sunday, a large crowd, as usual, was there for the traditional parade through Springwood, followed by a commemoration service at the memorial in Buckland Park. The guest of honour and guest speaker was the Deputy Chief of the Navy, Rear Admiral Rowan C. Moffitt. The day ended with the beating of retreat at 4.45 p.m.—performed superbly, as always, by the Lithgow Highland Pipe Band.

There has always been disagreement about Australia’s role in Vietnam and whether or not our forces should have been there. It is not my intention to enter into that debate now, and that is not really the point when it comes to Vietnam Veterans Day. The central point is this: Australians were risking their lives as part of their call to duty. Tragically, more than 500 never returned to Australia. Those who did return were not appropriately recognised and, sadly, were often treated badly by some of their fellow Australians.

The sacrifice that we commemorated on Sunday has stretched to other post-World War II conflicts. In the Korean War, 339 people lost their lives. In the Malayan Emergency and the Indonesian Confrontation, another 51 died. Of course, the figures of dead and injured can never measure the tragic loss of life or the suffering and pain of loved ones. Nor can it measure the suffering of those who fought and returned with scars that they carried with them for life. The freedom we enjoy in Australia is due to the sacrifices of so many young Australians in conflicts over the past century. Last Sunday, we again remembered those people and their sacrifice for Australia.

I would like to mention my thanks to Jack Lake, the President of the Blue Mountains Vietnam Veterans and Associated Forces; to the Secretary, Keith Harrington; and to all those who put such an effort into making last Sunday such a worthy commemoration.

Family and Community Services: Fathers

Mr LATHAM (Werriwa) (10.48 p.m.)—In the public debate about balancing work and family commitments, very often the relationship between fathers and their sons is overlooked. Parenting is not just a female task; the role of fathers is becoming increasingly important. We live in a world of constant change, especially economic and technological change. Many of the pillars of
male identity in our society, such as manual work, the importance of physical strength and the culture of Australian mateship, have declined in recent decades. Many men are having to find new sources of identity and security in their lives. The answer does not lie in winding back the many progressive advances achieved by women in recent decades. We need more advances for women, including paid maternity leave and a higher level of representation in this parliament. But we also need to include men in all aspects of the parenting debate. We need to take an inclusive approach, giving all parents a place in the big tent of social justice.

I would argue that it is time to rebalance the debate to ensure that men and their needs and interests are considered in all aspects of lifestyle and family-related policy. In particular, we need to ensure that fathers can spend more time and share more experiences with their sons, especially during the sensitive teenage years. Unhappily, boys without male role models and mentors in their lives can easily go off the rails. They can turn inward, and I think this explains in large part the formation of gangs—something which is very worrying in most of the communities in this nation. It is possible, unhappily enough, for boys to grow up without men in their lives. I see this quite often in my own electorate: boys passing through those important adolescent years without any constructive male role models in their lives.

We have seen in recent decades a growth in the number of single-parent families. Unfortunately, there has also been a decrease in the number of male teachers in our primary schools. I can visit primary schools in my electorate and barely find a man in the place—someone who can offer guidance and mentoring to the boys at the school. Single-parent families often face difficulty in accessing sporting events. It is not easy being a single mum, and very often sport and the opportunity for contact with men and role models go by the wayside.

It is a surprising statistic in Australia that there are some 500,000 children living in broken families, moving between parents and often grandparents and other guardians, and not necessarily having a stable family life or stable influences on their development. Of that half a million children, there are at least 250,000 sons who do not necessarily get to see much of their fathers. Unlike the members for Warringah and Parramatta, I do not believe that governments should be telling people how to run their private lives, but certainly public policy can make things easier. We could develop a national mentoring program to ensure that boys have constructive male influences in their lives. We could increase the number of men in our school system, and of course we should emphasise the importance of male parenting and paternity leave.

In Britain—this is an example we could take on—the government has launched a ‘dads and sons campaign’ designed to enable fathers to share education activities with their sons. Comet, the electrical retail giant, are backing the campaign. They are offering all employee fathers one paid hour of leave per week to spend time in the education system with their 11- to 14-year-old sons. This is a real issue for industrial relations policy and for the work of unions. I would encourage not only government but also unions to take this issue up in the workplace and to campaign actively for the capacity of employee fathers to spend time with their sons, particularly during the sensitive teenage years. It is an opportunity for companies to take this on as one of their social responsibilities. Comet in Britain have obviously found that giving men the chance to spend time with the learning activities and development of their sons is part of being a good employer and part of raising productivity and satisfaction in the workplace.

This is an important issue for both sides of the parliament; most importantly, this is an issue for both genders. Men have many important issues in their lives. As I mentioned earlier, it is a time when, in some respects, they are losing identity and security. It is a time of constant change in our society. We face the challenge of ensuring that every young boy growing up in this country has positive mentors and male role models in their life. I would like government policy—indeed, policy in all aspects of parliamentary work—to address this important issue. I am
sure only good can come out of it, particularly in the communities around this nation where people worry about the development of young boys and worry about gangs and want a better future for all teenagers.

(Time expired)

Western Sydney

Mr Farmer (Macarthur) (10.53 p.m.)—I do not want to have to stand up in this parliament and bring to the attention of the general public the shortcomings of one of my colleagues. The thing that most Australians despise about politicians is that they waste too much time criticising each other and do not spend enough time serving the general public and getting things done in their electorates. However, I cannot ignore the letters and phone calls that I have received, and I cannot ignore the concern from my constituents about the way they have been represented by the member for Werriwa, Mr Mark Latham. I cannot ignore the way he publicly announced that he was using the words of the people of Western Sydney when he called the leader of our nation, the Prime Minister, obscene names.

While I am the first to agree that politicians need to represent the people of their electorate, to communicate their opinions and concerns, I cannot stand by in silence while the member for Werriwa degrades the people of south-western Sydney. These are decent, honest, hardworking people who are above the foul-mouthed outbursts we have heard from the member for Werriwa recently in this House and in the press. The people of south-western Sydney are constantly being knocked by the media and other areas of Sydney, and here we have one of their local members adding to the problem. If he believes that he is representing the way people are in south-western Sydney, then he is sadly mistaken. Perhaps he should spend more time listening to the people of his area before he pretends to speak for them.

Here is what they have to say: ‘I am pleased to say that the federal member for Werriwa, Mark Latham, is wrong about the majority of people in Campbelltown. We as a community do not speak as though we were raised in the gutter,’ writes Margaret Goddard from Campbelltown in the Macarthur Chronicle. ‘It is so disappointing to see Mark Latham MP wallowing in the empty well of hate to justify his limited vocabulary. He just demonstrates how out of touch he is with ordinary Australians,’ writes Brian Doyle of Ambrervale in the Macarthur Advertiser. ‘If he can’t get his message over without swearing, then he is obviously not fit for the job,’ writes R. Stuart from Narreellan Vale in the Advertiser.

Mark Latham used this parliament as a tool to badmouth many good Australians. If he spent a fraction of his time working for the people of his electorate, none of us would have to worry about things like the on-off ramps at Ingleburn industrial estate. Here is a much needed piece of infrastructure for the region, to which the Minister for Transport and Regional Services, John Anderson, has announced the federal government will commit two-thirds of the money. However, we need a commitment from the state Labor government to meet its obligation and fund the remaining one-third. But we have heard nothing but silence.

Mark Latham has done nothing to help resolve this issue. He has made no attempts to get the remaining funding for the people of his electorate. The member for Werriwa once worked for Bob Carr and could easily have picked up the phone and spoken to his old boss the Premier about this important issue. Instead, all he has done is sit back and criticise. If he is fair dinkum about helping the people of his electorate, he would have made the call. I urge Mark Latham to make the effort for his electorate and call the New South Wales Premier about this important issue. I will even give him the 40c it takes to make the call, if that is what is stopping him. The member for Werriwa should stop his vendetta of hatred towards anyone who disagrees with him and get on with the job he was elected to do.

Western Sydney

Mr Latham (Werriwa) (10.57 p.m.)—I would like to speak again in this adjournment debate to set the record straight. That is a deliberate misrepresentation by the member for Macarthur. I am following the member for Macarthur, so I am sure that people listening to the debate or reading the Han-
will understand the misrepresentation that has been made. In my description of the Prime Minister, which was welcomed by many people in my electorate, I did not purport to speak on behalf of people in Western Sydney; I spoke on behalf of myself. That is what you do in public life: you do not stand there shaking and barely able to read words; you speak on your own behalf with confidence and conviction, unlike the member for Macarthur. In terms of the language, I used a great working-class term. It is one I have heard hundreds of times in my life in the suburbs where I grew up. That is not a reflection on every person in Western Sydney; it is a reflection on where I grew up and my experience in life. I was not purporting to make any reflection on other people; I was talking about my beliefs and my convictions in the language that working-class people are happy to hear.

