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

STATES GRANTS (PRIMARY AND SECONDARY EDUCATION ASSISTANCE) AMENDMENT BILL (No. 2) 2002

First Reading

Bill presented by Dr Nelson, and read a first time.

Second Reading

Dr NELSON (Bradfield—Minister for Education, Science and Training) (9.31 a.m.)—I move:

That this bill be now read a second time.

This bill confirms the government’s commitment to school education and improving the outcomes for all students. On 7 December 2000 this parliament passed the States Grants (Primary and Secondary Education Assistance) Act 2000 (the act), the principal act for the Commonwealth funding for schools for the 2001-04 quadrennium, which included provision for capital funding of government and non-government schools.

This amendment is to provide capital grant funding amounts for government and non-government schools for the years 2005 to 2007.

Specifically, the bill amends schedule 3 and schedule 5 of the act to insert maximum capital grant funding amounts for government and non-government schools for the calendar years 2005, 2006 and 2007.

Schedules 3 and 5 to the act set out funding amounts for the capital grants program, for government and non-government schools respectively, for the period 2001 to 2004.

This amendment is foreshadowed in the act in note 1 to schedule 3 and schedule 5, which states ‘Amounts for 2005, 2006 and 2007 will be inserted by an amending act.’ The bill will permit approval of capital grant funding amounts for future program years beyond the four year funding period 2001-04, extending to the years 2005, 2006 and 2007, in keeping with longstanding program administrative arrangements.

The bill inserts funding figures for the years 2005, 2006 and 2007 for the capital funding of government and non-government schools, thereby providing authority under which I can approve capital projects in government and non-government schools in the out years.

In both the government and non-government sectors planning is now taking place for capital projects in schools in 2005. State governments and non-government block grant authorities which administer the capital grants programs in each of the sectors make recommendations on capital grants. When approved by me or my delegate these could commit Commonwealth funding up to two years in advance of the current program year.

As the planning and approval process for capital projects and capital grants requires long lead times and payment for individual projects can run over a number of years, it is necessary for program administration to provide, in 2002, authority for approval of projects into the 2005 calendar year. In 2003 it will be necessary to approve projects in the 2006 calendar year and in 2004 it will be necessary to provide authority for 2007 projects. I cannot approve projects until the figures for the out years are included in the act, and hence the purpose of the amendment.

In 2002, a number of capital projects that include 2005 funding will be due to commence during the end of year school break. In line with longstanding administrative arrangements, in October this year my department will provide me with a schedule of capital projects for non-government schools. Government school capital project approvals will also require this forward commitment of Commonwealth capital funding.

All individual project assessments and funding recommendations are made by state education departments for government schools and by non-government block grant authorities for non-government schools according to criteria set by the Commonwealth. I then approve recommendations from those bodies.
Over 250 major capital works are funded annually in each of the two sectors as well as more than 1,000 minor works projects.

The bill will appropriate approximately $898 million for capital funding over the three years, 2005, 2006 and 2007. Of this, $667 million is for government school capital works and $231 million is for non-government school capital funding. These amounts are subject to supplementation as prescribed in the act.

In the 2001-04 quadrennium, schools will receive almost $1.3 billion in Commonwealth funding under the capital grants program. Of this funding, $936 million will go to government schools and $357 million to non-government schools. This effectively means that over 72 per cent of the Commonwealth’s capital funding will go to government schools, a sector with 69 per cent of enrolments.

Any delay in funding approval through the non-passage of this bill will cause significant disruption to the building plans for schools in all states and territories in both the government and non-government sectors.

Speedy passage of the bill is necessary to ensure that these important projects for schools are not delayed.

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

Debate (on motion by Dr Lawrence) adjourned.

RESEARCH INVOLVING EMBRYOS AND PROHIBITION OF HUMAN CLONING BILL 2002

Second Reading

Debate resumed from 20 August on motion by Dr Nelson.

That this bill be now read a second time.

Ms PLIBERSEK (Sydney) (9.37 a.m.)—I did begin to speak on the Research Involving Embryos and Prohibition of Human Cloning Bill 2002 last night, but we were interrupted by the adjournment debate. Just recapping the points that I made last night: the major point that has weighed with me in making up my mind in this conscience vote is that the embryos under contention would be destroyed in any case, but using those embryos potentially has the benefit of finding cures or alleviating the symptoms of chronic illnesses. That has been the major point in the way I have made my mind up. In all of the talk of respecting human life, perhaps the best way to respect human life is to gain maximum value from these embryos that are surplus to the IVF program. The IVF participants themselves, who have gone through the painful, difficult process of having eggs extracted, surely have the right to judge what is the best use of those embryos, which are at a very early stage after conception. The potential for medical breakthroughs through embryonic stem cell research is not in conflict with any potential from adult stem cell research; those two avenues of exploration should happen concurrently.

I think everyone in this House agrees that research must be conducted under the strictest ethical guidelines, and certainly this legislation provides better, stricter guidelines than that in the United States—no government money is going into embryonic stem cell research there, but that does not mean that the research is not happening. I think that the regime that we are proposing, which is uniform across the states and uniform between public and private research, provides much better safeguards.

Another concern that has been raised by some people who are involved with IVF is that perhaps the legislation is too strict in one respect, in that it actually prevents all research involving all fresh and frozen embryos produced after 5 April 2002, including the use of embryos for the training of IVF laboratory techniques, quality assurance and the improvement of culture medium. That means that the sort of research that is currently going on to increase live birth rates per treatment cycle will in fact be limited under this legislation. I understand that is a serious concern that people working in the area have expressed. Although I have expressed that concern, I do not think that is enough to make me vote against the legislation.

The truth is that most of the people who have contacted me about the potential for embryonic stem cell research have, when I have asked them, frankly told me that they...
do not support IVF in any case. The sorts of letters I have had about it include one from Mosman—not in my electorate—that says:

If the IVF program had not been allowed years ago then there would not be 70,000 frozen embryos in Australia alone, to use for destructive laboratory experimentation.

This is perhaps the attitude that disappoints me most, because anyone who has known a couple who have gone through the IVF program know the pain and the emotional difficulty of going through such a program, not to mention the expense. The pain of childlessness is what motivates those people. To be talking about the fact that the IVF program itself is wrong really is the height of people trying to impose their own moral values on others. No-one in this country is forced to undergo IVF treatment; it is a completely voluntary thing that people do only after a great deal of consideration and soul-searching. For others in the community to say that those people should have no hope of ever having children, to me, is cruel in the extreme.

I wanted to finish with a couple of thoughts from people who suffer from chronic illnesses. My friend and neighbour, Kirsty, suffers from multiple sclerosis. She said to me, about this debate, that one of the most important things that helps her cope with her illness—which is debilitating, very painful and leads to her spending long periods in hospital, suffering quite painful medical treatment—is the hope that one day a cure might be found; if not for her, then for people who follow her who have the same illness. She feels that an argument to prevent any sort of research that may one day lead to a breakthrough in the cure of her disease is taking that hope away, and that hope is the thing that sustains and motivates her.

I had a similar letter from a constituent of mine, Janene, from Zetland. She is 43 and suffers from multiple sclerosis. She went to a meeting about this issue, where she stated:

Federal Parliament has the job of regulating this important field of research and it should not take away the little hope that people like me have that there is some chance of a cure through this work. She also said that it is important to remember that these ‘excess IVF embryos ... will be destroyed in any case’—that is the main point for her. Again, she makes the point about hope. To take away hope from people like Janene and Kirsty really would be unconscionable.

Mr ABBOTT (Warringah—Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service) (9.44 a.m.)—This is a very significant debate. It is a significant debate for two reasons. First, it is a conscience debate, and that means that the speeches on this bill—unusually for this place—one little, if anything, to the standards of loyalty to party and duty to colleagues. The speeches in this debate reveal the characters not of our parties but of ourselves, and that makes them very important and very special. Second, this debate is not about government policy or about economic management, but it is about the core values of our culture: whether there are some things we cannot do, even in the best of causes, or whether, after all, the end can justify the means. These core values are no less important for being so rarely debated; yet they are the fundamental difference between a society which respects its citizens and one which uses them. They make this debate on the Research Involving Embryos and Prohibition of Human Cloning Bill 2002 one of the most important and most complex that a parliament can have, and that is true of this debate whether it is conducted here or in the Main Committee. This is a debate not about science, not about medicine, not about health, but about life itself and the respect that we accord to our common humanity.

The fundamental fact, the fundamental point, which so many of the speeches here have not grasped, in my view, is that every human being was once an embryo. Mr Speaker, if I may say so, without any lack of respect, you were once an embryo. I was once an embryo. Each of us here was once an embryo. The greatest and the least of us were once no more than collections of cells. I believe that life begins at conception. I believe that any other points that we might choose are essentially arbitrary and uncertain. And I believe that this is a view...
founded not in religion, not in faith, but on the logic of the matter.

Nevertheless, I fully accept that there are some people—who have trouble accepting that the embryo in a test tube, the collection of cells in a test tube, is in some way human. Let me ask them, if I may, to think of this: I believe that it is not necessary for a tadpole to become a frog for those who are concerned with the welfare of frogs to be deeply concerned about the fate of tadpoles. It is an analogy which works for me and I would commend it to those who, for understandable reasons, have some difficulty with the concept that an embryo is human life. At the very least it seems to me that the embryo is worthy of respect. At the very least it seems to me that it cannot be treated with no more respect than a laboratory rat destined to be sacrificed for the sake of science.

We have heard again and again in the course of this debate the argument that, as a result of the IVF process, we have these spare embryos, they are going to be wasted, so why not use them rather than waste them? It is a very commonly held argument and, because it is so widely held, it has to be treated seriously. It is a plausible argument but a dangerous one. The distinction between allowing to die and active killing is at the heart of our moral order. It is one of the fundamental ethical underpinnings of Western civilisation and it was absolutely central to the euthanasia debate which this parliament had just a couple of years ago. It is the distinction at the heart of the euthanasia debate. Taking an embryo out of storage is akin to turning off life support. Deliberately destroying an embryo, for whatever reason, is akin to giving a lethal injection. So I say that it is wrong to destroy embryos because every one of those embryos, under the right conditions, with the addition of nothing more than food and shelter, could become a human being just like us. And if we allow those embryos to be degraded, we degrade our very humanity.

I am very conscious of the cry that we have heard from so many speakers in this debate, from so many people who debate this in the community, that we have a duty to help the sick. Of course we all have a duty to help the sick. But there is a fundamental principle here: you cannot help one person by harming another. And it flows from that that we should not treat embryos as just a source of spare parts for others, no matter how great their need might be. Not for a second do I deny the good intentions and the virtue and the decency and the compassion of the people who are arguing this line that I am opposing. But I have to say that so often in this debate I am reminded of the judgment that Graham Greene attributed to the ‘quiet American’ of his novel: ‘I never knew a man who had such good intentions for all the trouble he caused.’

It seems to me that at least some of the proponents of embryo research are peddling false hope to vulnerable people. They are promoting the myth that it is possible to have a life entirely free from pain and suffering. Would that it were so. But none of us, if we are honest to ourselves and to others, would say that it is. There are huge problems with treatments based on embryonic stem cells. There are the problems of the tumours which seem to be associated with these sorts of treatments. There are the problems of rejection of foreign cells, even embryonic stem cells. But let me make this very clear: even if destroying embryos to harvest their stem cells could create the medical miracles which are now so commonly claimed, I would be against it, because there are some things that we cannot do, no matter how good the cause.

Embryonic research has been sold again and again in this debate and elsewhere as offering hope to those who are vulnerable, to those who are weak, to those who are wretched. I would accept that that is the intention of the proponents. I would accept that that is how this might start, but I doubt very much that that is where it would finish. If you accept that ‘spare’ embryos can be used for research, why not create more of them just in case they might be needed for IVF? They certainly will not be wasted once they are there and, under the Research Involving Embryos and Prohibition of Human Cloning Bill 2002, we will be able to use them for research. Why not create lots of IVF embryos? Why not screen them for
desirable genetic characteristics? We will implant the best and we will do research on the rest. This is the classic slippery slope that Francis Fukuyama, the distinguished American thinker, is warning us against in his latest book, *Our Posthuman Future*. This is the situation that we could easily find ourselves in if this bill is passed in its current form. This is the situation of a classic slippery slope, where one error justifies the next on the grounds of consistency.

Let me discuss some of the points that have been made in this debate in favour of embryo experimentation. It was said by the member for Sydney—the last contributor—that to oppose this bill is in some way to be anti the IVF process. That is certainly not true. Let me simply say to the member for Sydney that there is a world of difference between creating embryos for the purposes of giving life and using embryos for the purposes of research.

We heard the member for Sydney talk about strict safeguards. Let me make the fundamental point: if something is wrong, it cannot be made right by regulating it. Let me make another point: we simply will never know what is going on in someone else’s laboratory. Once a green light is given for this, who knows what moral boundaries are going to be crossed in the name of science, in the name of offering hope to the sick and—most likely—in the name of commercial exploitation of some breakthrough?

This brings me to the next argument which is heard: ‘We must permit embryo experimentation because our scientists are good at it and, if we don’t, we will miss the boat and will lose the opportunities to cash in on billions of dollars worth of potential GDP.’ This is one of the most demeaning arguments that I have heard. Let me again make the fundamental point that if something is wrong, it does not become right simply because there is a dollar in it.

One of the other arguments that has flown around this chamber and around the debate generally is that the opponents of embryonic stem cell research are in some way the victims of theology. We have heard it said out loud and behind the hand, as it were, that there is, if you like, a Catholic conspiracy against progress. Let me say that I do not do anything because the church says so. I support things because I believe them to be right. I support things not because they are Catholic but because they are true. This in fact is a fundamental position of Catholic faith, once expressed pithily by Cardinal Newman, who said words to the effect, ‘If truth and Catholicism conflict, either it is not really true, it is not really Catholic or there is no real conflict.’

People in this debate, here and elsewhere, have said that those who are opposing embryo research are in some way imposing their moral judgment on others. Let me again make the fundamental point that the whole of our law is based ultimately on a series of moral judgments and if moral judgments are in some way impermissible, the whole law ultimately collapses. Who in the end is being more morally aggressive, the person who says that we should not destroy embryos or the person who says that we can destroy embryos? The difference seems to me fundamentally to be that those who say we can destroy embryos are targeting entities who cannot answer back. It seems to me that the real moral coercion is telling IVF parents that their embryos ought to be treated as if they were no more or no greater than just another tissue sample.

We have heard it said by speakers in this debate that the community supports embryonic stem cell research. Of course people support it because few of them have thought about it deeply. Few of them have been forced to think about it by the kind of process which this parliament is going through. They are being told by the scientists, many of whom have commercial interests in this, that it is going to work medical miracles. I would again make the fundamental point that in this chamber we are supposed to be showing leadership, not making excuses. I would remind people of the words of Edmund Burke, who said to the electors of Bristol, ‘I owe you my judgment, not my obedience.’

Let me make a point about the sovereignty of scientists. Some scientists say it is necessary. They would, wouldn’t they, especially those who do have extensive commercial
interests at stake here. I reject the sovereignty of the scientists. I say that this is an ethical question; it is not fundamentally a scientific question. It should be decided by us in this parliament exercising our judgment, not subcontracting our judgment out to any commission of experts.

One of the undercurrents of this debate is its assumed relationship with some other issues which have become untouchables and unmentionables in modern society. An undercurrent of this debate has been how we can prohibit the destruction of two-week-old test-tube embryos, yet limit access to abortion on demand. Let me say that it is possible to draw a distinction between what might be described as an innocent embryo and a foetus which is causing serious inconvenience at least to its mother. Having said that, it is possible to draw that distinction, it is not a distinction that I would choose to stand on. It would be disingenuous of me not to state that the reason I am arguing against the destruction of embryos rather than against the destruction of foetuses is that embryo research is the issue before this House.

I should state that to me abortion is something that I would rather not see. I should also point out that abortion on demand might be the practice, but it is not the law in just about any Australian jurisdiction. I would be reluctant to judge any individual on this matter, because I would be the first to admit that moral values are much easier to proclaim than to live by. But in this debate I think it is worth stating my view that the best that can be said of abortion on demand is that it is a concession to human frailty rather than a badge of liberation.

Let me again say that this debate is fundamentally about the kind of country that we are. I believe that we are better than the kinds of values and instincts which this bill embodies. Do not forget, Mr Speaker, that we are a nation which has led the world in social progress. We were the first country to give votes to women, to put in place a comprehensive welfare system. Back in the 1830s, as the Deputy Prime Minister reminded us, white men were hanged in Australia for the fundamental crime of killing black men. That is the kind of country that we have been; that is the kind of country that we are; that is the kind of country that we should be in the future. I do not believe that Australia should become the world capital of embryo experimentation. I do not believe this is the badge of honour that we should be pinning on ourselves as we advance into the 21st century.

This parliament cannot legislate for virtue and it cannot outlaw sin; nevertheless it should strive to protect the innocent, to uphold the dignity of our common humanity, to help us to become our best selves. This bill should be split. If it cannot be split into its constituent parts, it should be defeated, not just for the sake of embryos but for the sake of our country and for the sake of all of us. If this bill is passed, the question will have to be posed: who and what won’t we use? I do not believe that we are a society that believes in using people. That is why this bill should be split; and, if it cannot be split, it should be defeated.

Ms CORCORAN (Isaacs) (10.03 a.m.)—I want to put on the public record my reasons for voting the way I intend to vote on the Research Involving Embryos and Prohibition of Human Cloning Bill 2002. I think it is important to explain to the people of Isaacs—particularly to those who have taken the time to write, email or talk to me about this issue—how I have arrived at my decision. The legislation is controversial. It touches many people in different ways. Some of my constituents have expressed very strong views in favour of the legislation; others are just as strong in their opposition. I have listened to the arguments put forward by those for and those against, and I am now comfortable and confident that supporting this legislation is the right thing for me to do.

The legislation does two things. It bans human cloning and it allows research on embryos in certain circumstances. I have not heard anyone argue that we should allow human cloning, so I assume that this part of the bill is agreed by most. The contentious part of the bill is, of course, those provisions that deal with research on embryos, and I will focus my remarks on this part of the bill.
For me, my decision comes down to one thing. The bill is concerned with embryos that are developed as part of the IVF program, a program that aims to give parents who cannot conceive naturally the chance to have a family of their own. The embryos in question are those that are no longer wanted by their parents. That is, the parents of these embryos have decided that they do not want these embryos and, importantly, that these embryos are to be destroyed. These parents have decided that, in the process, their embryo may be used for research before it is destroyed.

It is important to note that this bill prohibits the creation of an embryo for any purpose other than achieving pregnancy in a woman. This legislation does not allow the creation of embryos for the purpose of research. I must stress this point: this legislation will apply only to those embryos that come from the IVF program and that are now to be destroyed. The decision to destroy has already been made, and it has been made by the parents of the embryos: it has not been made by a researcher, a scientist or anybody else. This is the crucial point, and one that is missed in many discussions I have heard about the legislation. So now we have an embryo that has been committed to its imminent death. The only question now is whether it will simply die or whether it will die and in the process may contribute to the wellbeing of others. I do not see any choice in this matter. My conscience tells me that it is far better for this human life to contribute to the betterment of our society than for it to die without that opportunity being taken.

I want to make it quite clear that in coming to my decision I am not moved by arguments about when the embryo becomes a human. For me, this is an irrelevant, academic argument. For me the embryo is alive and human and everything else from the moment of its conception. I am also not swayed by the argument that it is important for Australia’s scientific future that this research be allowed to happen. I do not dismiss the validity of this point, but in my mind it does not come into the decision about whether or not to allow the research. In coming to my decision, I am swayed only by the fact that we are dealing with an embryo which is about to die. This is a fact. It is its fate. But at the same time humanity may benefit through research which may find cures for a range of diseases and medical conditions.

There are two other matters that I want to raise in this debate. The first is the need for consistent legislation across Australia. At present, legislation concerned with human cloning and research on embryos does not exist in all parts of Australia, and where it does exist it is inconsistent. It is very important that we have consistent legislation which regulates these important issues and which legislates for a mandatory review of this legislation.

Current Commonwealth legislation bans human cloning and certain experiments involving a combination of human and animal cells. Victoria, Western Australia and South Australia have legislation banning human reproductive cloning and legislation which regulates research on human embryos. This legislation is slightly different from state to state. New South Wales, Tasmania, the Australian Capital Territory and the Northern Territory have no legislation about cloning, and research is subject only to the guidelines issued by the NHMRC. These guidelines are just that and they have no legal force. Queensland is different again and has adopted a Code of Ethical Practice for Biotechnology. It is time for consistency across Australia. This legislation, combined with mirror legislation to be introduced in each of the states and territories, will do just that.

The second point is that it is also important that we do not make decisions now that will be set in concrete forever. Science moves very quickly in this area and decisions taken today based on the best advice available need to be reviewed constantly as our knowledge improves and develops. This legislation also does that. In finishing, I encourage those who have not yet made up their minds on this issue to consider the facts carefully—the facts both for and against this research—and to reject the hysterical and irrelevant arguments that are around. The issue is whether we are prepared to allow embryos that have been committed to an
imminent death to contribute in a real and lasting way to improving our society. I am strongly in support of doing so.

Dr WASHER (Moore) (10.09 a.m.)—It is a pleasure to speak on the Research Involving Embryos and Prohibition of Human Cloning Bill 2002. The essential part of the debate on this bill relates to the use of embryonic stem cells for research purposes. The bill proposes to use surplus IVF embryos in a consensual way for the purpose of research to contribute to healing and saving of lives grievously suffering from diseases which are currently untreatable. The alternative is for these surplus embryos to be thawed and destroyed. For statistical purposes, approximately seven per cent only of donor patients consent to donating their embryos to other infertile couples. The majority of patients, between 50 and 65 per cent, request that their excess frozen embryos be donated to research, including deriving embryonic stem cells. Some IVF clinics believe this percentage to be much greater. The remainder of patients request destruction of their embryos. Embryo donors should be acknowledged by the parliament to have legitimate rights to make these decisions.

Some understanding of the IVF process is necessary to understand and comprehend the circumstances that lead to surplus embryo production. An embryo is normally transferred to the uterus at the 4-cell stage, 48 hours of age; the 8-cell stage, 72 hours of age, or the blastocyst stage, which is five days of age. All these stages require a microscope for human visualisation and very specialised expertise to achieve successful implantation in the uterus. Even in the best hands there is a loss of between 60 and 80 per cent of fertilised embryos because of failure of implantation. The essential factor here is that we should not interfere in any way with proper research or with the teaching of clinicians to improve this statistic. If it is argued that human life begins immediately after fertilisation, it is probable with these figures that IVF could be challenged by some as being ethically unsustainable. This would be a total tragedy for all those infertile couples.

If the same ethical standards were applied to the oral contraceptive pill—which works in three ways: firstly, by reducing sperm penetration of the genital tract; secondly, by reducing frequency of ovulation; and, thirdly, and most importantly for this debate, by preventing implantation of a fertilised ovum—we would question the validity of its use, and certainly the use of the morning after pill. This could bring back the nightmare that my friend the member for Warringah just brought up concerning unnecessary abortions.

I want to emphasise that we are researching embryonic stem cells but we are stuck with the current cloned lines. So the people in this debate who say, ‘We should not do it’ should know that we are already doing it. Using the cloned lines is acknowledged by the government and condoned by the government. The cloned lines were all originally taken from embryos. The problem arises when we use new ones. I want to outline the reasons we need to harvest new embryonic stem cells for research therapy instead of using the current cloned lines. All present embryonic stem cells—because of my husky voice I will call them ES cells—have been made with mouse feeder cells, and the presence of animal cells during derivation and maintenance of the human embryo stem cells would create a major problem for clinical use. The possible transmission of animal viruses and prions like bovine spongiform encephalopathy prevents the use of this material in a safe way. Human ES cells can now be derived without the presence of animal cells. These new stem cell lines will be needed to produce the novel proteins to repair and restore adult stem cells. Very recently a Singaporean cell colony became the first to be grown free of mouse feeder cells, using human cells instead.

Further reasons we need to harvest new embryonic stem cells for research therapy instead of using the current cloned lines are that new ES cell lines will be required from differing genetic backgrounds for research—that is, different cancers and chromosomal abnormalities; new ES cell lines may be needed because of variability in forming certain tissue types; purchase of cell lines
from overseas would be subject to their intellectual property and reduce our scientific competitiveness; major research funding agencies and venture capital investors would invest in a climate where access to new ES cells is utilised—for example, the Australian arm of the Juvenile Diabetes Research Foundation, one of the biggest financial backers of ES cell research, and three commercial companies, Bresagen, ES Cell International and Stem Cell Sciences, would probably exit Australia if this bill is not passed. The research, of course, will continue overseas.

The combination of adult and ES cell expertise is a combination likely to give the best results for therapy. Few credible scientists I have met disagree with that. Embryonic stem cells are immortal, which means that they can be multiplied in the laboratory to produce large numbers of cells. Once the required number of cells has been obtained, they can be directed to form particular types of specialised cells such as heart muscle, nerve, insulin pancreatic cells et cetera.

ES cells do not have the capability to develop back into a viable human embryo. Adult stem cells presently lack the capability to multiply like ES cells and are more difficult to differentiate into the many cell types necessary. Dr Catherine Verfaillie at the University of Minnesota recently found a small number of stem cells in bone marrow that had similar potential to embryonic stem cells to develop into mature cells. Dr Verfaillie acknowledges this work is preliminary and there is an absolute need, she said, to continue ES cell research.

Not all human stem cell lines act the same in research and therapy, and these differences need to be examined. Adult stem cells are currently difficult to find in many organs and currently lack the flexibility of ES cells. We are yet to find cardiac and pancreatic islet adult stem cells. Adult stem cells may contain DNA damage from ageing and environmental degradation, or may contain genetic defects that would not render them useful for transplantation therapy. In acute disorders—disorders we are going to die rapidly from—there may not be enough time to grow the number of cells required for treatment from adult stem cells, as acknowledged by Dr Verfaillie. A particular type of cell from a patient’s bone marrow would take months to develop for the purpose of therapy. The essential question arises: would those who reject this research refuse the benefits to treat themselves or their loved ones?

Barriers to the use of ES stem cells have been proposed because they may create teratomas, when in reality it was from the natural teratomas that occur in ovaries and testes—or human gonads—that initiated the research for ES cells. The other barrier is the question of the necessity of therapeutic cloning. Most scientists do not believe—and I hasten to say, nor do I—that this is essential or sustainable. The alternatives include: (1) The fusion of the patient’s cells with embryonic stem cells to form embryonic stem cell like cells. (2) Chemical introduction of embryonic stem cell cytoplasm into the patient’s cells. These form embryonic stem cell like cells. (3) Isolation and introduction of the proteins from ES cells that induces reprogramming of the patient’s own cells into endocrine stem cell like cells. (4) The induction of ‘tolerance’ to ‘foreign’ cell types by reprogramming the thymus gland thus allowing tissues derived from ES cells to reprogram the thymus to be recognised as self and not be rejected, thus allowing a few dozen ES cell lines to treat all the diseases and injuries that are amenable to stem cell therapy.

ES cells have already proven in animal models to be capable of the development of dopamine-producing neural cells capable of treating Parkinson’s disease, repairing spinal cord damage in animal models and producing insulin-releasing pancreatic cells. There is no doubt that the pursuit of both adult and ES cells will allow the greatest opportunities necessary to alleviate human suffering and disease. I have witnessed incredible claims of proven treatment of multiple diseases using only adult stem cells. To the best of my knowledge—and according to all the scientists I have consulted—only leukaemia, lymphoma and a few rare immune diseases, all blood related, have been treated successfully using adult stem cells alone. Naturally, there is the expectation that the authors of such claims provide to the parliament the sources and references. The motto
Mr MARTIN FERGUSON (Batman) (10.22 a.m.)—As I think the House appreciates, this debate on the Research Involving Embryos and Prohibition of Human Cloning Bill 2002 is extremely important. If anything can put the importance of this debate in context, it is a statement made by the Leader of the Opposition, Simon Crean, when he appeared earlier this week with the New South Wales Premier, Bob Carr. Their joint media release of 19 August states:

This week we begin debating legislation which will make Australia a world leader in regulating and advancing a potentially lifesaving area of medical research—stem cell research.