The member for Macarthur says he comes into the parliament from a working-class background. I have heard a lot of talk from the Liberal Party saying that Labor people are no longer working-class. Yet they have kittens when you use a piece of working-class language to describe a Prime Minister who is overly sycophantic — sucking up to the Americans as he did during his trip to the United States. I would have thought that this highlights the hypocrisy of the Liberal Party. We have had the likes of the member for Warringah and many others — and many of their fellow travellers in the media — saying that Labor is no longer a working-class party. What happens when a Labor member uses a working-class piece of language, directly communicating with the Australian people? They have kittens about it. It is shock-horror and the sort of nonsense we have heard from the member for Macarthur.

That just exposes their hypocrisy on this issue. They cannot have it both ways. They cannot say that Labor is now some god-damned middle-class party, which is what the Prime Minister was saying in the last parliamentary session, yet take offence when we express the values and language of working-class people. I do not care what the member for Macarthur says. I know where I grew up: in the public housing estate of Green Valley. I know where I have been — the schools, the rugby clubs and the sporting associations of south-western Sydney. I know my own life. It is not a reflection on anyone else. It is the language that I am happy to use in directly communicating something that the Australian Prime Minister did wrong. If you had any guts, you would say that the Prime Minister should have stood up for Australian farmers and he should have laid down the law about free trade in the American Congress.

The SPEAKER — Order!

Mr LATHAM — Instead, the member for Macarthur stood there and shook like a coward, barely able to read out the words — an illiterate fool!

The SPEAKER — The member for Werriwa will resume his seat. As I have been doing all day, I remind the member for Werriwa to honour his obligation to address his remarks through the chair.

The SPEAKER — Order! It being 11 p.m., the debate is interrupted.

House adjourned at 11.00 p.m.

QUESTIONS WITHOUT NOTICE:
ADDITIONAL ANSWERS

Trade: Disc Brakes Australia

Mr VAILE (Lyne — Minister for Trade) — On 26 June 2002 (Hansard page 3708) Dr Stephen Martin asked the following question without notice:

What do you say to business people such as Phillip Joseph, the Managing Director of Disc Brakes Australia and Manufacturer of the Year in 2001, who says: The consequence of this under-funding and late notification will have an impact this year and will probably mean our company curtailing export expansion plans. How is this approach to trade helping Australia’s trade exports?

The answer to the honourable member’s question is as follows:

I refer to the Member for Cunningham’s question regarding the impact of the EMDG scheme on Disc Brakes Australia Pty Ltd of Holker St, Silverwater NSW in question time on 26 June 2002.
Disc Brakes Australia Pty Ltd applied for an EMDG grant in respect of the 2000/01 grant year on 24 October 2001.

Austrade assessed its claim shortly afterwards and in late November 2001 paid Disc Brakes Australia Pty Ltd a first tranche grant payment of $60,000. At that time Austrade advised the firm in writing that the balance of the grant due to it would be subject to funds remaining in the scheme once all initial payments for the year had been made, and that its final payment would be calculated at the end of June and mailed shortly thereafter.

Austrade then mailed a second and final payment to Disc Brakes Australia Pty Ltd on 25 June 2002.

According to Austrade’s records, Disc Brakes Australia Pty Ltd has now received a total of five EMDG grants, with a total value of $256,715.

The payments made through the EMDG scheme provide assistance to small and medium Australian-based companies trying to break into export markets by reimbursing 50 per cent of eligible export marketing expenses.

NOTICES

The following notice was given:

Dr Nelson to present a bill for an act to amend the States Grants (Primary and Secondary Education Assistance) Act 2000, and for related purposes.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Aviation: Sydney (Kingsford Smith) Airport

(Question No. 316)

Mr McClelland asked the Minister for Transport and Regional Services, upon notice, on 14 May 2002:

(1) What planes currently in operation at Sydney Airport were unable to use the east-west runway prior to the recent upgrading.
(2) To what extent will the modification of the runway result in larger aircraft being able to use the runway.

Mr Anderson—The answer to the honourable member’s question is as follows:

(1) Sydney Airport Corporation Limited (SACL) has advised that there are no aircraft currently operating from Sydney Airport that were unable to use the runway prior to its recent overlay.
(2) SACL has also advised that the runway was not modified specifically in order to accommodate larger aircraft. The overlay was undertaken to replace the degraded surface.

Foreign Affairs: International Criminal Court

(Question No. 322)

Mr McClelland asked the Attorney-General, upon notice, on 14 May 2002:

(2) Was the statute signed for Australia on 9 December 1998.
(3) Did he and the Minister for Foreign Affairs announce on 12 December 1999 the Government’s intention to ratify the statute.
(4) Will the statute enter into force on the first day of the month after the 60th day following the date of the deposit of the 60th instrument of ratification, acceptance, approval or accession.
(5) Did the number of deposits exceed 60 on 11 April 2002.
(6) Is the United States considering the cancellation of its signature.
(7) Has the Government considered the cancellation of Australia’s signature.
(8) Will the Government deposit its instrument of ratification before the statute enters into force.

Mr Williams—The answer to the honourable member’s question is as follows:

(1) Yes.
(2) Yes.
(3) On 12 December 1999 this announcement was made jointly by the Attorney-General, the Minister for Foreign Affairs and the Minister for Defence.
(4) The Statute entered into force on 1 July 2002.
(5) Yes.
(6) On 6 May 2002 the United States informed the United Nations that it did not intend to ratify the statute and that it did not consider that it had any legal obligations as a result of its signature of the statute.

This position was communicated by a letter from the United States Undersecretary of State for arms control and international security, John Bolton, to the Secretary-General of the United Nations, Kofi Annan, which stated:

“This is to inform you in connection with the Rome Statute of the International Criminal Court, adopted on July 17, 1998, that the United States does not intend to become a party to the treaty. Accordingly, the United States has no legal obligations arising from its signature on Dec. 31, 2000. The United States requests that its intention not to become a party, as expressed in this letter, be reflected in the depositary's status lists relating to this treaty.”

(7) No.
Tuesday, 20 August 2002

(8) The Government deposited its instrument of ratification of the Statute of the International Criminal Court on 1 July 2002, the day that the Statute entered into force.

Transport: Roads of National Importance Program
(Question No. 330)

Mr Martin Ferguson asked the Minister for Transport and Regional Services, upon notice, on 14 May 2002:

(1) What sum has been, or will be, spent on the Roads of National Importance Program in each year since its commencement until 2005-06.

(2) What proportion of those funds has been or will be spent on (a) planning and design, (b) construction and (c) maintenance in each of those years, by State and Territory.

Mr Anderson—The answer to the honourable member’s question is as follows:

(1) and (2) The following table shows the amounts funded under the Roads of National Importance programme (RONI) from 1996-97 to 2001-02 and the amounts budgeted for under the programme for the years 2002-03 to 2005-06 for each State and Territory. Generally Commonwealth funding for Roads of National Importance is limited to construction costs, but under some programmes, such as the NSW Pacific Highway programme, the Commonwealth fully funds discreet projects including their planning and design. These are a small proportion of total costs. No RONI funds are spent on maintenance.

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United Nations Conventions and Protocols
(Question No. 408)

Mr Melham asked the Minister for Foreign Affairs, upon notice, on 28 May 2002:

(1) Following the answer to part (4) of question No.184 (Hansard, 15 May 2002, page 2220), is it possible for him to itemise the occasions on which he has advocated accession to the 1951 Refugees Convention and 1967 Refugees Protocol to his counterparts in (a) Pakistan, (b) India, (c) Sri Lanka, (d) Bangladesh, (e) Burma, (f) Malaysia and (g) Singapore.

(2) Has the Protocol been on the agenda of any Commonwealth Heads of Government meeting; if so, on what occasions and with what results.

Mr Downer—The answer to the honourable member’s question is as follows:

(1) It is not practicable for me to itemise all occasions on which I have discussed international protection issues, including advocating accession to the 1951 Refugees Convention and its 1967 Protocol, with my counterparts from these or other countries.

Refugee issues and the damage to the international protection system caused by people smuggling and irregular migration feature prominently in my discussions with a number of my counterparts. In particular, the Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime, held in Bali in February this year, brought together 38 ministers or ministerial-level representatives from 36 regional countries. International protection issues were discussed at this conference, and also in bilateral discussions I held with counterpart ministers. The Foreign Ministers of Burma, Malaysia, Singapore and Sri Lanka attended the Bali Conference and I discussed a range of refugee and illegal migration issues with them.

(2) No.
Defence: Asset Sales
(Question No. 439)

Mr Beazley asked the Minister representing the Minister for Defence, upon notice, on 30 May 2002:

1. What has been budgeted for, and what outcomes achieved, from the sale of Defence assets in each Budget from 1996-97 to date.
3. In which years has Defence been permitted to retain a proportion of the value of the sales.
4. What was the anticipated return to consolidated revenue in each Budget.
5. What was the actual return.