I think this statement highlights the crux of the debate today. This debate requires that we apply cool heads and a recognition that not everyone will agree with the outcome of the parliament’s conscience vote. I commend the decision of the opposition leader, Simon Crean, to lead by providing the opportunity for those participating in this debate to exercise a conscience vote. Having said that, I do understand that personal views do not allow some of my colleagues to vote in support of embryonic stem cell research. My comments in the House today are in no way a personal reflection on their decision, but I do urge my fellow members to look at the issue of research involving embryos as an issue of not only morality or social conscience for also potentially life-saving medical research.

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As we all appreciate, Australia is already developing a reputation of being at the forefront of medical research. It is something that we have prided ourselves on as a nation and it has enabled us to hold our heads up high internationally. I believe that the passing of this legislation will ensure that Australia retains its place as a world leader in regulating and advancing biomedical research. I believe that we should approach the issue of biomedial research in the same way as we pride ourselves in the international sporting field and in our endeavours to attract investment in manufacturing, scientific research and the services sectors to create jobs. We should not be ashamed of the fact that we actually want to lead the world in pursuing research which has the capacity to assist our fellow human beings in not only Australia but also less well-off countries.

I believe that without this legislation Australia’s lead in stem cell research for therapeutic purposes would be lost to overseas interests. As I have already stated, stem cell research is potentially life-saving research. It has the very real potential to provide the key to unlock the door on the vast number of diseases and illnesses that continue to baffle the scientists of today. The passing of this legislation is our best hope for finding these breakthroughs and these keys. Without the ability to undertake stem cell research, we will be forever wondering if we were just a fraction away from unlocking these doors.

Further, the flow-on benefits to our nation in terms of health and welfare are immense. The potential is clearly there for significant life-saving and life-enhancing developments in the treatment of cell based diseases such as Alzheimer’s disease, Parkinson’s disease, heart disease and juvenile diabetes. We should not forget the impact that these diseases which plague some of our fellow citizens have on those who care for them on a day-to-day basis. Those diseases affect not only the individual who suffers from them but also the immediate family and the community. They actually restrict life opportunities for those people who care for sufferers of these diseases. In essence, the disease becomes a cross for life for some of the immediate family of those who have the responsibility of caring for people suffering from these diseases. So I believe that the medical research and the potential breakthroughs will benefit not only the people immediately affected by the diseases but also their loved ones who accept the responsibility for caring for them. That is sometimes lost in these debates. We tend to focus on the people who have the disease rather than on the extended network of people who have to accept responsibility for looking after them.

In that context, imagine if we had the ability to replace faulty cells—those causing unnecessary pain and suffering—with healthy ones. I do believe that the benefits of improved quality of life, the potential for a
lifelong cure for cell based diseases, and the subsequent community benefits, are central to the debate we are having today. Scientists also recognise that stem cell research gives us, in association with these important health implications, a unique insight into the earlier stages of foetal development. It gives scientists the ability to study the as yet unknown cellular events that cause birth defects. For this reason, we must look beyond the advantages gained from research on adult stem cells and allow further groundbreaking study into both embryonic and adult stem cells.

We must remember, however, that the cure for diseases will not be instantaneous. Even with the passing of this legislation, we are not likely to see significant developments for years to come. While cures might not be imminent, hope will flow for many in the Australian community from the passing of this legislation. I think that is exceptionally important, because we all go through life hoping for better opportunities. There is a role for government in the provision of educational opportunities, there is a role for government in the provision of infrastructure and there is a role for government in improving access to child care and health care.

The responsibility of government in terms of our aspirations for a better life is to give Australian citizens hope for a better life. This debate fits into that responsibility of government. The role of government is to deliver services that have the capacity to improve quality of life and opportunity for all Australian citizens. This debate today is merely an extension of the debate about creating hope for Australian citizens, especially those who do not have the same opportunities—not only economic but also health—as us participating in the debate in the House today. It is our responsibility to ensure—and we must ensure—that the research can be done. Today we have the perfect opportunity to continue along that path, rather than stifle even the most remote chance that we are sitting on many medical breakthroughs. The door of the laboratory is clearly open—it has been kicked open—and it is our responsibility to make sure that it is kept open.

Importantly, we must be clear about what the passing of this legislation will not do. I am not in any way advocating human cloning. This bill is not about allowing our nation’s scientists to create the so-called perfect human being. Indeed, that is a totally unacceptable consideration. The farming of embryos will also be banned. Embryos will not be created for the specific purpose of scientific research. Moreover, research involving embryonic stem cells will not undermine the sanctity of life; indeed, it will help to promote it through the potential it creates for the tens of thousands of Australians who suffer debilitating and life-threatening disease. It will give them hope; it will fuel their desire for a sense of independence and a better opportunity in life.

This legislation—and let us be clear—does not propose that all research institutions be given the capacity to undertake embryonic stem cell research, nor will all applications for research be approved. Clearly, as ought to be the position, only the most carefully considered applications will be given approval—indeed, only those that show significant promise in gaining a positive outcome. I certainly agree that any research involving embryonic stem cells be conducted under the strictest of controls enforced by that highly respected institution, the National Health and Medical Research Council.

It must also be noted that the position I am outlining here today is a relatively conservative approach to the issue of stem cell research for therapeutic purposes. The United Kingdom, for example, allows the creation of new embryos for the explicit purpose of harvesting their stem cells. In my view, that policy stretches the boundaries of what this parliament is being asked to consider. My support of this bill is conditional on the outlawing of embryo creation for the purpose of stem cell farming. I remind the House of the position of the federal parliamentary Labor Party, as outlined by the Leader of the Opposition last night, on allowing a conscience vote on the issue of embryonic stem cell research. Firstly, that position does not support human cloning. Secondly, it only supports research on embryos created for IVF purposes which would otherwise be destroyed. Thirdly, it only supports stem cell research with the specific consent of the IVF donor.
Fourthly and finally, it only supports therapeutic research where there is a real likelihood of a significant advance in knowledge.

What we are looking at here is the question of what we should be doing with the unused embryos created during the in-vitro fertilisation process. Should we simply let those embryos be thawed and discarded, or should the owners of those embryos be able to donate them for potentially life-saving research? It is about choice. If we are debating the issue on the ethical considerations of an embryo, is it right to allow embryos that can contribute to potentially life-saving research to simply be discarded? Wouldn’t that be unethical?

One important element of the federal Labor Party’s resolution on this issue is choice. The real decision of whether embryos will be used for stem cell research will ultimately and correctly lie with the donor. Embryo donors have the ability to say no, and their decision will be respected. Again, this is an extremely important element of this debate. We cannot take away the right of embryo donors to ultimately decide the fate of what they have created.

Many hours of debate on stem cell research have cast an element of uncertainty over the future success of such research. Indeed, no-one can claim to know what lies before us and what successes will be achieved. The real issue is: should we be prepared to eliminate the possibility that we will achieve real success through stem cell research, merely on the basis of negative argument? My response is, clearly, no. Scientists, as we all appreciate, are only just now embarking on what has the potential to be revolutionary and life-saving research. It is my view that we should not be standing in their way. It is the responsibility of this parliament to keep the door ajar and encourage those scientists to go forward rather than hold them back by negative debate. Granted, it is clearly an emotional debate and one that gives rise to myriad complex arguments, but it is my belief that the only way to achieve calm on the debate surrounding embryonic stem cell research is for the research to be done in a proper, controlled and accepted environment, and for the results to speak for themselves.

It is therefore exceptionally important that we do not simply pass this legislation and then resign it to the back of our minds. It must continue to be revisited. After all, as I have said previously today, the developments at the centre of this debate are at this stage potential developments. If there are better ways to achieve outcomes, then this parliament should keep an open mind to revisit this issue at some point in the future. The benefits of overarching national legislation regarding embryonic stem cell research are certainly borne out in this regard. It reflects the nature of the political processes in Australia and the responsibility of state and federal governments to work together and in tandem to keep the door ajar to make sure that our scientific community is given the support, the understanding and the go-ahead that is required. By taking a strong national approach, we can ensure as a parliament that both the public and private sectors are subjected to the necessary checks and balances and that there are built-in reviews in place that monitor the progress of the legislation and continue to recognise the changing landscape within scientific research.

To turn our backs on these opportunities would be to put our heads in the sand and ignore the future of this great nation. I believe that without the research there is no cure. We must continue to expand the work of our scientists and ensure that they build on their prior achievements—something that we have been internationally proud of throughout the period since Australia’s establishment as a nation. We have always prided ourselves on those achievements being important, because they have also been socially responsible, to the welfare of Australia as a nation in the international community.

This is exceptionally important legislation. It is important for the future path of medical research in Australia, important for the progress of research into crippling and debilitating disease, important in achieving quality of life and important for the health and welfare of all Australians. As Simon Crean said last night on behalf of the Labor opposition—and we should remember this
when we eventually come to the point of having to vote:

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.

I commend the bill to the House and, in doing so, clearly indicate that I will be voting to ensure that we gather together a majority which takes Australia forward on a challenge that not only is important to us as a nation and to individual members of the community but also is part of our responsibility to the international community.

Mrs HULL (Riverina) (10.41 a.m.)—I rise to speak in support of the Research Involving Embryos and Prohibition of Human Cloning Bill 2002. I am pleased that I was here for the contribution by the member for Moore wherein he presented a reality check in this debate. There is no right and there is no wrong decision in this debate, and I believe every member of parliament has questioned themselves over and over as to the best outcome. While this bill will prohibit human cloning—an issue I strongly believe has no place in our society—it will ensure that work can continue on embryonic research, and in turn this may discover cures for many terminal and disabling diseases.

Today I refer to the process of in-vitro fertilisation. It first came to the attention of the public in the late 1970s following the birth in 1978 of the first IVF child, which attracted much criticism from sections of the community. An article in the Time magazine of 27 October 1986, entitled ‘Holding the baby: law and science collide over IVF research’, said:

In an upstairs laboratory Dr. Leenda Wilton is working on mice embryo biopsies. Single cells are taken from embryos and their chromosomes examined for defects. Six months ago it was thought it could not be done. She has proved it can be, with mice at least. But the law says it must not be done on human embryos.

The article went on to say:

In Canberra, Senator Rosemary Crowley talks of the urgent need to end confusion about artificial fertilization procedures so that the work of medical teams dealing with infertile couples is not interrupted.

Doctors claim they are liable to prosecution if they continue their research. They have talked of packing up and going overseas. Six years after Australia’s first test-tube baby was born, the law is still trying to catch up with science.

The act at the centre of the Victorian storm had a long and painful gestation. In March 1982 the Victorian government set up a committee chaired by Professor Louis Waller, an academic lawyer, to investigate the social and ethical implications of IVF. Already test-tube babies were a reality, and scientists had moved on to other procedures, such as the freezing of embryos.

Just as the Melbourne team led by Wood and Trounson are world leaders in medical procedures on infertility, the Victorian government has broken new ground. It has walked into a legal minefield of emotive ethical, scientific, and moral issues. The rest of Australia, and the world, is watching warily before daring to follow.

The article continued:

Debate hinges on the scientists’ freedom to work with fertilized human eggs. Under section 6(5) of the act eggs shall not be fertilized outside the body of a woman unless the embryos derived are to be implanted back into the woman. This means scientists cannot fertilize human eggs for experimental purposes, such as the chromosome assessment work ... Trounson argues that such work is vital to ensure that procedures such as the freezing of unfertilized ova or mechanical insertion of a single sperm do not produce abnormalities.

Those concerned with it tend to forget just how extraordinary it is. We’re talking about the formation of life outside the human body.

The article goes on to say:

The IVF success rate is low. Only about one in seven women who enter the program goes home with a baby. Last year the Queen Victoria program produced about 140 babies. But nearly 2,500 embryos were formed. As Trounson says, “A heck of a lot go nowhere.” ... Without more research it will not get better. Shackles on research ... discriminate against people wanting artificial conception.

It is easy to get immersed in legal and scientific arguments and ignore the people involved: people often in distress.
Many embryos were lost during the research to try to determine successful freezing techniques. Many embryos are also lost due to an IUD commonly used to prevent pregnancy. IVF has come a long way since 1986, when that article was produced, with more than 350,000 children born thanks to this wonderful medical technology. Now the opportunity exists for remaining IVF embryos to be used to eventually give hope to sufferers of diseases like Parkinson’s and Alzheimer’s disease and hopefully, one day, cancer. Members of this House have been given a conscience vote, and I can think of no better way to use that vote than to pass this legislation, which could one day see someone with a spinal injury walk again or an adult with Alzheimer’s no longer afraid of forgetting who they are. This research gives hope to so many people. How can we deny that hope to Australians?

While IVF allows many people to become parents who otherwise would have been unable to conceive, it also means excess embryos. They are not used and they are at times destroyed. So as a supporter of IVF—as many people are—it is impossible for me not to support embryonic research. Embryonic research, just like IVF, gives hope and life to people who need it the most. There is a misconception that we are going to use the 71,000 embryos that are currently frozen. This is false. In fact, the majority of the embryos will be used by the patients to whom they belong. Maybe 15,000 to 20,000 of those embryos will be left to expire or will be disposed of. Around 50 embryos would be used for research. That is only 50 embryos.

The thought of disposing of and wasting 71,000 embryos is sometimes unpalatable to people. But when we talk of the 50 embryos that are required to form cells that will continue to multiply, I believe this is not a major hurdle to overcome. Embryonic and stem cell research offers a new hope to people with life-threatening diseases, and this government has enacted this bill to enable Australian scientists to further develop a method of preserving human life.

Research has shown that some cells can be deprogrammed and turned into a different type of cell when placed in various parts of the body. This is known as transdifferentiation and scientists have discovered that embryonic stem cells can develop more easily down different pathways before they become specialised and committed to a single type of cell—all of this in only five years, as opposed to the 40 years of adult stem cell research. This is where the hope lies. Embryos previously discarded following IVF can now be put to a most worthwhile cause.

It should be noted that in those 40 years of adult stem cell research the results have been satisfactory to say the least, but certainly not extraordinary. It is interesting that Dr Catherine Verfaillie has said that her work—and she is an adult stem cell researcher—should in no way be used as an argument for the cessation of embryonic stem cell research because her work is preliminary and is yet to be repeated by other laboratories. Dr Verfaillie said adult stem cell research should be done in conjunction with embryonic research rather than instead of so that all chances of developing therapies for diseases are pursued as soon as possible.

Sanctity of life means respect for those lives that have the potential to be saved by this research. How can we be given the tools and methods to undertake this life-saving work but then reject it? With our advanced medical knowledge, humans have been continually progressing, using developments in science and technology to save lives from thousands of diseases. Once smallpox was a deadly disease; now it has been destroyed. Why can’t we further our knowledge and medical capabilities and rid our society of conditions in the future, such as Alzheimer’s, diabetes, multiple sclerosis, motor neurone diseases and other neurological disorders? It is my hope, as with others in this chamber, that adult stem cells will eventually become more valuable than embryonic stem cells. The successful identification and multiplication of adult stem cells may eventually allow scientists to develop stem cell therapies without the need for embryos.

In last night’s debate there was significant reference to the issue of rejection. The point was made that, even if embryonic stem cell research were to proceed, it could never be
used as a treatment as the rejection would be so great and the drugs required to prevent rejection would be extremely harmful and thus render the research useless. Fact: there is now a process developed that can wake up the thymus gland. This gland sits up near the collarbone and tells us what is foreign. We can now recolonise the ‘woken up’ thymus gland due to Professor Richard Boyd’s research. This process will see tissue recognised as ‘self’ and it will not be rejected. Fact: adult stem cell research relies on drugs that destroy the immune system so that transplants are not rejected. This process in itself is extraordinarily damaging and difficult. One does begin to ask about the sanctity of life. However, take organ donations and organ transplants. They depend on one person dying so that somebody else has the opportunity for life. It is hoped that adult stem cells taken from a patient and grown and multiplied into the cell types required could eventually be used to repair diseased or damaged cells or tissues. However, this process has been slow and tedious.

As a modern society, we have achieved a great deal in medical science and technology with huge steps taken in finding cures for many illnesses. Australian professor Graeme Clark created the cochlear implant allowing many deaf people to hear for the first time. This was a medical breakthrough at the time and continues to be so. An Australian led the way in that field of research, and we can again lead the world by giving our medical scientists the opportunity for research in order to better our lives.

Hundreds of thousands of Australians suffer from the debilitating diseases of Alzheimer’s and Parkinson’s and long for a better future, something we may have the ability to provide. The benefits this research can bring to health care and life expectancies are enormous. Recent figures prepared by the Alzheimer’s Association of Australia show that the number of people with dementia will grow to about 500,000 by the middle of this century. This projection means dementia will be a major and continuing national health problem for Australia. It is heartbreaking to watch somebody with dementia start to lose their memory. They slowly forget the most basic of tasks, even how to make a cup of tea. This research gives hope not only to those diagnosed with disease but to their families, who are left to care for their loved ones.

One issue raised constantly is that of Australia’s ageing population, who are the most common sufferers of conditions like dementia and Parkinson’s. Why then is this not a valid reason to press ahead with embryonic stem cell research, which may alleviate the symptoms for a number of Australians with terminal and other diseases? It would provide relief for our health care system, which now deals with the many patients who have been diagnosed. This research may enable doctors to repair the spinal cords of injured teenagers, meaning that they can return home at a much earlier stage, eliminating the need for a lengthy stay in hospital for rehab. Once their spinal cord is repaired, it is hoped that they would regain mobility.

Even the Australian Society for Medical Research, the peak body representing health and medical researchers, consider that the draft legislation provides a strong regulatory framework in an environment where both scientific and public scrutiny of work will be undertaken, with the appropriate consent given for stem cell research on surplus IVF embryos. They have endorsed both adult and embryonic stem cell research.

The issue that we have to be responsible for is that, if we are not going to allow this research to take place in Australia, we can hardly seek to access treatments from embryonic cell research that takes place in other countries. If we overrule this issue and prevent our scientists from moving forward in this area, surely we do not expect to benefit from research in other countries which allow and have started embryonic cell research.

Each of us are individuals with our own genetic make-up derived from our parents. I believe that creating copies of ourselves sets a dangerous precedent. That is why I certainly do not support any research into human cloning. It is a frightening thought and something that this bill completely outlaw.

As a society, we could never allow fellow human beings to be used as living experi-
ments. It is worth noting that embryonic stem cells can form many of the cells or tissues of the body, but they cannot form a whole individual.

We have the opportunity to pass this legislation permitting embryonic research and allowing our scientists to continue to work towards cures for these diseases. It is in no way ethical to reject this bill because we do not want this research carried out in Australia, yet freely accept treatments from overseas companies that have carried out this research. It is just not good enough to say that we will not condone this research in our country but accept scientific breakthroughs by scientists in other countries.

Many times people come to my office seeking assistance and ways and means of getting to another country in order that they might be able to receive treatment for their debilitating or terminal disease. If we refuse to allow this research to be undertaken in this country, then certainly we cannot help our fellow Australians to access those treatments. By refusing to allow such medical developments in Australia, we will only further encourage scientists and top medical people in this field to leave Australia for overseas countries.

We need to retain this knowledge in our own country, and this is what the federal government is doing by supporting such research right here in Australia. For the medical profession, the potential breakthroughs which embryonic stem cell research offers are exciting. This a development which many in the profession believe to be one of biggest breakthroughs in human medicine. This research gives us the opportunity give quality of life to all Australians.

This government has gone to great lengths to ensure the legislation covers all aspects of embryonic and adult stem cell research, with a commitment to review the legislation within three years. It has also consulted the state and territory governments, ensuring legislation will be across the board. Supporting a well-governed stem cell research program ensures that there are strict guidelines and laws in place securing this research and preventing it from being used in the wrong way.

I urge all members of the House to think about what this scientific breakthrough means for our society. We have now been presented with an opportunity to cure diseases for which we have striven to find cures. We now have the chance. How can we say no to the people we represent, many of whom believe that this is their last hope for a cure for their debilitating or terminal disease? I commend the bill to my colleagues and to the House, and I commend the debate that has already taken place. I hope that we can reach a successful outcome that will deliver benefits to all Australians in the future, benefits that we may never have thought possible.

Mr COX (Kingston) (11.00 a.m.)—The potential for cloning a human being and the use of human embryos for research and reproductive medicine are issues that cannot be dealt with without controversy. Opinions are divided within the parliament, as they are within the community, and many Australians have deeply held moral views on these matters. All of those views will be accorded respect in this debate with a conscience vote. For some, their conscience will tell them that a human embryo fertilised outside the womb is a human being. For others, their conscience will tell them that a human embryo fertilised outside the womb may have the potential to become a human being but is not a human being.

Embryos created for the purpose of assisted reproductive treatment are accorded respect, as they carry with them the hopes of many Australians for children. But it is an inevitable result of that treatment that some embryos will be created that will not be transferred to a hopeful mother. Those surplus embryos will ultimately either be allowed to succumb—to be destroyed—or be used for research to bring joy or hope to others. Those who hold the moral view that each of these embryos is a human life would probably not participate in an IVF program because to do so might well lead them into an extremely difficult moral situation. For others who do not share that moral view, IVF offers the hope of children, and where there are embryos that will not be transferred there is the potential to offer hope for many who
are currently suffering. To me, this hope of children and this potential hope for many who are currently suffering both values and respects life. It certainly does not contradict the teachings of the church in which I was brought up.

The Research Involving Embryos and Prohibition of Human Cloning Bill 2002 is the product of an agreement between all governments in this country—state, territory and federal—and is supported here by both the Prime Minister and the Leader of the Opposition. Achieving some consensus across governments and across parties has involved compromise on extremely complex issues. The bill has several strands: it will outlaw attempts to clone a human being; it will override some state laws that restrict or prohibit the use of human embryos in research; it will provide new restrictions in other states that currently do not have any restrictions; it will regulate research using human embryos; it will establish an embryo research licensing committee to oversee that regulation; and it will have some implications for people seeking treatment using assisted reproduction technology.

Probably the least controversial measure is the prohibition of human cloning. There are potential risks in creating a human being using an experimental science, as well as a range of ethical and social implications, that make its undesirability self-evident. The bill also outlaws therapeutic cloning, which is a line of stem cell research that does not involve the cloning of an individual, and here the people who have put this bill together have taken the precautionary principle. The possibility of cloning gives rise to some scenarios that have hitherto been in the realms of science fiction. However, it is important not to allow this debate to be unduly influenced by these types of concerns. A robust and transparent national licensing regime should provide a proper process within which to examine new research proposals. Where research proposals cannot be justified on the grounds of potential medical benefit or raise serious ethical concerns, they would not be licensed. Previously, this has been left to ethics committees where the work is being done. While peer review is generally effective, given the sensitivity of the issues a national regulatory regime has the potential to build public confidence.

Some states have over the years legislated to control or prohibit research using embryos. Australian heads of government concluded that these laws were unduly restrictive and now support this bill that would overturn them. The converse of that, however, is that those states and territories which had not legislated in this area will now be subject to the new Commonwealth controls. Some of these controls will inhibit potentially beneficial research and the practice of assisted reproductive technology medicine. Whether those new controls are appropriate depends on an individual’s view not only on the ethical issues but also on the science.

Embryonic stem cells have three key features. First, when they are placed in an appropriate medium they will never stop dividing, hence their capacity to form stem cell lines which are useful for research and potentially for therapies that result from that research. Second, stem cell lines dividing in that medium will not change, with the exception that those cells do not maintain the capacity to form a body plan, meaning that a cell from an embryonic stem cell line could not be used to achieve a viable pregnancy. Third, embryonic stem cells are plastic; they have the potential to be triggered to produce any type of body tissue. It is that potential which can be used for therapeutic purposes by replacing unhealthy or damaged tissue with healthy tissue.

The diseases, genetic disorders and injuries for which there is therapeutic potential in using stem cells, whether for full or partial relief, are causes of great human suffering. The diseases that this research targets include Parkinson’s disease, motor neurone disease, juvenile diabetes and HIV. Stem cells may have the potential to assist with relief of multiple sclerosis and Alzheimer’s, but the causes of those diseases—the auto-immune disorder in the case of MS and the biochemical disorder causing the laying down of plaque in the case of Alzheimer’s—would also need treatment.

There is potential to help paraplegics and quadriplegics by using cells derived from
stem cell lines to repair damaged spinal tissue. Some encouraging experiments have been conducted on animals that point to this potential, but they do not prove it. If these therapies can be developed, their outcomes are likely to vary from case to case depending on the level of damage that the treatment must address. Even if independent mobility remains elusive for all but a few, in many cases a marginal improvement in movement may significantly enhance the quality of life for an individual. The possibility of achieving better control of both the bladder and bowel would be important for both the lifestyle and dignity of both paraplegics and victims of spina bifida.

There are also potential therapies for fatal genetic blood cell disorders in children like sickle cell anaemia, where the blood cells are abnormal, and thalassaemia, where the bone marrow cannot produce red blood cells. There are as yet no evidence based therapies but the use of embryonic stem cells offers an important line of research.

An alternate line of endeavour is adult stem cell research. Some successful adult stem cell therapies have been used successfully for some years—in particular, bone marrow transplants. There have been experiments with other possible therapies. Amongst a number of examples is the use of bone marrow cells in an attempt to treat heart disease. The apparent successes in these areas are case reports. They do not provide valid evidence based, scientific conclusions. Adult stem cells are currently thought to have less flexibility than embryonic stem cells. It is difficult to identify adult stem cells from most organs and to grow and maintain them in an undifferentiated state in a culture because they are inclined to become the specialised cell type of the tissue from which they were taken. That is not to say that it will not be possible to reprogram adult stem cells to manipulate and to repair a metabolic or genetic anomaly, then culture them and transplant them back into a patient for therapeutic purposes, but at the present stage, just as with embryonic stem cells, their true potential is unknown.

This science is at a very early stage. It is not possible to determine whether adult stem cells are a viable alternative to the use of embryonic stem cells for therapeutic purposes, nor is it possible at this stage to determine whether embryonic stem cells will ultimately provide superior therapeutic outcomes than will adult stem cells. It is probable that both lines of stem cell research—adult and embryonic—will each benefit from the discoveries made by the other and this will hasten progress in developing effective evidence based therapies. Some of the provisions in this bill may unnecessarily inhibit some potential productive areas for research where there are no ethical issues. In particular, offence 12:

... creating a human embryo other than by fertilisation, or developing such an embryo—

and offence 13:

... creating a human embryo for a purpose other than achieving pregnancy in a woman—

prohibit research into the creation of parthenogenetic embryos. Parthenogenetic embryos have no reproductive developmental potential. They could be created by taking an unfertilised egg and triggering growth using alcohol. They could be used to make stem cell lines for therapeutic treatment of the donor of that egg. I am also concerned that this bill may affect some other areas of research. Offence 17 states:

... heritable alterations to genome—

A person commits an offence if:

(a) the person alters the genome of a human cell in such a way that the alteration is heritable by descendants of the human whose cell was altered—

and there was intention to alter the genome in a way that was heritable. This could have implications for non-stem cell areas of research, such as gene therapy, using viral vectors. Offence 18:

... collecting a viable human embryo from the body of a woman—

has raised some concerns because it may be poorly drafted and capable of being misinterpreted. I understand that it is meant to prohibit an outdated and unnecessary technique for collecting embryos for research. This technique raises ethical issues for many and involves unnecessary health risks. It should be prohibited, but the provision which
I am particularly concerned about the implications of this bill for IVF research and practice. Offence 21, which prohibits the import or export of embryos, is currently drafted in terms which will unnecessarily prohibit families who are undergoing IVF treatment moving stored embryos which have been created for reproductive purposes into or out of Australia if they are moving domicile. Their situation needs and deserves further consideration. Section 24 of the bill may restrict research to improve assisted reproductive techniques using embryos which are not suitable for transfer to a hopeful mother. These embryos are in fact surplus to the purpose for which they were created—reproduction. This is an area which I also believe deserves our further consideration. On balance, while the Research Involving Embryos and Prohibition of Human Cloning Bill has some defects and deals in areas about which we are now far less than certain, and while the bill could bear some improvement, I will be voting to support it.