Mrs Vale—The Minister for Defence has provided the following answer to the honourable member’s question:

1. The budgeted plan and subsequent cash proceeds relating to sales over this period are provided in the Portfolio Budget Statements, Portfolio Additional Estimates Statements and Defence Annual Reports relating to those years.

2. Total forecast cash proceeds from asset sales (including property) in the 2002-03 year are $699.8 million.

3. For the period 1996-97 to 1999-2000 Defence operated under a regime whereby it could retain any asset sale proceeds up to a ceiling set at 1% of its total funding envelope. Defence was permitted to retain the benefit of all its sale activity over the period 1996-97 to 1999-2000 as these proceeds were under the threshold. While the budgeting framework in place over this period did not permit re-spending of funds that were not technically appropriated, the proceeds were used in negotiating Defence’s ‘net’ call on Government resources.

In 2000-01, the 1% ceiling approach was modified to reflect the significant planned property disposal program arising from the Joint Defence/Department of Finance and Administration property review. The proceeds from a subset of the property sales program were to be returned in entirety to consolidated revenue, another subset retained by Defence and, for the remainder, Defence was permitted to retain proceeds from its ongoing asset sales activity (subject to the 1% ceiling).

In 2001-02, it was agreed that Defence could retain a specific targeted amount reflecting the planned property and Information Technology asset disposal program.

In 2002-03, the defined target for return to the Official Public Account is $659.5 million from the sale of Defence owned properties. Any sale proceeds exceeding this amount can be retained by Defence.

4. Over the period 1996-97 to 1999-2000, in line with the 1% retention rule, no returns of sale proceeds from the asset sales program were forecast in the preparation of estimates as proceeds were below the threshold.

For the 2000-01 and 2001-02 financial years returns to consolidated revenue at the Additional Estimates time were forecast at $480.2 million and $71.7 million respectively. The anticipated return to consolidated revenue in the 2002-03 Budget is $659.5 million.

5. As noted above no returns for the period 1996-97 to 1999-2000 were forecast, and no actual payments made, in line with the funding arrangements of those years.

No payments were made to the Official Public Account in 2000-01 due to two factors. Firstly elements of the sales program were re-phased into future years with Government approval. Secondly, the sale proceeds of two significant properties (Defence Plaza buildings in Sydney and Melbourne) were paid directly to the Department of Finance and Administration by the purchaser and did not pass through the Defence financial accounts.

In 2001-02, receipts of $97.2 million relating to the sale of the Hydrographic Office in Wollongong, NSW, Rockbank in Melton, Victoria and Campbell Park in the ACT, have been returned to Government.
Centrelink: Benefits
(Question No. 457)

Mr Fitzgibbon asked the Minister representing the Minister for Family and Community Services, upon notice, on 4 June 2002:

(1) Are people who are in receipt of a government benefit compelled to answer all questions on Centrelink forms or risk a suspension of payment.

(2) Will it be compulsory for those receiving welfare benefits to be assessed by the new Centrelink psychologists located in all offices later this year.

(3) Is there also a compulsory nature to the advice given to parenting payment recipients and their agreement to a plan.

Mr Anthony—The Minister for Family and Community Services has provided the following answer to the honourable member’s question:

(1) Under the social security law, there are a range of powers that enable Centrelink to ask customers questions about matters that may affect their ongoing payments or questions to verify past entitlement to payment.

It is important that Centrelink is kept fully informed about a person’s circumstances and any changes in circumstances so as to enable payments to be made at the correct rate or stopped if appropriate. If answers are not provided to such questions, it may be difficult for Centrelink to know whether or not the customer is entitled to payment or a higher or lower rate of payment. Payments may be suspended where a person refuses or fails to respond to such questions.

(2) The Australians Working Together (AWT) package provided additional resources for Centrelink specialists, including psychologists. Centrelink recently advertised for almost 100 psychologists. This will increase the timeliness and availability of Psychologists to a broader range of Centrelink customers.

Centrelink customers are often faced with a range of difficulties that a psychologist may be able to help resolve. Psychologists provide assessments of customers who have significant barriers to employment, education or training, and guide these customers to the most appropriate assistance in order to help them overcome those barriers. They will identify what kind of employment, training or social participation options would be most appropriate for the customer taking into account their individual circumstances.

All Centrelink psychology services are voluntary and if a customer, for whatever reason, wishes not to participate there is no breach.

(3) Under the new participation requirements for parents, announced as part of the Australians Working Together package, parenting payment customers whose youngest child is aged 13 to 15 may be required by the Secretary to enter into a participation agreement. The requirement won’t apply to parents who have care of a severely disabled child.

The participation requirement will be a part-time requirement (up to 150 hours in each 6 month period) and will involve participation in one or more activities selected from a broad menu of possible activities as agreed between Centrelink and the parent concerned.

If a parent is required to enter into a participation agreement, the requirement is compulsory. However, the terms of the agreement are flexible and subject to negotiation between the parent and Centrelink.

Aviation: Airport Sale
(Question No. 470)

Mr Murphy asked the Minister for Transport and Regional Services, upon notice, on 4 June 2002:

(1) Further to the answer to parts (4), (5) and (6) of question No. 230 (Hansard, 30 May 2002, page 2626), does the Government intend to sell Bankstown, Hoxton Park and Camden airports before 2005; if so, why.
Further to the answer to part (8) of question No. 230, will he introduce legislation to require an Environmental Impact Statement to be undertaken in respect of the potential impact on the residents of the Sydney Basin before the Sydney Basin airports are sold. If not, why not.

Further to the answer to parts (10) and (11) of question No. 230, will the residents of Sydney affected by aircraft noise be advised of the full nature and extent of the upgrade to the facilities required at Sydney (Kingsford Smith) Airport to accommodate the new generation aircraft; if so, when; if not, why not.

Further to the answer to parts (15) and (16) of question No. 230, what publicity has he given to the Government's response to the Productivity Commission report on Price Regulation of Airport Services since the Government's announcement on 13 May 2002.

Has he received any complaints about the arrangements that will take effect from 1 July 2002; if so, how many.

Mr Anderson—The answer to the honourable member’s question is as follows:

(1) The Government announced in March last year that Bankstown, Camden and Hoxton Park Airports would be sold in the second half of this year. The sale of these airports will complete the Government's airport privatisation program.

(2) There is no requirement for new legislation. Any proposal for upgrading the facilities and operational status of Bankstown Airport will be subject to the assessment and consultation requirements of the Airports Act 1996 and the Environment Protection and Biodiversity Conservation Act 1999.

(3) Any major development plan associated with the introduction of new generation aircraft at Sydney (Kingsford Smith) Airport will be subject to the assessment and consultation requirements of the Airports Act 1996 and the Environment Protection and Biodiversity Conservation Act 1999.

(4) My joint media release with the Treasurer of 13 May 2002 detailing the Government's response to the Productivity Commission's final report on Price Regulation of Airport Services continues to be available on the Government's Internet site.

(5) In the two month period following the Government's response, three written complaints were received concerning the arrangements that apply from 1 July 2002. Correspondence supporting the arrangements was also received.

Crimes (Foreign Incursions and Recruitment) Act 1978 (Question No. 482)

Mr Leo McLeay asked the Attorney-General, upon notice, on 6 June 2002:

(1) How many prosecutions have been launched under the Crimes (Foreign Incursions and Recruitment) Act.

(2) Who was prosecuted and why.

(3) Which of these prosecutions resulted in convictions.

Mr Williams—The answer to the honourable member’s question is as follows:

(1) The office of the Commonwealth Director of Public Prosecutions ('CDPP') have records of, or references to, 31 prosecutions under the Crimes (Foreign Incursions and Recruitment) Act 1978 (the Act) since 1981. Files prior to the commencement of the CDPP may have been destroyed and hence, this figure is derived from the available records of the CDPP.

(2) It would be inappropiate for me to detail who was prosecuted, taking into account both privacy issues and the possibility that convictions may now be spent. Section 85ZV of the Crimes Act 1914 provides that if a person’s conviction is spent that person is not required to disclose to any person the fact that they have been charged with, or convicted of, an offence. If an adult is convicted of a Commonwealth offence and sentenced for a period of 30 months or less, that conviction is spent after 10 years. The CDPP has records of, or references to, the following prosecutions under the Act.

In 1981, one person was convicted under paragraph 7(1)(c) (being present at a training assembly with intent to drill or train). Prosecutions were commenced against 12 persons under paragraph 7(1)(d) (being present with the intent to train) but all 12 were either found not guilty or the jury could not reach a verdict.
In 1984, three persons were convicted under paragraphs 7(1)(a) (committing preparatory acts to the commission of an offence), 7(1)(f) (receiving money or goods with intent to support or promote the commission of an offence) and 8 (recruiting to an association banned under subsection 6(3)). Prosecutions were commenced but discontinued under paragraph 7(1)(a) against a further three persons.