Ms WORTH (Adelaide—Parliamentary Secretary to the Minister for Health and Ageing) (11.13 a.m.)—The purpose of the Research Involving Embryos and Prohibition of Human Cloning Bill 2002 is to introduce nationally consistent legislation banning human cloning and other unacceptable practices and also to regulate research involving excess assisted reproductive technology embryos created prior to 5 April 2002. This bill also provides for a strong licensing system to be administered by the National Health and Medical Research Council.

In September 2001, the House of Representatives Standing Committee on Legal and Constitutional Affairs produced its report on human cloning. The committee noted that existing legislation regulating human embryo research and prohibiting human cloning in Victoria, South Australia and Western Australia is unsatisfactory. The Prime Minister, state premiers and chief ministers met on 5 April this year and reached agreement on a nationally consistent position in relation to cloning and embryonic stem cell research, and I congratulate them on doing so.

In the public debate that has taken place thus far, it is obvious that there is agreement on banning human cloning but there is a range of opinions, including dissenting opinions, on embryonic stem cell research. I support this bill and, while respecting the views of others who do not, I reject the wildly inaccurate and over-the-top claims made by just a few in presenting the no case.

Polling shows that over 70 per cent of people are in favour of this research going ahead. However, there is a range of opinion against it from some church leaders and from some others, including colleagues. Some of this opposition is because of deeply held beliefs that are being challenged, and some is because of misunderstanding all of the associated issues. This should not surprise anyone. For hundreds of years, every time there has been a major breakthrough or significant advancement in science, particularly where it involves human values or beliefs, there has been a section of the community that is opposed to such advancement. Today’s opposition is not unusual.

Nearly 400 years ago, the English physician William Harvey met with hostility when he started to dissect cadavers to help him discover the function of the heart and lungs and how blood circulated through the body. In the same era, the Italian mathematician and astronomer Galileo was tried by the Inquisition in Rome for showing that the earth orbits the sun. In the 1920s, Fred Banting and Charles Best were attacked in some quarters following their discovery of insulin, a discovery that has saved millions of lives. In the late 1970s and the early 1980s, we saw opposition to the early work on in-vitro fertilisation, or IVF, and reproductive technology. There are a small percentage of people who will never accept any medical progress. A tragic example that we are all aware of is that a few people would rather let their children die than have a life-saving blood transfusion.

The issues around IVF are pivotal to any debate about embryonic stem cell research. Australia leads the world in IVF and reproductive technology. For example, in Australia rarely are more than one or two embryos implanted for successful pregnancies. In
some countries, six or seven embryos are implanted and then some are removed later in that pregnancy. It is also relevant that already there is genetic diagnosis at the pre-implantation stage. One or two cells are removed from the embryo for such diagnosis. While this has potential to destroy the embryo, it rarely does so in Australia, because of the expertise that has been developed.

It seems to me that much of the opposition to embryonic stem cell research is really opposition to IVF. When couples enter an IVF program, they know that excess embryos will be created. Not every implantation results in a successful pregnancy, so embryos for further implantation are by necessity produced, including those that may follow the birth of a child or children. It also must be remembered that the number of embryos produced cannot be controlled, and so it is agreed that these will be frozen.

The embryos that will be used for stem cell research are excess to the requirements of such couples and would be used only with their permission. Because of state laws already in existence, such surplus embryos must be destroyed. In Victoria it is after five years; in South Australia, 10 years; and in Western Australia, 15 years. The National Health and Medical Research Council guidelines say 10 years for states without specific legislation. The argument that research leads to the deaths of such embryos is clearly false. This point is critical and central to the debate on this issue.

Let me emphasise at this stage that I firmly believe in the sanctity of human life and respect for it. In informing myself on these issues, I read the select committee report on stem cell research from the United Kingdom parliament as just one source of information, and I would recommend this report to colleagues. The report covers all the moral and ethical issues, as well as the scientific detail. There is a section devoted to whether the embryo should be treated as a person, and I will return to this aspect of the debate. But for those who simply argue that respect for human life or believing in the sanctity of human life equates to automatic opposition to this bill, I put forward a contrary point of view. Respect for human life can also lead one to support the bill. To illustrate my view, I quote from the United Kingdom parliamentary report:

There are morally weighty reasons for doing research that may lead to therapies for many serious and common diseases, and the concept of respect for persons can also be invoked on this side of the argument. A commitment to respect for persons is fundamental to many areas of life, not least the practice of medicine, in which help and assistance to those in need is a guiding principle. Here, respect for persons may take the form of developing treatments for serious degenerative diseases, and there can be few causes more worthwhile than to relieve the suffering caused by these diseases. We received a good deal of evidence from people suffering from such diseases, particularly Parkinson’s disease, which illustrated this. It would be wrong not to seek such therapies for such diseases, which necessarily involves undertaking the fundamental research that may make those therapies possible.

The UK report details all the early stages of the development of the embryo from fertilisation, explaining how the zygote undergoes a series of cell divisions, starting about 36 hours after the beginning of fertilisation. Up until the eight-cell stage, the cells are identical, and all have the potential, if placed in the right environment, to develop into an individual. When the developing embryo reaches about 100 cells and is still smaller than a pinhead, it is known as a blastocyst. At this stage, it is a tiny ball of relatively undifferentiated cells. Many of these cells go on to develop into non-embryonic tissue or umbilical cord. Contrary to some arguments, this blastocyst in its entirety is not an underdeveloped human being. It is from the inner cell mass that embryonic stem cells can be derived and it is from these cells that the embryo develops. About a week after fertilisation, implantation of the blastocyst in the uterus takes place. If the implantation does not take place—and it is estimated that up to 75 per cent do not—the blastocyst does not develop further and cannot become a foetus. The environment, nourishment and hormonal influences of the mother’s uterus are essential for embryonic development.

My conclusion is that IVF has been widely accepted. It has benefited many childless couples. The smiling faces of these children have even helped swell the congre-
gations of churches. However, as a consequence, excess embryos have been created. They can be taken from storage and allowed to die—and between 3,000 and 5,000 are destroyed this way each year—or they can be used for research to potentially benefit others by extending and improving the quality of life for those with diseases such as Parkinson’s and diabetes, as well as those suffering from spinal injuries.

Some have argued that we do not need embryonic stem cell research because work is being done on adult stem cells. From all I have learned from looking into these issues, there is a strong argument for research continuing on both adult and embryonic stem cells. As Elizabeth Blackburn, a member of the United States President’s Council on Bioethics, put it so well recently in the Australian:

If you want to find out about oranges, you don’t do all your research on apples. Diseases are very specific, and humans are very specific. Yes, adult stem cells should also be pursued, along with all other avenues. But if adult stem cells appear to work for one disease—and it’s only early days—they will not necessarily work for another.

Adult stem cells have thus far proven effective in bone marrow transplantation, corneal transplantation, skin transplantation, foetal cell transplants in the brain for Parkinson’s disease—but somehow described as adult stem cells—and perhaps bone or cartilage transplantation. But adult stem cells are frequently rare and difficult or dangerous to obtain—for example, from deep within the brain. Only embryonic stem cells have the capacity to grow indefinitely without becoming differentiated to end cells, and only embryonic cells have the capacity to form all of the more than 200 cell types of the adult body.

Some have argued that, because good medical results are not immediately on the horizon, there is no need to proceed at this time. To these people I say, ‘We must get started.’ Again I quote Elizabeth Blackburn, who says:

Research involving embryonic stem cells offers the first real possibility of hope for alleviating these diseases and injuries. It may sound tempting to some to impose a moratorium on embryonic stem cell research to get more information, since it is true that at this early stage we have much to learn in order to make the promise of cures a reality. But the only way to gain that information is to do the research. And as long as researchers are forbidden to touch it, it will be impossible to learn about the real promise of embryonic stem cells for relieving human suffering, let alone realise that promise by using stem cells in the clinic.

I remind the House that it took at least 15 years from the early work with bone marrow to obtain positive results in the treatment of leukemia. In Adelaide the first successful bone marrow transplant took place in 1979, 20 years after the first attempt. I will be content if 15 or 20 years down the track from now people benefit from the decisions taken in this place about important medical research. But there is evidence that clinical trials can be under way in three years if this legislation is passed. It has been put to me that scientists have an open mind about this research, and the community should have as well. I am advised that the production of new hearts or livers is a very long way off but that advancement in the treatment of Parkinson’s disease is feasible relatively soon. Of course, we must remember that human embryonic stem cells were only discovered in 1998-99, although we have known about mouse embryonic stem cells for the last 20 years.

In my own working career in hospitals and in pathology, I have come to know patients as they were diagnosed and treated and, sadly, died of incurable disease. One of my best friends died of Parkinson’s disease. We must do all in our power to offer hope for others who suffer, and stem cell research offers that hope. This time five years ago my own father was a patient in the spinal unit of the Hampstead Rehabilitation Centre. He made an amazing recovery from a paralysing spinal injury resulting from a car accident in which my mother was killed. I have very vivid memories of those less fortunate whom I met there while visiting him and who only graduated to a wheelchair or, worse still, lie flat on their back only able to swallow or speak but otherwise unable to move. There is a very good chance that embryonic stem cell research will lead to recovery of damaged spinal cord. Research with rats and mice has been encouraging, as is the advice that im-
munologically matched cells may not be required in directing attention to the spinal cord—and there is good data to support this.

I have been a strong supporter of medical research as well as the biotechnology industry well before this bill was listed for debate. I have been able to discuss some of the scientific issues with Dr Chris Juttner, the medical director of Bresagen, a South Australian company. Bresagen now has a subsidiary in the United States where eight people work because South Australian legislation prevents embryonic stem cell research. Bob Carr would welcome Bresagen to New South Wales, but I believe we need nationally consistent legislation so that such moves will be unnecessary. A few critics of this bill have demonised scientists and medical specialists. In my experience, they are very decent people, who often set their own ethical limitations when legislation is not in place to do so. They do very worthwhile work which, in my view, should be appreciated. They are people just like us but probably kinder and gentler than some.

I urge my colleagues to support the legislation. Like them, I have received letters from constituents in my electorate presenting both sides of the argument. But, regardless of the outcome of this debate, embryonic stem cell research is occurring and will continue to occur in other countries. The modern-day Galileos and Harveys will continue to research and seek answers for incurable diseases—research that we in Australia will no doubt benefit from, even if we do not support the research methods used to gain this medical knowledge. However, I ask those opposing this bill to consider the following scenario. Imagine for a moment that this legislation has been passed and some years down the track medical research has developed a cure for these various debilitating diseases—research that we in Australia will no doubt benefit from, even if we do not support the research methods used to gain this medical knowledge. However, I ask those opposing this bill to consider the following scenario. Imagine for a moment that this legislation has been passed and some years down the track medical research has developed a cure for these various debilitating diseases: will members who voted against this legislation oppose those life-saving treatments being used for themselves, for their children or for other family members because of embryonic stem cells having been used in the initial research?

Mr SCIACCA (Bowman) (11.29 a.m.)—This is obviously a debate that provides many opinions from both sides of the House as to which way one should go. It is a very difficult debate because there are so many facets to it. The Research Involving Embryos and Prohibition of Human Cloning Bill 2002 itself specifically prohibits cloning and then goes on to talk about the use of the unused IVF frozen embryos—some 70,000, I understand.

I also believe that this is a debate that a lot of people in the community have not yet fully engaged in. Indeed, as a member of this parliament, I have only become really engaged in it some two or three weeks ago. I do not think it would be unfair to say that many of my colleagues on both sides of this House have only recently started to engage in the debate and started to look at every side of the argument. When I first started to look at the whole question, I was very attracted to the easy argument—the one that many of my colleagues on both sides of the House have taken. That argument is, ‘Well, if you have these 70,000 frozen embryos, they are going to die anyway, therefore why not use them?’ That is a very good argument; it is a very logical argument and it is one that most people find simple to understand.

Whilst I do not have the answer to that in any fundamental way, the fact is that the IVF process, in which I am a believer, was meant to create life. The idea was to give childless couples—infertile people—the chance of creating life. If it meant that those embryos that were not going to be used were to die a natural death, then so be it. But that argument is not the only argument. It is not that we need to say that simply because they were going to be discarded anyway that is the end of the matter. In my view, it becomes the beginning of the matter. When you explore and delve further into the facts, any logical person can see that there is no need to go down this track—this slippery slope—which in my view will incrementally lead to the eventual cloning of human embryos; make no mistake about that.

This is not a religious argument and I am not coming at this debate from a religious point of view. Whilst I am a Catholic, and proud of it, this has not been the major consideration in coming to the conclusions that I have. I do believe that life starts at concep-
I agree with Dr Trounson—one of the major proponents and supporters of this bill—when he says that an embryo is human from the time that it comes into existence. The pattern is there and the DNA is there. I agree with him that an embryo is human, but this is not why I have come to the decision that I have come to. I have approached this subject on the basis of logic and of established scientific evidence. I have not considered it on the basis of a wish list of what could be and what may be if this happens and that happens. I have weighed both sides of the argument—I guess that is the lawyer in me. I have done it carefully, and that is why I am a late convert in my opposition to this bill.

I take strong exception to those that, by implication, suggest that those of us who will be voting against this bill are in some way uncaring and not compassionate. If you were to use that sort of argument, you could easily turn it around and say that those who highlight all the cases of people with disabilities who would love to have a cure, and hold out what I consider to be in many respects false hope, can also be construed, if you use that argument, as being uncaring.

I appreciate that my colleagues who have alluded to this point probably did not mean any offence and I accept that, but they should think carefully before they make these aspersions. No-one has a mortgage on compassion. All of us would like to see breakthroughs in medical research which could find cures for any number of diseases—Alzheimer’s, epilepsy, cancers, motor neurone diseases, multiple sclerosis and so on. Those of us like me, the Deputy Prime Minister and others, who have lost loved ones in the prime of their life know only too well that if there were some possible way to keep them alive you would do so. You would look for anything and you would do anything you could to preserve that life. So I do not need to be lectured by people that simply allude to certain people with disabilities and say that we should be voting yes because perhaps somewhere down the line might be a cure. I do not believe that going down this track is the way to do what everyone has the good intention of doing. I accept that everyone in this debate has, by way of their conscience, come to the conclusion that what they are saying and what they are thinking is the right conclusion. I respect their view and I know that they respect mine, otherwise we would not have been allowed a conscience vote.

I am not swayed by the emotive arguments that many put forward. Looking at the Hansard, I note that those that support the bill have in the main used these examples of ‘I know someone who has this and I know someone who has that.’ I am not swayed by that argument because it is simply not true, according to the published scientific data, that embryonic stem cell research has any hope in the near future of finding an appropriate cure. There is no evidence at all. Embryonic stem cell research in fact only holds out potential. It holds out possibilities, and in many respects I believe this can be construed as giving people false hopes. Hope is something which I think everybody would like to keep in their lives, particularly those that are suffering some sort of disease or affliction.

Let us talk about hope. There is hope in this whole stem cell argument; that is, there is hope of finding cures for various diseases. But, in my considered view, that hope does not rest with embryonic stem cell research; it rests with adult stem cell research.

I read from a little publication, Don’t cross the line: stem cells and cloning, which I think every member has, which has been produced obviously by those who are against this bill. Nevertheless, they make some very good points and they make them very simply. They talk about embryonic stem cell research and about how wholly unproven and unreliable that research can be. The booklet says:

Embryonic stem cells can cause cancer. Embryonic stem cells are very versatile but they also have a predisposition to become malignant. The cancer potential of embryonic stem cells is a real concern in using these cells, and this issue is often not properly acknowledged in the public debate.

In all that I have heard so far in this debate, that particular point has not been really forcefully put. The reality is that, according to my research, up to 40 per cent of these embryos end up becoming malignant. This is one reason why we should not go down this
Any benefits of embryonic stem cells are a long way off. Most scientists admit that all the potential benefits of embryonic stem cells are still a long way off. For example, Sir Gustav Nossal has said there is a huge amount of learning to be done, and many experts argue that no real breakthroughs can be expected for many years to come. It will also be an expensive and difficult endeavour, which in many ways has been made superfluous by the breakthroughs that have already been achieved with adult stem cells.

The next major point is tissue rejection. The booklet says:

Tissue rejection is a major problem with embryonic stem cells. Our bodies quickly recognise and try to kill off foreign tissues implanted in them. Because they are taken from the patient’s own body, adult stem cells do not face this problem.

There you have it. You have all this kerfuffle. This bill tries to make it sound as if embryonic stem cell research is the way to go, that it is the future, but they cannot come up with anything, apart from bad things that have been scientifically proven, to say it is the way we should go. There are those that, of course, say, ‘Oh, those of us that are against it are looking at it in a moral way.’ Yes, to some degree, we do, but you do not even have to have the moral argument. The fact is there is the practical argument—good science against bad science—that comes into this. Let us go down the track, I say, of good science, where there has been a great deal of success.

All of us hold the fervent hope that we can find a cure for various diseases, but I say that that could come from adult stem cell research. There has been a number of successful cases where that research has borne fruit. Again I quote from this same booklet because it says it very succinctly:

We have known about adult stem cells for about 30 years. We can source adult stem cells from almost every major organ in the patient’s own body, as well as from bone marrow, skin and fat.

An Australian research facility in Melbourne found a technique which may help in getting adult stem cells from the human brain, giving hope for sufferers of Parkinson’s disease and other neurological conditions.
against the scientists who are arguing for the bill, there is probably one common denominator: those that are very strongly in favour of human embryonic stem cell research are those that have some sort of vested interest, if you like—those involved in major pharmaceutical companies or people in the biomedical field. I do not want to say that there is anything inherently wrong with that, but it does tell you something when the head of the Queensland Institute of Medical Research is against it—no-one is going to accuse him of being against medical research per se.

Embryonic stem cell research is all about potential. It is not about fact, it is not about something that is supported by the scientific evidence; it is about maybes—perhaps this could happen and perhaps that could not happen. Surely it is logical, therefore, to come to the conclusion that the way to go in this very important area of medical research is to promote what is proven, what has proved to be at least partially successful—and that is adult stem cell research.

The slippery slope argument is what convinces me that my decision to vote against this legislation is correct. Even though scientists who strongly support this legislation say that this is just one stage in the process, what is the ultimate objective? I put it to you, Mr Deputy Speaker, that it is cloning of human embryos, and make no mistake about it. Where does it all end? When big business and profit become the primary objectives, where does it all end? I have said that I am a believer in the IVF process. It has made many people happy. But it would be interesting to know how many IVF users know what is in store for their unused embryos if this bill passes and they give their consent. I believe that many donors think that by donating their unused embryos they are giving another childless couple the chance that they may not have had. At an emotional stage, they may be quite prepared to sign anything that is put in front of them, particularly if they think, ‘We couldn’t have a child; maybe somebody else can.’ I wonder if it was properly explained, and I wonder if it was explained to them that what will happen under this bill is that the embryos will be destroyed to elicit stem cells from them.

One of the major reasons I have come to this conclusion is that I was talking only last week with some young close relatives of mine. They have been through the IVF program four times and have not, unfortunately, been successful. Last Thursday I was preparing to speak at a public meeting, and I was going through the scientific data, the evidence, the paperwork and the arguments for and against. The young man came to visit me; he came over to a beautiful part of my constituency, Moreton Island, and spent a couple of days with me, because they were trying to cope with this disappointment. He asked me, ‘What are you reading?’ and I told him. He said, ‘We’ve given ours. We’ve signed a piece of paper to say that ours can be used for research.’ I said, ‘Are you aware that, if this bill passes, it will be killed? It will be destroyed and used to elicit embryonic stem cells.’ He said, ‘No, we gave it because we thought that, if we cannot have a child, maybe it can be implanted into somebody else and it might help them.’ They did not understand what they were doing. His wife said to me, ‘I gave it away because I want to help someone.’ That is a good argument, but I will tell you that she was not very impressed when she found out that this could end up in the hands of some pharmaceutical company which will use it for research purposes. What worries me is the slippery slope argument, and it worried them. In fact, they said to me that they were going to see if they could go back and revoke their consent.

What concerns me is this: there are only 70,000 embryos there. All the people involved say that, even for the research they have in mind at the moment, 70,000 is not going to be enough. If at some stage in the future we end up with a major breakthrough, if this bill should pass and those embryos are used, where are they going to get the hundreds of thousands of embryos that they will require? Where will they get them, particularly if a major breakthrough does occur in this embryonic stem cell research, and they do not have enough embryonic stem cells? What are they going to do? Obviously they are either going to have to clone them or they going to have to farm them. That is where the slippery slope argument comes in.
I want to conclude by saying that this has been a difficult debate. We all hold our own personal views and, as I said earlier, I am a late convert to my opposition to this bill. I have put the emotive arguments aside, I really have, as hard as that was for me personally. I have approached this question by applying reason and logic. If I could be convinced that embryonic stem cell research held a realistic hope for miracle cures, then I probably would support it. I am not convinced. What I am convinced of, as a logical person who has looked at both sides of the debate, is that there would be a great deal of hope and a great chance if we were to look at adult stem cell research, pour money into that area and not get mired in the moral and ethical debate about destroying human embryos—that were originally meant to create life—for some hope that might or might not occur.

(Time expired)

Mr CADMAN (Mitchell) (11.49 a.m.)—I believe that the people of Australia want us to be careful in the decision we are making about the use of embryos for research. The Research Involving Embryos and Prohibition of Human Cloning Bill 2002 has two parts. One part seeks to ban cloning of humans and the other part puts in place a regime for conducting research in the area of embryos and the therapeutic use of human material.

Much of this debate relates to the way in which material or processes are devised for future medical application. In fact, the debate is tainted to some degree by the new processes that we have put in place which relate to intellectual property. Intellectual property is driving much of the anxiety expressed by some researchers and the extraordinary claims made by others. In the future—from now on, in fact—the processes that are devised, invented or produced in the laboratory can be patented. So, instead of being freely available for scientific use, we are looking now at processes which will carry patent rights and which will have extraordinary value. That is where the money factor fits into what we are debating today. We need to be aware that claims can be made in order to capture some of that intellectual property, whether it be a peripheral process, whether it be a technique established in the laboratory, or whether it be a critical one that will go on earning for those who have the breakthroughs for many years to come. In that new environment, we look at this legislation.

I believe that everyone in the House wants us to take a great deal of care. I believe that the Australian people are fairly conservative in their views about what they want scientists to do and not do. That is No. 1. They do not wish us to be too adventurous in what we encourage or allow people to do; they would like us to be within the scope of their understanding, despite the brilliance of many people working in these fields.

The ban on cloning is one part of the bill; the research is another part. The research part is the part that is exercising the attention of members at the moment. The debate has two elements to it: the scientific element and also the moral or ethical element. I would like to deal with both. First, I would like to deal with the research. Having spent two years on a House committee looking at these issues, I as a member of the House of Representatives was pleased that we were able to present a report that agreed in a great number of areas. But, in some critical areas, there were differences in the committee. At the end of the day the committee divided and was not able to present a unified picture. The divisions in the committee did not occur on party lines, but were based on the evidence and personal attitudes to ethical and moral questions as much as scientific questions.

Let us look at the science first of all. We should be aware that, behind this legislation, there is an allocation of $46 million to Professor Alan Trounson at the Monash Institute of Reproduction and Development in Melbourne. The way that $46 million will be used depends a great deal on how this House deals with the issues before it and also how the Senate deals with these issues. There is a factor not only of intellectual property rights but also of the use of research funds. It is my view that some of the expressions used over the last few weeks have been coloured by a wish to have maximum freedom in the use of that $46 million. Those researchers, whether they be in Professor Trounson’s institute or in other institutes, would be coloured by
their capacity to take up the maximum amount of that money and use it for research.

Why is this research so important? Claims are made that it offers hope for healing many diseases. After hearing evidence from scientists in Australia and overseas, my assessment is that it may. You cannot put it more strongly than that. It may come to fruition some time in the future. When? Certainly not next week. Superman will not fly, that is for sure. The research is at its very beginnings; in a day of 24 hours, we are in the first few minutes. So the claims for healing and the prospect of results need to be dealt with with a great deal of caution.

Not one member of the committee that made these investigations says that results are imminent. Nobody could possibly think that anything will be available within five years. Perhaps it will be much longer than that: most scientists say it will be 10 years before we have results. So I think television clips of rats being healed and people with ailments—tremendously sad—saying that this research must go ahead for the sake of their healing are an abuse of the process. No matter how tragic—and I want to do everything possible for those people—we need to put that to one side and deal with the fact that there will not be any results from this research for 10 years. That is the best estimate we can make at this point.

I have dealt with ownership, but not with the types of research offering the prospect of results. There are two complementary, related fields. The first is the use of embryonic stem cells. They are cells taken from an embryo and cultured on a dish. They can grow indefinitely. It is said that they can take on any form; given the right signal and direction, they can grow into bone, marrow, pancreas, liver, kidneys or anything else. The trouble is that nobody has been able to give the right signal to those cells. Many think that it can happen; nobody has done it—and they have been at it for a long time.

They have been able to culture stem cells in a dish, but they turn out all bits and pieces—there are some blood cells, some hair cells, some bone cells and so on. It is a real mixture as a group of cells taken from a destroyed embryo are cultured and scientists try to regenerate what the cells were designed to do. They were in that embryo ready to create a person. When they were taken out of the embryo and cultured in a dish they tried to do what they were meant to do, but in no organised manner. The trigger to direct their growth to a particular type of tissue is partly what this is about.

The other sort of research is related to adult stem cells, which occur in everyone’s body. You do not have to be an adult to have them; they are just a different sort of cell called an adult stem cell. They occur in most parts of the body and they can be taken out. Until recently, it was not thought that they could be grown or kept for long periods. But that has changed over the last three or four years: adult stem cells can now be cultured, can be nurtured outside the body and can grow.

On the evidence, which offers the greatest prospect of results? We have scarce resources in Australia. How should we fund the research? Which is the best avenue for us to take? I acknowledge that that is a pretty pragmatic approach, but it is the way I look at things. I think the pragmatism of how you are going to use these funds in a scientific situation is pretty important. To decide how you are going to use these funds, you need to go to the evidence.

The evidence from the embryonic stem cell research indicates that, whilst there may be prospects of doing things, nothing has resulted. There may be some interesting proteins, as my friend Dr Mal Washer said, but that has not been proven yet. There may be the prospect of directing the embryonic stem cells in a certain course, but that is not certain yet. But we do know that in Australia the main proponents of this process have between them approximately 10 embryonic stem cell lines on which they are working and trying to find the trigger—the electricity or the chemical—that will direct the cells to a certain form of growth. Those cells will grow indefinitely. They are an infinite supply of research material. To claim that more cells lines for research are needed to find out how those stem cells can be directed is absolutely unwarranted. There is an adequate supply.
I have some difficulty with some of the arguments that have been put, particularly by Professor Trounson. Before our parliamentary committee, he made it quite clear that he believed that there were adequate lines of stem cells in Australia and that none would be needed. Within weeks of the committee finishing its report, this man—who is claimed by those around him to be one of the world’s leading experts in this field—suddenly discovered that he is going to need a whole lot more. I find it fairly difficult to acknowledge the expertise of somebody who so quickly can change their mind or makes a sudden discovery a few weeks after appearing before a parliamentary committee that a whole lot of new stem cell lines are needed that they were not aware of when before that parliamentary committee. I find that really difficult. If we were under different terms, I would wonder what the factors of privilege might be with regard to that evidence.