In 1985, prosecutions were commenced but discontinued against four persons under section 6 (entering a foreign State with the intent of engaging in hostile activities).

In 1987, a prosecution was commenced but discontinued against one person under paragraphs 6(1)(a)&(b) (entering a foreign State with intent to engage in or participate in hostile activities). Another prosecution was commenced and quashed on appeal against a person under paragraphs 7(1)(e) (committing an act preparatory to the commission of a section 6 offence) and 9(1)(a) (recruiting to serve in or with an armed force in a foreign State).

In 1988, one person was convicted under paragraph 7(1)(a) (committing preparatory acts to the commission of an offence).

In 1989, one prosecution was commenced but discontinued under paragraph 7(1)(b) (accumulating weapons with the intention of committing an offence under s. 6).

In 1991, one person was convicted under paragraph 7(1)(b) (stockpiling weapons and munitions) but was found not guilty of the charges under paragraph 7(1)(a) (doing any act preparatory to the commission of a section 6 offence). This person was later committed for trial on a separate charge under paragraph 7(1)(b) but the prosecution was discontinued.

In 1996, one person was convicted under paragraph 7(1)(a) (doing an act preparatory to the commission of a section 6 offence).

In 1998, two persons were convicted under paragraph 7(1)(b) (stockpiling arms).

(3) Of the 32 charges made under the Act between 1981 - 2002, ten resulted in convictions, as outlined above. One of these ten was quashed on appeal.

**Health: Magnetic Resonance Imaging**

(Question No. 507)

Ms Jackson asked the Minister representing the Minister for Health and Ageing, upon notice, on 17 June 2002:

(1) Are sick children in WA a priority area of need.

(2) Should sick children be able to access Magnetic Resonance Imaging (MRI) diagnostic technology at the State’s only children’s hospital, Princess Margaret Hospital (PMH).

(3) Is the Minister aware that a WA charity telethon will meet the operating cost for the first year of the MRI purchased by the WA Government for PMH.

(4) Is it a fact that the WA public health system has not received an MRI licence for over nine years, if so, when was the last licence granted.

(5) Will the Minister approve a Medicare licence for the operation of an MRI machine at PMH, if so when.

Mr Andrews—The Minister for Health and Ageing has provided the following answer to the honourable member’s question:

(1) The Government is committed to supporting fair and equitable Medicare access to MRI for all Australians, including children. The independent committee that assesses the need for MRI units, the MRI Monitoring and Evaluation Group (MEG), has advised that children aged up to 14 years in Western Australia receive scans paid for by Medicare at a rate almost 10 per cent higher than the national average.

(2) The provision of appropriate diagnostic imaging services at public hospitals, including MRI services, is a State Government responsibility. The Commonwealth is pleased that the Western Australian Government has allocated funding to install a MRI unit at Princess Margaret Hospital and has accepted a Commonwealth grant of $500,000 towards the cost of this unit.

(3) I am aware of press reports to this effect. State Governments are responsible for meeting the costs of MRI services for public in-patients and how they raise this funding is a matter for them to determine.
(4) No. Over that period, two public hospitals in Western Australia have become eligible to provide MRI services under Medicare. In September 1998 Medicare eligibility was granted to a mix of public and private machines already operational or in the process of being installed, including the two public hospitals in Western Australia.

(5) While the MEG has identified some areas across Australia for further close examination, Perth is not one of these and is not considered as a high relative priority for additional Medicare eligible MRI units. I will not therefore approve a licence for Princess Margaret Hospital at this time. However, the Western Australian Government has accepted a grant of $500,000 from the Commonwealth towards the establishment of a MRI unit at Princess Margaret Hospital, on the condition that it is ineligible, for the purposes of Medicare, for two years.

Health: Medicare Safety Net Threshold
(Question No. 515)

Mr Jenkins asked the Minister representing the Minister for Health and Ageing, upon notice, on 17 June 2002:

(1) What was the total number of individuals that have reached the Medicare Safety Net Threshold during (a) 1998-99, (b) 1999-2000, (c) 2000-2001 in (i) Victoria, (ii) the electoral division of Scullin and (iii) the postcode areas of (A) 3074, (B) 3075, (C) 3076, (D) 3082, (E) 3083, (F) 3087, (G) 3088, (H) 3089, (I) 3090, (J) 3091 and (K) 3752.

(2) What was the total number of families that have reached the Medicare Safety Net Threshold during (a) 1998-99, (b) 1999-2000, (c) 2000-2001 in (i) Victoria, (ii) the electoral division of Scullin and (iii) the postcode areas of (A) 3074, (B) 3075, (C) 3076, (D) 3082, (E) 3083, (F) 3087, (G) 3088, (H) 3089, (I) 3090, (J) 3091 and (K) 3752.

(3) What was the total number of families that have registered for the Medicare Safety Net.

Mr Andrews—the Minister for Health and Ageing has provided the following answer to the honourable member’s question:

(1) The total number of individuals that reached the Medicare Safety Net Threshold during 1998-1999, 1999-2000 and 2000-2001 was:

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Health Insurance Commission (HIC) does not collect data on a Parliamentary Electoral boundaries basis, however, the postcodes identified below are those generally associated with the Electorate of Scullin.

(2) The total number of families that reached the Medicare Safety Net Threshold during 1998-1999, 1999-2000 and 2000-2001 was:

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Tuesday, 20 August 2002

(3) The total number of families that registered for the Medicare Safety Net during 1998-1999, 1999-2000 and 2000-2001 was:

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<td>6</td>
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</table>

In accordance with the Health Insurance Act 1973, for Medicare Safety Net purposes a family may consist of:

- a couple legally married and not separated, or a man and woman in a de facto relationship; or
- a couple legally married and not separated, or a man and a woman in a de facto relationship with any dependent children; or
- a single person with any dependent children (a dependent child is a child under 16 years of age, or a full-time student under 25 years of age that is supported).

Individuals do not have to register for the Medicare Safety Net as Medicare does this automatically.

**Health: Pharmaceutical Benefits Scheme Safety Net Threshold**

(Question No. 516)

Mr Jenkins asked the Minister representing the Minister for Health and Ageing, upon notice, on 17 June 2002:

1. What was the total number of individuals that have reached the PBS Safety Net Threshold during (a) 1998-99, (b) 1999-2000 and (c) 2000-2001 in (i) Victoria, (ii) the electoral division of Scullin and (iii) the postcode areas of (A) 3074, (B) 3075, (C) 3076, (D) 3082, (E) 3083, (F) 3087, (G) 3088, (H) 3089, (I) 3090, (J) 3091 and (K) 3752.

2. What was the total number of families that have reached the PBS Safety Net Threshold during (a) 1998-99, (b) 1999-2000 and (c) 2000-2001 in (i) Victoria, (ii) the electoral division of Scullin and (iii) the postcode areas of (A) 3074, (B) 3075, (C) 3076, (D) 3082, (E) 3083, (F) 3087, (G) 3088, (H) 3089, (I) 3090, (J) 3091 and (K) 3752.

Mr Andrews—The Minister for Health and Ageing has provided the following answer to the honourable member’s question:
(1) The total number of individuals that reached the Pharmaceutical Benefits Scheme (PBS) Safety Net Threshold and were issued a Safety Net Card during 1998-1999, 1999-2000 and 2000-2001 was:

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Health Insurance Commission (HIC) does not collect data on a Parliamentary Electoral boundaries basis, however, the postcodes identified below are those generally associated with the Electorate of Scullin.

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In the above table, an individual is considered to be every person covered by a Safety Net Entitlement Card.

(2) The total number of families that reached the PBS Safety Net Threshold and were issued a Safety Net Card during 1998-1999, 1999-2000 and 2000-2001 was:

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In the above table, an individual is considered to be every person covered by a Safety Net Entitlement Card. A family is considered to be the number of Safety Net Entitlement Cards issued (not including a replacement/duplicate card).

A single person reaching the PBS Safety Net Threshold would count as one individual and one family.

A couple, who combined reach the PBS Safety Net Threshold would count as two individuals and one family.

A family of four who combined reach the PBS Safety Net Threshold would count as four individuals and one family.

Health: Pharmaceutical Benefits Scheme Safety Net Threshold

(1) What was the total number of individuals with a Safety Net Concession Card during (a) 1998-99, (b) 1999-2000 and (c) 2000-2001 in (i) Victoria, (ii) the electoral division of Scullin and (iii) the...
postcode areas of (A) 3074, (B) 3075, (C) 3076, (D) 3082, (E) 3083, (F) 3087, (G) 3088, (H) 3089, (I) 3090, (J) 3091 and (K) 3752.

(2) What was the total number of families with a Safety Net Concession Card during (a) 1998-99, (b) 1999-2000 and (c) 2000-2001 in (i) Victoria, (ii) the electoral division of Scullin and (iii) the postcode areas of (A) 3074, (B) 3075, (C) 3076, (D) 3082, (E) 3083, (F) 3087, (G) 3088, (H) 3089, (I) 3090, (J) 3091 and (K) 3752.

Mr Andrews—The Minister for Health and Ageing has provided the following answer to the honourable member’s question:

(1) The total number of individuals with a Pharmaceutical Benefits Scheme (PBS) Safety Net Concession Card during 1998-1999, 1999-2000 and 2000-2001 was:

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In the above table, an individual is considered to be every person covered by a Safety Net Entitlement Card. A family is considered to be the number of Safety Net Entitlement Cards issued (not including a replacement/duplicate card).

(2) The total number of families with a PBS Safety Net Concession Card during 1998-1999, 1999-2000 and 2000-2001 was:

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In the above table, an individual is considered to be every person covered by a Safety Net Entitlement Card. A family is considered to be the number of Safety Net Entitlement Cards issued (not including a replacement/duplicate card).

A single person reaching the PBS Safety Net Threshold would count as one individual and one family.

A couple, who combined reach the PBS Safety Net Threshold would count as two individuals and one family.

A family of four who combined reach the PBS Safety Net Threshold would count as four individuals and one family.
Health: Pharmaceutical Benefits Scheme Safety Net Threshold
(Question No. 518)

Mr Jenkins asked the Minister representing the Minister for Health and Ageing, upon notice, on 17 June 2002:

(1) What was the total number of individuals with a Safety Net Entitlement Card during (a) 1998-99, (b) 1999-2000 and (c) 2000-2001 in (i) Victoria, (ii) the electoral division of Scullin and (iii) the postcode areas of (A) 3074, (B) 3075, (C) 3076, (D) 3082, (E) 3083, (F) 3087, (G) 3088, (H) 3089, (I) 3090, (J) 3091 and (K) 3752.

(2) What was the total number of families with a Safety Net Entitlement Card during (a) 1998-99, (b) 1999-2000 and (c) 2000-2001 in (i) Victoria, (ii) the electoral division of Scullin and (iii) the postcode areas of (A) 3074, (B) 3075, (C) 3076, (D) 3082, (E) 3083, (F) 3087, (G) 3088, (H) 3089, (I) 3090, (J) 3091 and (K) 3752.

Mr Andrews—The Minister for Health and Ageing has provided the following answer to the honourable member’s question:

(1) The total number of individuals with a Safety Net Entitlement Card during 1998-1999, 1999-2000 and 2000-2001 was:

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Health Insurance Commission (HIC) does not collect data on a Parliamentary Electoral boundaries basis, however, the postcodes identified below are those generally associated with the Electorate of Scullin.

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<thead>
<tr>
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<tr>
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<td>139</td>
<td>158</td>
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</table>

In the above table, an individual is considered to be every person covered by a Safety Net Entitlement Card.

(2) The total number of families with a Safety Net Entitlement Card during 1998-1999, 1999-2000 and 2000-2001 was:

<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td>Victoria</td>
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<td>Scullin</td>
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</tr>
</tbody>
</table>

HIC does not collect data on a Parliamentary Electoral boundaries basis, however, the postcodes identified below are those generally associated with the Electorate of Scullin.

<table>
<thead>
<tr>
<th></th>
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<td>3075</td>
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<tr>
<td>3752</td>
<td>96</td>
<td>98</td>
<td>115</td>
</tr>
</tbody>
</table>
In the above table, an individual is considered to be every person covered by a Safety Net Entitlement Card. A family is considered to be the number of Safety Net Entitlement Cards issued (not including a replacement/duplicate card).

A single person reaching the Pharmaceutical Benefits Scheme (PBS) Safety Net Threshold would count as one individual and one family.

A couple, who combined reach the PBS Safety Net Threshold would count as two individuals and one family.

A family of four who combined reach the PBS Safety Net Threshold would count as four individuals and one family.

Pharmacists record the supply of PBS and Repatriation Pharmaceutical Benefits Scheme (RPBS) items on a patient’s Prescription Record Form (ie. private prescriptions do not count towards the Safety Net).

It is the patient’s responsibility to maintain a record of their spending and ask their pharmacist for a Safety Net Entitlement Card when they reach the threshold. HIC does not maintain records of individual and or family spending for Safety Net purposes, as HIC has no record of PBS/RPBS items under the patient contribution amount because they are not claimed from HIC and yet can count towards the Safety Net.

Environment Australia
(Question No. 529)

Mr Murphy asked the Minister for the Environment and Heritage, upon notice, on 18 June 2002:

(1) What were the (a) budgeted and (b) actual expenditures of Environment Australia in its border protection functions during the 38th and 39th Commonwealth Parliaments.

(2) Have cost cutting measures implemented during the 38th and 39th Parliaments impacted upon border protection activities of Environment Australia; if not, has it been able to maintain or enhance its pre-38th Parliament service and operational strength.

Dr Kemp—The answer to the honourable member’s question is as follows:

(1) Environment Australia does not provide border protection functions.

(2) Not relevant, please see answer to question 1.

Arts: Film Classification
(Question No. 553)

Ms Vamvakinou asked the Attorney-General, upon notice, on 18 June 2002:

(1) What is the (a) number and (b) percentage of film previews in (i) 1996, (ii) 1997, (iii) 1998, (iv) 1999, (v) 2000 and (vi) 2001 that are screened in Australian cinemas without classification.

(2) What is the (a) number and (b) percentage of film previews in (i) 1996, (ii) 1997, (iii) 1998, (iv) 1999, (v) 2000 and (vi) 2001 that are screened on (A) television, (B) rental videos and (C) DVDs without classification.

Mr Williams—The answer to the honourable member’s question is as follows:

(1) and (2) The Classification (Publications, Films and Computer Games) Act 1995 does not require film previews to be submitted for classification. As a result the Office of Film and Literature Classification (OFLC) does not record the numbers and percentages of unclassified film previews screened in Australian cinemas, on television, rental videos and DVDs.

The Act does contain provisions which would allow the Classification Board to approve an advertisement for a classified or unclassified film. The Act also provides that a film (which includes videos and DVDs) cannot be classified if it contains an advertisement for a film that has not been classified unless the advertisement is contained in an imported film which is in a form that cannot be modified and the advertised film has not been published in Australia.

Regional Australia: Newstead Community Task Force
(Question No. 558)

Mr Gibbons asked the Minister for Regional Services, Territories and Local Government, upon notice, on 19 June 2002:
(1) Is he aware of the considerable anger expressed by the Newstead community as a result of his decision not to approve the Newstead Community Task Force (NCTF) application for funding for a rural transaction centre.

(2) Did a case officer from his department inform the NCTF that because of the quality of the application she wanted to prepare a thorough supporting case, to do justice to the proposal.

(3) Did he cite Centrelink’s decision not to be included as one of the reasons for not approving the application; if so, is he aware that Centrelink in Castlemaine has withdrawn its one-day per week presence and now relies totally on video conferencing facilities for clients from the region to access Centrelink officers in Bendigo.

(4) Is he also aware that his predecessor told NCTF representatives at a meeting regarding the application in Newstead during the 2001 election campaign not to worry.

(5) Is this an example of saying one thing before an election and doing the opposite afterwards.

Mr Tuckey—The answer to the honourable member’s question is as follows:

(1) The Newstead Community Taskforce has written a number of letters to me and my Department expressing disappointment in the decision not to fund the Newstead Rural Transaction Centre (RTC). Senior Officers from my Department met with the Newstead community on 8 July 2002 to clarify issues and to hear the community’s concerns. The application is being re-visited following clarification at the meeting.

(2) I am advised that no officer from my Department has made such comments to the Newstead Community Taskforce.

(3) The decision not to support the Newstead RTC application was based partly on advice from Centrelink that it would not support Centrelink services in Newstead. Recent advice from Centrelink on 16 July 2002 indicates that Centrelink will now support a Centrelink Access Point in Newstead. Other recent advice from Centrelink is that the Castlemaine service has not closed, but has in fact been upgraded.

(4) I am advised that my predecessor Senator Ian Macdonald spoke with Newstead Community Taskforce representatives in late 2001, but I am not aware of any commitment being made.

(5) The decision not to support the Newstead RTC application was made following advice from the independent RTC Programme Advisory Panel and my Department.