The stem cell lines that are available in Australia will allow research to continue indefinitely along the lines that people claim they want to go. They do say that they have problems because there is some mouse, tissue, serum or contamination involved. I can understand their concerns, but my view is: let’s prove that we can do it and then we can worry about the mouse tissue. Let’s prove that we can have these cells redirect themselves into the forms that we want and then we can think about doing something about the problems that have been identified. Let’s prove that we can do what it is claimed can be done. The Premier of New South Wales ought to take note of that also. The Premier of New South Wales has been out there making, in my opinion, the most extraordinary statements, which would lead one to the view that he is in favour of therapeutic cloning and everything else that goes with it. I do not know whether he has made a study of it, but I would hope that he has. Certainly this legislation is more restrictive than he thinks it is, and he says that he has agreed to it. It does ban cloning and all of the manipulations inherent with cloning.

I will now go to the other alternative: adult stem cells. As I said, until a few years ago they were thought to be not very useful. However, I have before me, Mr Deputy Speaker Hawker—and your predecessor said that when I seek to have these extracts attached to my speech in Hansard that he would consider that request—a summary of where institutes have used adult stem cells and have gained an indication of further and future use, such as in the use of adult stem cells for treating animal models and then in spinal cord injury, diabetes and Parkinson’s disease.

The DEPUTY SPEAKER (Mr Hawker)—Is the member for Mitchell seeking leave?

Mr CADMAN—Yes, I am seeking leave to incorporate, but I am happy to take advice on whether it is appropriate material.

The DEPUTY SPEAKER—Is leave granted?

Mr Edwards—It is very difficult to know whether leave is granted, given the sensitivity of this debate. I would not want to say no, but I do not know what the material is.

The DEPUTY SPEAKER—Would you be happy for leave to be granted subject to the normal rules of the Speaker agreeing to the incorporation?

Mr Edwards—Yes.

Mr CADMAN—I thank the House. I would normally extend that courtesy, but the comments made by my colleague are perfectly accurate: it is very hard for us to decide. I draw the attention of the House to some of the areas where adult stem cells have been used and to a comparison with the use of embryonic stem cells. I think this information on blood related advances is useful: for example, adult liver stem cells make pancreatic cells reversing hyperglycaemia in diabetic mice—none of that has been achieved with the use of embryonic stem cells—adult bone marrow stem cells rescue retinal degeneration—that is behind the eye—preventing blindness; adult stem cells more effective than embryonic stem cells in a number of cases; and adult skin cells reprogrammed without cloning. These factors need to be taken into consideration. On the evidence before me, I cannot endorse a process that encourages the use of IVF cells. On a scientific basis, the evidence is not there to
warrant the expenditure of Australian resources in this area.

There is another factor, and that is the ethical and moral factor. I too believe, like my colleague who spoke before me, that life begins the moment that sperm enters the ovum, that from that time there is a unique DNA system set up that has never appeared before on earth and that DNA is carried right through the life of that individual, from the time conception takes place to the time that individual dies. Whether that individual perishes in the womb, perishes shortly after birth, is killed in a car accident, kills themselves with drugs or lives a happy and successful life and produces many other children similar to themselves they are human and should be regarded as such.

I do not believe that we should take those IVF embryos. The parents own them still, as far as I understand it, and have not been consulted in this debate as a group and who would have a dream and a prospect for those embryos. Parents are using some of these embryos to have an additional baby as late as seven years after they have been created. Members of this House who have IVF children and people who have had IVF children would be horrified if they thought that their children were being experimented with. There are spare embryos waiting in the freezer to be children. Just give them the right environment and they become people—take those embryos that are frozen, put them in a mum and you have got another person; it is as simple as that.

I believe that we need to divide this bill and make it clear that the whole House is against cloning. I do not think there is a person who seriously advances that cause, although I notice Professor Trounson has in some of his comments shifted backwards and forwards on this issue. I do not believe this House wants us to go down the cloning route. If there is a review, we need to do it here; we do not need to send it off to the National Health and Medical Research Council to do a review of cloning. Then we ought to consider what we do with research. I am opposed to the use of IVF embryos for experimental purposes.

The DEPUTY SPEAKER (Mr Hawker)—During the member for Mitchell’s speech he sought to have a document incorporated in Hansard. The Speaker has advised that the document falls outside the guidelines for incorporation, but that with the concurrence of the House it may be tabled.

Mr MOSSFIELD (Greenway) (12.09 p.m.)—I support the section of the Research Involving Embryos and Prohibition of Human Cloning Bill 2002 that outlaws human cloning, but I oppose the section of the bill that allows medical research on embryonic stem cells. Being aware that there would be strong opposing views in the debate on the use of embryonic stem cells in medical research, the leader of the Labor Party, Simon Crean, showed considerable leadership qualities in moving at a federal parliamentary Labor Party caucus that the Labor Party should have a position on the issue but at the same time caucus members should be entitled to a conscience vote on stem cell research. Other parties have, pleasingly, now followed the ALP lead on granting their members a conscience vote.

There is strong support in the medical and scientific community for the use of adult stem cells, including stem cells obtained from umbilical cord blood, in medical research, although there is an attempt to push this support into the background. The leaders in the field of stem cell research are in Germany and the US, where research efforts are confined almost entirely to adult stem cells. As stem cells obtained by this method still provide considerable scope for medical research, it would be preferable that this method be used. This would avoid the moral and ethical questions raised by the use of embryonic stem cells upon which there will always be disagreement amongst many sections of the community.

Bob Carr’s article in the Sydney Morning Herald on 4 April raised some interesting points in this debate. The article started off by referring to a 19-year-old woman lying paralysed from the neck down as a result of a car smash. That is the emotive side of the argument that is used in support of embryonic stem cell research. There is a strong
argument, however, that adult stem cells have more chance of providing relief or a cure in even that particular case than embryonic stem cells. One of the objections to the use of embryonic stem cells in medical research relates to the question of when life begins. The creation of embryonic stem cells, to quote Bob Carr’s article relating to the IVF program:

... involves the combination of sperm and ova (eggs) outside the woman’s body to allow fertilisation. That is, in a laboratory. After fertilisation, the developing embryo—two or three days’ old—is placed into the mother’s uterus.

This mirrors the process that takes place during natural conception and that is, in my view, when life begins. Life begins at the beginning. We are not building a motor car where we add bits and pieces as we go along. Some things grow; other things are made. A tree grows from a seed nourished by the soil it is planted in and assisted by water. To accept that life begins at conception—at the point of fertilisation—means to destroy a human embryo, whether it is in a test tube or a woman’s womb, is destroying human life.

Some people would not agree with my views, others may agree as to when life begins but still support embryonic research in the interest of what they see as the common good. The Prime Minister would appear to have this view and, of course, many others on both sides of the parliament that have spoken in this debate. The Prime Minister, in his second reading speech about the legislation regulating research involving human embryos—and I think that is important, ‘human embryos’—said:

A key fact shaping my view was that at present surplus IVF embryos are disposed of after a set period of time in storage, in consultation normally with the donor where that is possible, and largely through exposure to room temperature.

I could not find a sufficiently compelling moral difference between allowing embryos to succumb in this way and destroying them through research that might advance lifesaving and life-enhancing therapies. That is why, in the end, I came out in favour of allowing research involving excess IVF embryos to go ahead.

If there is an alternative to this process, as there is in adult stem cell research, it should be followed. It is wrong to suggest that people opposing embryonic stem cell research are retarding a possible cure for diabetes, Parkinson’s disease or Alzheimer’s disease when the use of adult stem cells has not yet been fully explored. But even at this early stage of research these adult stem cells are producing results. Irrespective of the value of that process, the argument as to when life begins will still be seen in many people’s minds as the major issue and, therefore, the decision to allow a conscience vote on stem cell research is the correct decision.

Dr Peter Carnley, Primate of the Anglican Church of Australia, tackles the question of when life begins in an article in the Bulletin on 16 April this year. He relates a story about the various views on this issue and quotes a very wise Anglican priest who said that life begins ‘when the last of the children leave home and the dog dies’. In Peter’s view, the main question to be determined in this debate is:

When exactly is the embryo to be accorded the status of an individual human person for whom the basic right of care, protection and indeed life, may be claimed?

Also, he states that the agreed Christian principle is that all human life is sacred because we have all been created as unique human individuals by God with equal rights to protection and life. My response to that statement is that to be created we must have a specific starting point. There must be a clear and logical starting point of life, however miniscule. Dr Carnley raises the importance in his article of distinguishing between the moment of fertilisation and the process of conception. He argues that the fertilisation of the ovum and the conception of human individuals are, in scientific terms, identifiably different processes and that conception is known to be not a moment but a process that takes 14 days. Only at the end of the process is it possible to say a human individual has been conceived. I would argue that conception cannot take place or proceed until fertilisation has taken place first. So in my view, it is at the point of fertilisation that life begins, even though there may be many biological and medical reasons why embryo growth does not reach a stage where it is ready to be born.
I will move on to another article by Melissa Sweet in the same issue of the Bulletin which warns about making extravagant claims about the likely benefits of stem cell research. It could be argued that some politicians have made outlandish claims to cover the ethical and moral arguments against embryonic stem cell research. Wayne Hall, Director of the Office of Public Policy and Ethics at the University of Queensland is quoted in the article as saying:

It is possible there may be some benefits in this new technology even if it does not live up to all the hype that we are hearing at the moment.

Glenda Halliday, the neuroscientist at the Prince of Wales Medical Research Institute in Sydney, said the first study using stem cells for Parkinson’s disease in animals, published earlier this year, suggests cancer was a side effect. She said, ‘I don’t think there’s a cure around the corner.’ There is going to be quite a bit of research that will need to happen before anything would go into a patient. A number of noted medical practitioners have indicated their opposition to human embryonic research. The Director of the Children’s Medical Research Institute, Peter Rowe, is quoted in the Australian on 25 June as stating that the institute would not pursue human embryonic research and that:

... stringent rules have to be applied to restrict the activities of individuals; often with doubtful scientific credentials, who will be seeking to gain commercial benefits from their work while claiming to pursue altruistic goals.

Dr Fleming, Director of the Southern Cross Bioethic Institute in Adelaide, claims that the real intention of supporters of this legislation was to use the embryos to test whether drugs would affect embryos in pregnant women; to train practitioners in injecting sperm into eggs; to find better cultures for growing embryos; and, to develop better contraception techniques such as vaccines that prevent development of the embryo. Dr Fleming said, ‘It is in these areas where the money is.’ With more women waiting until late in life to have children, IVF will be a growing industry. It is claimed by researcher Dr Amin Aboud that:

The only stem cells that have helped patients so far are adult stem cells. Embryonic stem cell research has not helped a single patient. It has a zero success rate.

Some of the reported advancements in medical research for adult stem cells include: in February this year American scientists found that fat cells have the potential to be programmed to turn into bone and cartilage cells; in July 2001, German doctors reported that a patient’s own adult stem cells from bone marrow were used to regenerate tissues damaged by a heart attack; and, British scientists have found that adult stem cells in bone marrow can turn into liver tissue for treating liver damage. In an article in the Australian media on 21 July this year by Justine Ferrari, reference is made to a child, now aged six months, Tyran Greenhalgh, who was born without a working immune system, where stem cells taken from his father have stabilised Tyran’s condition. The article concludes:

For Tyran’s treatment, his father Ian received drugs to stimulate his bone marrow and the stem cells were harvested from his blood and transplanted into Tyran.

Tyran is now growing his own white blood cells designed to fight infection, and T cells and B cells, that make antibodies targeting specific infections.

This means he has every chance of a normal life.

These are some of the confirmed adult stem cell research advancements. These are the reasons why research should continue. One wonders why there is such a push for further research into embryonic stem cells when this research has not produced any significant medical benefits, although one has to concede that there could be benefits over a period of time. The point at this present stage is that it is adult stem cells that have the runs on the board. Clearly much more work needs to be carried out before stem cells are able to be used to their full potential in medical procedures. More research needs to be carried out on human stem cells to fully develop this valuable resource. Unfortunately, it appears that the hype around the issue is not being directed into resources. I know of several women who gave birth at a local hospital who wanted to donate their cord blood, but the facilities were not available to facilitate the collection of this particular blood.
Given all that has been said, it is reasonable to assume that it would be many years before there are any significant results from stem cell research. Nevertheless, it is important that this research continues. Politicians should be careful about building up people's hopes by making false claims about finding a cure for spinal injuries, Alzheimer's and Parkinson's disease when such cures may take a long time before they are fully realised. But research should continue into adult stem cells in a moral and ethical way.

Mr HOCKEY (North Sydney—Minister for Small Business and Tourism) (12.23 p.m.)—The Research Involving Embryos and Prohibition of Human Cloning Bill 2002 has challenged us to search within ourselves to address this difficult and complex issue. The dilemma that confronts us is how to legislate scientific research that opens a world of possibilities without surrendering a piece of our moral soul. My conscience is at ease with the morality of embryonic research, and I approach the debate solely on the merits of the technology. We as a government must grapple with the most appropriate means to regulate and with due consideration of the ethics of such research. I believe in principle that this bill does that. It allows the use of in-vitro fertilisation excess embryos for medical research whilst banning human cloning.

This bill has generated much debate and great emotion. I do not underestimate the depth of feeling and concern that exist in the community. Previous scientific breakthroughs have prompted similar responses. If we look back in history, in-vitro fertilisation in the 1970s and 1980s generated heated debate about the ethical ramifications of this work. Today, IVF has become an accepted medical practice for couples experiencing infertility. Where nature has failed, science has made it possible for infertile couples to conceive. Australian scientists in the 1980s were at the forefront of IVF research. In 1980, Professor Carl Wood and his team were responsible for the first test-tube baby in Australia. Twenty-two years later, 22,000 children have been born in Australia as a result of IVF. Today, two in every 100 Australian babies born are IVF babies. To put this in a global context, over a million babies have been born in the world with the assistance of in-vitro fertilisation.