Immigration: Integrated Humanitarian Settlement Strategy

(Question No. 561)

Mr Laurie Ferguson the Minister for Citizenship and Multicultural Affairs, upon notice, on 20 June 2002:

(1) Under the Integrated Humanitarian Settlement Strategy (IHSS), what is the full extent of assistance that is available to refugee and humanitarian entrants granted permanent residence who have not been sponsored by a friend or relative.

(2) Under the IHSS, what is the full extent of assistance that is available to refugee and humanitarian entrants granted permanent residence who have been sponsored by a friend or relative.

(3) Under the IHSS, what is the full extent of assistance available to refugee and humanitarian entrants who have been granted a temporary protection visa.

(4) Has the Government commissioned any recent research that compares and contrasts the initial settlement experience of the 3 groups referred to in parts (1) to (3); if so, what are the details and findings of such research; if not, will the Government commission such research.

(5) Have migrant welfare agencies expressed concern as to whether some sponsors are themselves sufficiently informed about the eligibility requirements and procedures for Federal, State and local government programs to properly assist with the settlement of sponsored humanitarian migrants; if so, what measures has the Government adopted to respond to these concerns.

(6) Has the Government’s Refugee Resettlement Advisory Council recommended to the Government the extension of additional settlement services to any of the 3 groups referred to in parts (1) to (3); if so, what are the details of the Council’s recommendations and the action, if any, taken by the Government in response.
Mr Hardgrave—The answer to the honourable member’s question is as follows:

(1) Resettled refugee and other humanitarian entrants who have not been sponsored by a friend or relative are entitled to the full range of services under the IHSS, including: Initial Information and Orientation Assistance; Accommodation Support; Household Formation Support; Early Health Assessment and Intervention and Community Support for Refugees, which is provided by volunteer community groups.

(2) Under the IHSS, resettled refugee and other humanitarian entrants who have been sponsored by a friend or relative are entitled to Household Formation Support and the Early Health Assessment and Intervention service. The IHSS also provides their sponsors with assistance through the Proposer Support service. This service supports proposers to fulfil their role of assisting entrants to settle. This service includes access to entrant pre-arrival information and a post-arrival “help” service through which further information and guidance are available. If the Department of Immigration and Multicultural and Indigenous Affairs determines that the proposer/entrant relationship has broken down following the entrant’s arrival in Australia, the entrant can be referred for the full range of IHSS services detailed at (1).

(3) Under the IHSS, Temporary Protection Visa holders are entitled to assistance from the Early Health Assessment and Intervention service.

(4) An evaluation of the IHSS is to be conducted in 2002-2003 with findings to be available by mid 2003. The evaluation will include research into how effective the IHSS is in meeting the initial settlement needs of its clients.

(5) It was in response to such concerns that in developing the IHSS, the Proposer Support service was introduced to provide assistance to sponsors of humanitarian entrants in fulfilling their role.

(6) The Government’s Refugee Resettlement Advisory Council has not made such a recommendation.

Veterans: Outreach Programs in Queensland
(Question No. 569)

Mr Bevis asked the Minister for Veterans’ Affairs, upon notice, on 24 June 2002:

(1) Since the beginning of 2001, how many site visits or information seminars have been conducted under the Department’s outreach program for veterans within each federal electoral division in Queensland.

(2) For each visit or seminar, who was provided with prior advice of the visit, from either her Department or office.

(3) What, if any, guidelines or instructions are in place that requires either her office or her Department to provide prior advice to local members of Parliament or others of these activities.

(4) If such guidelines exist, who is to be informed of these activities.

Mrs Vale—The answer to the honourable member’s question is as follows:

<table>
<thead>
<tr>
<th>Electorate</th>
<th>No.</th>
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<tbody>
<tr>
<td>Blair</td>
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<tr>
<td>Bowman</td>
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<tr>
<td>Capricornia</td>
<td>12</td>
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<td>Dawson</td>
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<tr>
<td>Dickson</td>
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<tr>
<td>Fairfax</td>
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<tr>
<td>Fisher</td>
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<td>Forde</td>
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<tr>
<td>Groom</td>
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<td>Hinkler</td>
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<td>Kennedy</td>
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<tr>
<td>Leichhardt</td>
<td>16</td>
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<td>Lilley</td>
<td>5</td>
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<td>Longman</td>
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<tr>
<td>Maranoa</td>
<td>69</td>
</tr>
</tbody>
</table>
The figures shown in the table above represent visits formally organised and advertised. In addition to these visits, there are many ad-hoc visits arranged through the various Veterans’ Affairs Network (VAN) offices, Vietnam Veterans Counselling Service (VVCS) projects and other sections of the Department of Veterans’ Affairs. These activities are designed to meet both specific requests by, and the needs of, local communities. Such visits would be generally informally arranged and advertised in various ways.

(2), (3) and (4)

No specific guidelines have been established, however, at the beginning of each month, some parliamentarians in Queensland have been provided with a copy of the Department of Veterans’ Affairs Outreach Program for the following month and some were advised of scheduled visits.

In addition to this, all Ex-Service Organisations (ESOs) in the areas to be visited are notified prior to the visit so they can alert their members. This also extends to veterans and partner groups and other community agencies associated with the departmental service delivery.

Paid advertisements detailing visits are placed in the local press. Local radio stations and local community newspapers including ESO magazines are advised of visits and are requested to inform listeners and readers.

Mail outs to known veterans, partners and sons and daughters are made from time to time to advise them of special program events.

**Aviation: Second Sydney Airport**

(Question No. 573)

Mr Murphy asked the Minister for Transport and Regional Services, upon notice, on 24 June 2002:

(1) Has his attention been drawn to a report by Jason Koutsoukis titled ‘No need for second airport’ which appeared on page 4 of the Australian Financial Review on 20 June 2002.

(2) Does the Government agree with the Deutsche Bank-led Gateway consortium bidding for Sydney Airport that the need for a second Sydney airport could be avoided for another 40 years; if so, why; if not, when will Sydney need a second airport.

(3) Does the Government agree that the 40-year extension was the trump card in the Gateway bid; if so, why; if not, why not.

(4) Could the construction of a second airport at Badgerys Creek be delayed until 2040 if a better slot management system was adopted; if so, why; if not, why not.

(5) Could a better slot management system be achieved by implementing an incentive system to airlines to travel outside the Sydney Airports peak periods between the hours of 7am to 9am and 5pm to 7pm; if so, why; if not, why not.

(6) Is he able to say whether the National Party has always maintained that Sydney (Kingsford-Smith) Airport could be better managed to accommodate traffic and that the necessity for another airport was never really there; if so, does the Government share this view; if so, why; if not, why not.

(7) Can aircraft noise associated with Sydney Airport be reduced if the Gateway consortium became the successful bidder for the lease of Sydney Airport; if so, how.

Mr Anderson—The answer to the honourable member’s question is as follows:

(1) Yes.

(2) and (3) Sydney Airport has been sold to Southern Cross Airports Corporation. The views of other bidders on the future need for a second major airport for Sydney are therefore no longer relevant. See also answer (6) below.

(4) The Slot Management Scheme at Sydney Airport is based on a planning cap of 80 aircraft movements per hour, which is enshrined in legislation. The capacity of Sydney Airport and, ultimately,
the need for a second Sydney airport, will be dependent on the ability of airlines to accommodate growing passenger demand within the constraint of the hourly cap and other existing measures including the curfew and the Government’s guarantee of continued access by regional airlines.

(5) Measures to influence the preferred departure and arrival times throughout the day for air passengers would be a commercial matter for airlines and the airport operator and would not be dependent on changes to the Slot Management Scheme.

(6) The Government concluded in December 2000 that Sydney Airport would be able to handle air traffic demand until the end of the decade and that it would be premature to build a second major airport. The Government will further review Sydney’s airport needs in 2005.

(7) The new owner of Sydney Airport is Southern Cross Airports Corporation.

Newcastle Electorate: Job Network
(Question No. 577)

Ms Grierson asked the Minister for Employment Services, upon notice, on 24 June 2002:

(1) How many people are receiving Intensive Assistance via Job Network in the electoral division of Newcastle?

(2) How many unemployed people in Newcastle have received Intensive Assistance since the introduction of Job Network on 1 May 1998?

(3) What is the total sum of funding support received by Job Network members in the electoral division of Newcastle for Intensive Assistance and what is the breakdown of this figure for each of the Job Network members?

(4) What have been the employment outcomes for people on Intensive Assistance in Newcastle since 1998?

(5) How many of these employment outcomes have resulted in (a) full time work, (b) part-time work, (c) casual work, (d) seasonal work or (e) contract work?

(6) How long have these people remained employed in these positions?

(7) How many people receiving Intensive Assistance in Newcastle have entered into traineeships or apprenticeships?

(8) What processes are in place to ensure that Job Network members are accountable for the Commonwealth funds they receive?

(9) Have Job Network members refused to reveal any details of the funds they receive from the Commonwealth for placing job seekers into employment; if so, how can job seekers be assured that Job Network members are providing the full range of services that they are entitled to receive?

Mr Brough—The answer to the honourable member’s question is as follows:

(1) There were 2,169 job seekers receiving Intensive Assistance at 30 June 2002 in the electoral division of Newcastle.

(2) A total of 11,226 job seekers have participated in Intensive Assistance between 1 May 1998 and 30 June 2002.

(3) Fees totalling $21,100,000 have been paid to Job Network members providing Intensive Assistance in the electoral division of Newcastle, to end May 2002. Details of payments to individual Job Network members are commercial in confidence.

(4) Post Programme Monitoring data show that of those Intensive Assistance participants leaving assistance between May 1998 and December 2001, around 33 percent were in employment 3 months later.

(5) Post Programme Monitoring data show that 12 percent of former Intensive Assistance participants are in full-time work with an additional 21 percent in part-time work. Of these former Intensive Assistance participants: 19 percent were in permanent employment; 70 percent were in temporary, seasonal or casual employment; and 10 percent were self-employed.

(6) These data are not currently available.
(7) There are 156 people who have participated in Intensive Assistance in Newcastle who have entered into a traineeship or apprenticeship.

(8) A range of governance procedures were introduced with the establishment of Job Network. These included the Code of Conduct and compliance and performance monitoring arrangements.

The Code of Conduct is the central feature of consumer protection under Job Network. The aim of the Code is to produce the best outcomes for job seekers and employers by developing a high-quality, continuously improving service that engenders ethical behaviour. All Job Network members (JNMs) are required to comply with the Code, which forms part of their contract with the Commonwealth. The Code establishes minimum standards of service that all JNMs must provide to job seekers and employers. It requires JNMs to conduct all aspects of their business with integrity and in accordance with high ethical standards and requires that they provide a free and accessible complaints resolution process for job seekers and employers.

The complaints handling process enables the Department to monitor JNMs’ compliance with the Code and work with JNMs to resolve problems and improve service quality.

The Department has a network of contract managers for Job Network, located in five districts and seven State Offices, overseen by National Office. Contract managers monitor JNMs contract compliance and play an important role in performance management through scheduled and ad hoc visits, performance reviews, on-going desk monitoring and Quality Audits.

Quality Audits are triggered where a JNM has received significant complaints. These audits enable a full analysis of the JNM’s service practices and can involve activities such as job seeker satisfaction surveys, site visits, file assessments and complaints analysis.

During 2001, the Department put in place additional mechanisms to strengthen the integrity of Job Network and ensure accountability.

An Integrity Strategy was introduced to monitor emerging business practices within Job Network which may compromise Commonwealth funds. The Integrity Strategy aims to ensure that the interests of the job seekers are best served and that decisions made by Job Network members put the needs of employers and job seekers before their own financial gain or any other benefit.

The Integrity Committee (now Ethics Subcommittee) and the Employment Risk Management Subcommittee were established within the Department as part of this Strategy as forums to improve the management structure for effective dealing with emerging risk and ambiguous business practices within Job Network.

The Code of Conduct has been strengthened to maintain the reputation and integrity of practices by JNMs.

Policy revisions were introduced to ensure Job Matching and Intensive Assistance employment outcomes are not used unethically by JNMs simply to maximise their fees.

The Department is developing a National Contract Management Framework to monitor business practices and their consequent management more systematically and effectively. For example, this framework includes a strategic plan of contact with JNMs including targeted monitoring visits for compliance checking.

The Department undertakes an investigation and a compliance programme with a local and national presence that provides an independent assurance review function. The main roles include the development and implementation of a national compliance monitoring programme, the investigation of possible fraudulent activity and the recovery of inappropriate payments.

(9) The Department requests information from Job Network members in its regular monitoring of activities including verifying claims to ensure payments are appropriate. Monitoring activities also include perusal of job seeker files for documentation outlining planned activities. No Job Network member has formally refused to supply information requested by the Department during these activities.

If a job seeker feels they are not receiving the assistance they need, there is a complaints process. All complaints are investigated fully by the Department.
Health: Magnetic Resonance Imaging
(Question No. 600)

Dr Lawrence asked the Minister representing the Minister for Health and Ageing, upon notice, on 25 June 2002:

(1) What is the duration of a Medicare licence for a Magnetic Resonance Imaging (MRI) scanner.
(2) Do the licences come up for review periodically.
(3) Can licences be taken from one facility and given to another if clinical needs are greater or if demographics change.
(4) Is Fremantle Hospital the largest public hospital in Australia without a Medicare licence.
(5) How many licences have been granted to public hospitals in the capital cities.
(6) What are the ratios of public and private MRIs to the population in each of the State capitals.
(7) Who are the members of the magnetic resonance monitoring and evaluation group.
(8) How were these members selected.
(9) Are there any members of the group who are radiologists not involved in private practice.

Mr Andrews—The Minister for Health and Ageing has provided the following answer to the honourable member’s question:

(1) There is no specified duration.
(2) No.
(3) No. However, providers can choose to relocate their units, with the exception of a number of units in non-metropolitan areas and the six units selected by tender for specific areas of need last year.
(4) No.
(5) There are a total of 25 Medicare eligible MRI units sited at public hospitals in the Statistical Divisions of the capital cities. The distribution is as follows:

<table>
<thead>
<tr>
<th>Capital City</th>
<th>Number of MRI Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brisbane</td>
<td>2</td>
</tr>
<tr>
<td>Adelaide</td>
<td>2</td>
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<tr>
<td>Hobart</td>
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<tr>
<td>Darwin</td>
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<tr>
<td>Melbourne</td>
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<tr>
<td>Sydney</td>
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<tr>
<td>Canberra</td>
<td>1</td>
</tr>
<tr>
<td>Perth</td>
<td>2</td>
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</tbody>
</table>

(6) Public and private eligible unit-to-population ratios are provided below. However, this information is of little statistical relevance. As Medicare rebates are not payable for public hospital inpatients, it makes little difference whether the units are located in the public or private sector. The ratio of total units to population, while subject to some limitations, is a better indicator of relative access.

<table>
<thead>
<tr>
<th>Capital City</th>
<th>Ratio of Population to total number of MRI units</th>
<th>Ratio of Population per Public MRI unit</th>
<th>Ratio of Population per Private MRI unit</th>
</tr>
</thead>
<tbody>
<tr>
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</tr>
</tbody>
</table>

(7) Professor John Blandford is the Chairperson of the MRI Monitoring and Evaluation Group (MEG). The Group also includes a consumer representative, a State and Territory representative, a health economist, a representative of the Commonwealth Department of Health and Ageing, a
Health Insurance Commission representative and a representative from the Royal Australian and New Zealand College of Radiologists.

(8) The MEG is a ministerially appointed Committee. The previous Minister, Dr Wooldridge, appointed the current members.

(9) There is one radiologist on the MEG who was nominated by the Royal Australian and New Zealand College of Radiologists. I understand that he is involved in private practice.

Aviation: Australiawide Airlines

(Question No. 601)

Mr Martin Ferguson asked the Minister for Transport and Regional Services, upon notice, on 25 June 2002:

(1) From which program will the $5 million to provide assistance to Australiawide Airlines which he announced on 20 June 2002 be drawn.

(2) Is the form of the $5 million a one-off grant, loan, ticket underwriting or some other arrangement.

(3) Over how many years is the grant to be funded and what is the size of the grant each year.

(4) Are there any performance requirements or conditions on the funding; if so, what are they; if not, why not.

(5) Has the company given any guarantees to the Government about levels of service as a condition of the grant; if so, what are they; if not, why not.

Mr Anderson—The answer to the honourable member’s question is as follows:

(1) The Rapid Route Recovery Scheme.

(2) A grant with three separate payments.

(3) One year.

(4) Yes. Payment is conditional on: Australiawide successfully concluding the purchase of Kendell and Hazelton Airlines; and Australiawide continuing to provide air services, for a period of six months, to those regional routes currently solely serviced by Kendell and/or Hazelton.

(5) Yes. See answer to question (4).

Employment: Work for the Dole Outcomes

(Question No. 603)

Mr Kelvin Thomson asked the Minister for Employment Services, upon notice, on 25 June 2002:

Of the (a) 215 Work for Dole activities that have occurred in the electoral division of Wills and (b) 136 Work for Dole activities that have occurred in the electoral division of Deakin, since November 1997, (i) how many people have participated and (ii) how many have been successful in gaining full time employment at completion of (A) three months, (B) six months and (C) twelve months.

Mr Brough—The answer to the honourable member’s question is as follows:

(a) (i) 4037 participants.

(ii) (A) The department’s Post Programme Monitoring (PPM) survey is conducted three months after a job seeker exits a departmental programme. PPM data for participants who exited the Work for the Dole Programme between November 1997 and 31 December 2001 indicates that of the 1105 who responded to the survey, 221 were in education and 375 in employment of which 157 were in full-time employment.

(B) Data is not collected.

(C) Data is not collected.

(b) (i) 2444 participants.

(ii) (A) The department’s Post Programme Monitoring (PPM) survey is conducted three months after a job seeker exits a departmental programme. PPM data for participants who exited the Work for the Dole Programme between November 1997 and 31 December 2001 indi-
cates that of the 266 who responded to the survey, 42 were in education and 93 in employ-ment of which 45 were in full-time employment.

(B) Data is not collected.

(C) Data is not collected.

**Throsby Electorate: Bulk-billing**

(Question No. 613)

**Ms George** asked the Minister representing the Minister for Health and Ageing, upon notice, on 26 June 2002:

(1) How many medical services provided a bulk billing service in the electoral division of Throsby in (a) 1996, (b) 2001 and (c) 2002.

(2) How many medical services were there in the electoral division of Throsby in (a) 1996, (b) 2001 and (c) 2002.

**Mr Andrews**—The Minister for Health and Ageing has provided the following answer to the honourable member’s question:

Information is available on the basis of individual practitioners rather than medical practices. The number of general practitioners and other practitioners (specialists, optometrists, etc.) who provided a bulk-billing service in the electoral division of Throsby in (a) 1996 and (b) 2001 is detailed in the following table:

<table>
<thead>
<tr>
<th>Period</th>
<th>Total Practitioners</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Bulk-billed</td>
</tr>
<tr>
<td>1996</td>
<td>145</td>
</tr>
<tr>
<td>2001</td>
<td>137</td>
</tr>
</tbody>
</table>

Notes

The above statistics relate to providers of services on a ‘fee-for-service’ basis, in the nominated region, for which Medicare benefits were processed by the Health Insurance Commission in the periods in question.

To the extent that some practitioners have more than one active provider number, there will be some multiple counting of practitioners.

In compiling the above statistics, each practitioner was assigned to his/her principal practice postcode in the last quarter of the year, having regard to service volumes.

Medicare statistics are captured at the postcode level. Since some postcodes overlap federal electoral division boundaries, statistics by servicing provider postcode were mapped to electorate using data from the Census of Population and Housing showing the proportion of the population in each postcode in the electoral division in question.

Caution should be exercised in interpreting bulk-billing statistics by electorate of provider. Since the statistics relate to providers of at least one service for which Medicare benefits were paid and there are a large number of relatively low activity providers under Medicare, some of whom move between active and inactive each year, significant variations in the number of practitioners and the number of practitioners bulk-billing can occur from year to year. Similarly, since the statistics on bulk-billing relate to providers of at least one bulk-billed service, volatility can occur in bulk-billing numbers.

In answering the above questions, statistics have not been provided for 2002. Statistics are only available for the March quarter 2002, and due to seasonality, are not indicative of a full year.

**Employment: Work for the Dole Outcomes**

(Question No. 624)

**Mr Danby** asked the Minister for Employment Services, upon notice on, 26 June 2002:

(1) How many Work for the Dole activities have occurred in the electoral division of Melbourne Ports.

(2) How many people have participated in these activities.
(3) How many people have been successful in gaining full-time employment at the completion of (a) three months, (b) six months and (c) twelve months of Work for the Dole placement.

Mr Brough—The answer to the honourable member’s question is as follows:

(1) One hundred and sixty-one Work for the Dole activities have occurred in Melbourne Ports since the programme commenced in November 1997. Some of these activities may have been approved to take place in multiple locations and therefore may be located in more than one electorate.

(2) 3900 participants.

(3) (a) The department’s Post Programme Monitoring (PPM) survey is conducted three months after a job seeker exits a departmental programme. PPM data for participants who exited the Work for the Dole Programme between November 1997 and 31 December 2001 indicates that of the 645 who responded to the survey, 100 were in education and 244 in employment of which 124 were in full-time employment.

(b) Data is not collected.

(c) Data is not collected.

Aviation: Airport Noise Levels
(Question No. 630)

Mr Murphy asked the Minister for Transport and Regional Services, upon notice, on 27 June 2002:

(1) Has his attention been drawn to a statement by the spokesperson for the purchaser of the 99-year lease for Sydney Airport, Southern Cross Consortium, that one major way of reducing aircraft noise associated with Sydney Airport would be by using bigger and more modern aircraft.

(2) Is it the case that the next generation of larger aircraft to fly in and out of Sydney Airport will be required, in the main, to use the North/South runways.

(3) Can he guarantee that, with the forecast growth of air traffic and the introduction of the next generation of larger aircraft, residents to the north of Sydney Airport will experience less aircraft noise over the next decade; if so, how; if not, why not.

Mr Anderson—The answer to the honourable member’s question is as follows:

(1) In a fact sheet issued by Southern Cross Airports Corporation on 25 June 2002, the Corporation stated that it supports the development of measures for noise abatement through advances in aircraft technology, aircraft operations and ground-based noise abatement.

(2) Airbus Industrie has recently briefed the Civil Aviation Safety Authority on performance planning parameters for the A380 aircraft. While the full extent of operational requirements for these new generation aircraft is still being determined, it is understood that Airbus expects that these aircraft will be potentially capable of operating from all runways that are currently used by Boeing 747 aircraft. All runways at Sydney Airport are presently useable by B747 aircraft.

(3) The events of September 11 and the Ansett collapse have resulted in a significant reduction in the number of aircraft movements at Sydney Airport. It is likely to take some time before aircraft movements fully recover to previous levels. The future introduction of larger aircraft at Sydney Airport is expected to have a dampening effect on the rate of increase in aircraft movements. Although the A380 aircraft remains in the development phase and is yet to receive formal noise certification, I am advised that engine manufacturers are being challenged to ensure that the aircraft is capable of meeting tighter noise limits such as those proposed at London Heathrow Airport. The Government remains committed to the Long Term Operating Plan for Sydney Airport and the principle of noise sharing.

Environment: Sydney Basin Airshed
(Question No. 633)

Mr Murphy asked the Minister for the Environment and Heritage, upon notice, on 27 June 2002:
(1) Is there any report known to him that indicates that the presence of the Pacific Ocean at the eastern edge of the Sydney Basin, combined with the existence of weather-related inversion layers, would likely create a pollutant-blocking effect that may cause airborne pollutants to be retained in the Sydney Basin air-shed, thus concentrating and increasing their carcinogenic potential.

(2) Under current legislation, are benzene, toluene and xylene contents in super leaded and unleaded petrol permitted to comprise of up to 5%, 15%, and 15%, respectively, of the total volume; if not, what are the percentages.

(3) In super leaded and unleaded petrol, does benzene exceed one per cent of total fuel composition; if so, what percentage of benzene, toluene and xylene are typically contained in super leaded and unleaded standard fuels.

Dr Kemp—The answer to the honourable member’s question is as follows:

(1) I am aware of several reports addressing air pollution and the effects of inversion layers on the movement of airborne pollutants within the Sydney Basin air-shed. These include the Metropolitan Air Quality Study (1996) prepared by the NSW Environment Protection Authority and the paper “The Urban Atmosphere - Sydney a case study” (1982) edited by J N Carras and G M Johnson, both of the CSIRO. In addition, Dr Robert Hyde from Macquarie University has conducted significant research on Sydney’s atmosphere, with his findings documented in several scientific papers.

These reports help to explain the temperature inversion phenomenon that can exist in the Sydney Basin air-shed, where the normal temperature structure of the atmosphere is reversed (temperature increases rather than decreases with height), resulting in stable atmospheric layers with little mixing of atmospheric constituents. This phenomenon can lead to the trapping of pollutants within the air-shed, combining with the topography and meteorology of the Sydney Basin leading to poor dispersion of air pollutants.

These studies have informed the development of management strategies which have resulted in significant air quality improvements within the Sydney Basin air-shed.

(2) Under current legislation, the levels of benzene, toluene and xylene are indirectly controlled through the petrol standard for aromatics. From 1 January 2002 the maximum level of aromatics allowed is 45% on a pool average basis over 6 months with a cap of 48%. From 1 January 2005, this standard will be tightened to 42% with a cap of 45%.

From 1 January 2006 a standard will apply specifically limiting benzene levels to 1% maximum by volume. Western Australia and Queensland have already introduced benzene standards of 1% and 3.5% respectively. It is not intended to set separate standards for toluene and xylene as these will be controlled through the aromatics limit.

(3) Refinery fuel quality statistics report on aromatic and benzene levels in petrol but do not report on levels of toluene and xylene. Current benzene levels are, on average, around 3% with some refineries reporting maximums of around 5%. Refineries are currently planning strategies to reduce benzene levels to meet the 1% standard by 2006.