Like IVF, the discovery of insulin in the 1920s by Sir Frederick Banting and Charles Best generated hysterical arguments against its use. It is interesting to note that Banting and Best first extracted insulin from the pancreatic tissue of dogs in 1921—an unlikely source at the time. Little did they know the possibilities this discovery would provide. Insulin, as we know, was later produced in a form that could be injected into humans and has since been used in the treatment of diabetes. In 1981, insulin made in bacteria by genetic engineering became the first human hormone obtained in this way to be used to treat the disease.

Similarly, in 1983 when the world's second frozen-embryo baby was born in Melbourne, there was extensive debate about the possible use of frozen embryos. The procedure raised some difficult legal, moral and social issues. As I read through various newspaper articles from 1983 and 1984, I found that many of the arguments and objections raised then are similar to the arguments raised today. There were those who believed in 1982 that in-vitro fertilisation was unacceptable and argued against the use of technology that allowed the freezing of embryos. The reality of freeze-thawing embryos is that it has improved the chances of infertile couples achieving pregnancy. It has given infertile couples a second chance.

We find ourselves as a society, 20 years later, again arguing the merits of harnessing scientific developments. The debate of course must be had, and it is important that different views are expressed. Sadly, recent debate has degenerated into hysteria and high drama. This debate is not furthered or enhanced by comparing embryonic stem cell research to Nazi wartime medical testing or by making broad assumptions that women will be exploited in the future by human-egg farmers. These are grotesque and absurd propositions, and these grossly exaggerated claims have no place in a constructive debate. We must not allow the legitimate discussion within society over new technologies to be hijacked and confused by ignorance. Moreover, the most recent suggestion that
those who support this bill may not have thought deeply enough about it smacks of intellectual elitism. Nor are comments helpful that suggest that laws that permit embryonic stem cell research will turn life into a commodity.

I do not believe, as do some of my colleagues, that it is the role of government to preach and legislate morality. This is not a church, and I am not standing in a pulpit. As an elected representative of the Australian people, it is not my role to exclusively impose my values on others; it is to represent, take into account and promote community values that nurture the aspirations of our nation and its people. I have great faith in our community. Unfortunately, some others in this place do not share that faith. We must never indulge ourselves with the power of office and we should not use our position to force the community to accept our personal moral judgments. This parliament is not for moralistic crusades.

Let us not forget what the fundamental question in this debate is. It was posed by the ethicist Professor Singer in his book The Reproduction Revolution: new ways of making babies. Are these developments really going to improve the human condition or are they going to harm it? It is my belief that embryonic stem cell research will improve the human condition. I will take this moment to applaud the speech given by my colleague the member for Leichhardt yesterday. It was an outstanding speech in this regard. As he said in his speech, this will enhance life and not take it away.

Under no circumstances will farming of human embryos be allowed. Only excess embryos that existed before 5 April 2002 will be used for medical research and only with the consent of the donors. There are approximately 71,000 excess embryos that remain in storage around Australia which could offer hope to thousands of people suffering from diseases in this country and in fact potentially around the world. These surplus embryos will remain in liquid nitrogen, in freezers, until such time as they are removed and disposed of after being exposed to room temperature.

I am guided by the many constituents in my electorate of North Sydney who have implored me to support embryonic research for the greater good. I know that others in my North Sydney community have argued that only research on adult stem cells should be permitted. I have looked closely at my conscience and I cannot reconcile that donors can currently consent to have their embryos disposed of but cannot consent for their embryos to be used for research that may one day improve human life. We as a government and as a parliament have an obligation to society to pursue every path that will alleviate suffering in our community.

The Research Involving Embryos and Prohibition of Human Cloning Bill 2002 is significant in that it follows on from the Council of Australian Governments meeting in April at which agreement was reached for nationally consistent legislation. For the first time in Australia we have harmonisation. All state governments and the Commonwealth have come together to support embryonic research.

I have weighed up all the moral and scientific considerations regarding embryonic stem cell research on surplus embryos. I am, however, concerned that the bill in its current form places unnecessary controls on current clinical IVF practices. It does place restrictions on valuable research that is undertaken by IVF scientists and will as such affect the clinical effectiveness of IVF programs. I am disturbed that this bill goes beyond the original COAG agreement, which supported maintaining the status quo on current clinical IVF practices. It is important to stress that the issue is not about placing controls on clinical IVF practices but about the use of excess embryos for stem cell research.

Today, after almost 25 years of biomedical investigations, we are now at a junction where medical technology offers a chance for a cure for millions of people. There is no doubt that we are at a crucial stage in our medical history. Research involving embryonic stem cells offers hope of alleviating disease and injury. We must be very clear about what is at stake here. If embryonic stem cell research is not pursued it will prevent world class Australian scientists from undertaking
research that could lead to treatments for Parkinson’s disease, diabetes and cancer and the creation of new tissue that could repair the liver or the heart. We have all been touched by the suffering of someone affected by Parkinson’s disease, Alzheimer’s disease or diabetes. Australian Institute of Health and Welfare figures indicate that in the year 2000 there were an estimated 146,800 Australians over the age of 65 suffering from dementia, with half of them having Alzheimer’s disease. About 80,000 Australians are affected by Parkinson’s disease. Nearly one million Australians aged over 25 have diabetes. It is the sixth leading cause of death in our nation.

These statistics highlight the human face to this debate. We cannot remove the human face from this debate. In my own electorate of North Sydney I have met with those who are suffering—everyday men and women struck down by debilitating diseases such as Parkinson’s disease. These are people who once lived normal, functional lives; the lives that many of us take for granted. They are struggling to deal each day with a degenerative neurological disease. We cannot deny them the hope of relief from suffering.

Research into the use of stem cells to generate replacement tissue for treating neurological disease means that spinal cord injury, multiple sclerosis, Parkinson’s disease and Alzheimer’s disease are among the diseases where dysfunctional cells in the brain or spinal cord will potentially be replaced. Embryonic stem cell research could hold the key to improving the quality of life of millions of Australians and the potential for the use of embryonic stem cell research is enormous. ES cells appear to be able to grow into any cell in the human body, which means they might one day be transplanted into humans to rebuild tissue or fight disease.

The opponents of embryonic stem cell research have chosen to ignore these possibilities. They instead champion the use of adult stem cells, which include bone marrow, umbilical cords and placentas. Many of them welcomed Dr Catherine Verfaillie’s research findings published in the June edition of Nature magazine that indicate that stem cells from adult bone marrow could be developed into mature body cells. These findings are indeed a potential breakthrough and it appears that adult stem cells could have some advantage over ES cells as they could be derived from a patient’s own body and therefore avoid immune rejection. These developments, however, do not dissuade me from support for embryonic stem cell research. While Dr Verfaillie’s research findings are encouraging regarding the possibilities of adult stem cell research this is just one finding and must be confirmed by other research work. There still remain the difficulties that exist with locating and developing adult stem cells and in the meantime it continues to be the case that thousands of Australians continue to suffer.

I am also encouraged by the work of Ron McKay of the United States National Institutes of Health. His work was published in the same edition of Nature. McKay has made real progress in his research, using embryonic stem cells to treat Parkinson’s disease. McKay took ES cells from rats to create new nerve cells that could produce dopamine, a chemical that is lost by one who suffers from Parkinson’s. These cells were then transplanted into the brains of rats with Parkinson’s and appeared to relieve the symptoms. The findings of Verfaillie and McKay only further highlight that adult stem cell research must continue alongside embryonic stem cell research.

As we progress through the 21st century, many challenges confront us as a nation. The Australian population is ageing significantly. The Treasurer highlighted in his budget address this year the problems that future Australian governments will confront as our society continues to age. Australians’ life expectancies are amongst the highest in the OECD countries, and they will, quite properly, continue to rise. Based on these trends, men born in 2002 are expected to live to 77 years of age; women born in 2002 are expected to live to nearly 83 years of age. The government’s Intergenerational Report indicates that by 2040 Australia’s population growth is expected to slow, from 1.2 per cent in 2000 to around 0.2 per cent by 2042. The growth rate of the population aged 85 or over is projected to accelerate sharply. These are
matters that must be considered in this debate. How do we ensure that Australians living longer are not denied a decent quality of life?

There are many difficult issues that confront us as a nation in the 21st century. The rapid advances in science no doubt strike fear and concerns amongst some. Throughout history, scientific advances have been treated with some cynicism and hysteria; this debate, as we are all aware, has not escaped such responses. Let us not forget what the debate is about. It is not about curtailing and reversing IVF practices and procedures that have existed for over 20 years. It is about allowing medical research on excess embryos that would otherwise be discarded. We must allow this research to be done, as it holds the key to combating life threatening disease.

The last century brought enormous advances in transport and communications. Technological developments have enabled us to access information at our fingertips. As the 20th century improved our lives with the development of computers, telecommunications and transport, the 21st century will be the century that enhances our lives with groundbreaking medical technology. We must now move forward. We must allow embryonic stem cell research and we must support this bill.

Mr MARTYN EVANS (Bonython) (12.40 p.m.)—I begin my remarks on the Research Involving Embryos and Prohibition of Human Cloning Bill 2002 by noting that those of us who live in the 21st century are very fortunate in many ways, and that is especially the case if we live in developed countries like Australia, the United States, Britain, western Europe and so on, because we live in the first age in which humankind can expect to receive, and has a right to receive, proper medical attention. That medical attention can now, for the first time in our history as a species, include the proper diagnosis of medical conditions and, indeed, a reasonable expectation of treatment for those conditions, often treatment that will effect a reasonable cure. But there remain many illnesses and diseases for which we as yet have no reasonable cure. We are often able to manage those conditions, but in many cases, for those illnesses which members have spoken at length about, we have no reasonable prospect of a cure as yet.

As is often the case, medical science works diligently to try and effect a cure for these kinds of diseases. Indeed, in many startling cases, we have done just that. We have almost eliminated smallpox, for example, from the world, and we are close to eliminating diseases like polio and we are making massive advances in other areas. But there remain some very debilitating diseases, particularly diseases of older age—things like Parkinson’s—and there are many illnesses which confine people to wheelchairs, often for a large part of their lives, for which we have no adequate response.

Stem cells—whether they be derived with the techniques which have been discussed here from embryonic stem cells, from the alternative of adult stem cells or from alternatives which have not yet been canvassed in this debate—offer some promise for renewing cell lines in the body in situ in a way which can effect cures, particularly in the case of illnesses such as Parkinson’s disease, as the previous speaker mentioned, where dopamine producing cells are dying in significant numbers and where simply replacing those dopamine producing cells would effect substantial improvements in the condition of sufferers.

As is the case with all medical advances in history, there is often substantial controversy surrounding those things. It was the case with anaesthesia, particularly anaesthesia associated with childbirth, where the biblical injunction that ‘in sorrow shall you bring forth children’ induced people to oppose the introduction of anaesthesia in childbirth as being against the word of God. In many other areas of public health people have also opposed the introduction of various artificial interventions.

It was not really until we got to the point where we could begin to manipulate the genetic heritage that we all carry in every cell of our body that people started to become particularly concerned. It was not until we started to be able to artificially manipulate the birth process itself, with the introduction
of IVF technology some 25 years ago now, or perform the very serious interventions that we can introduce through genetic engineer-
ing, that the community, and some sections of the community in particular, became seri-
ously concerned about it. The prospect of introducing recombinant DNA technology in
the early 1970s allowed people to contem-
plate the actual improvement of or change to
the DNA structure of humans themselves, the
possibility of changing the actual human
line. There was substantial controversy about
that, and these kinds of debates have flowed
through ever since.

In the United Kingdom, where the initial
IVF research was undertaken, there were
significant protests—very substantial dem-
onstrations, such as street marches and the
like—against the commencement of that IVF
technology. But, as we all know now, that
technology is widely and broadly accepted
around the United Kingdom—around the
world, in fact. In Australia, support for it has
risen since 1981, when roughly 77 per cent
of the community approved and 11 per cent
disapproved. Now, around 86 per cent ap-
prove and 10 per cent disapprove. The in-
crease has come from the undecided group,
which has fallen from 12 per cent in 1981 to
about four per cent in November 2001. We
have an overwhelming group in the commu-
nity supporting the adoption of IVF technol-
gy, which is not that dissimilar from what
we have here and which actually creates the
potential for the use of embryonic stem cells.
The concept of cell nuclear transfer,
therapeutic cloning and the use of embryonic
stem cell technology is approved by the ma-
jority of the community, and so we should
not be concerned that there is a substantial
negative response in the community. In fact,
the majority of the community is very inter-
ested in the prospect of being able to cure
disease by these methods; that kind of re-
sponse is very general in the community. The
public as a whole is very positive about the
use of genetic technologies. All these kinds
of technology—IVF and stem cells—are
widely accepted by the community. But sig-
nificant groups do oppose them, just as a

group in the community, for example, op-
poses blood transfusions very strongly, very
morally and very ethically. That group op-
poses blood transfusions for its members but
does not always seek to impose its views on
others in the community. Yet here we have
an attempt by what is, I agree, a substantial
group in the community whose members
wish to impose on the community at large
their view about the use of embryonic stem
cells and, thereby, ensure that people who
themselves or whose family members are
experiencing considerable suffering have no
prospect of alleviating such suffering.

I suspect that in the parliament there is a
somewhat misguided debate about this. I
believe very strongly that the parliament has
every right—indeed, a moral, political and
legal duty—to define the guidelines which
apply to scientific conduct in this country. It
is the role of the parliament, on behalf of the
community, to set down legal guidelines by
which all groups in society must act and
conduct themselves. We do that with crimi-
nal law, we do it with motor vehicles, we do
it with the behaviour of the community in
general, and we certainly should do it with
scientific conduct. Some scientific conduct
would be so immoral, so reprehensible, that
it must be proscribed, and the community
and, indeed, scientists would expect us to do
so. That would be obvious to anyone. This
conduct, on the other hand, is very marginal
in some people’s view. It goes to the very
core of some people’s religious and personal
views and, therefore, is a grey area for those
people; others would not have any difficulty
with it. That is why we are having this de-
bate.

But the question should not go to the rela-
tive merits of the scientific areas in question.
In other words, the debate should not be
about whether adult stem cells are to be pre-
ferred to embryonic stem cells. That is not
the debate the parliament should be having.
The parliament should be having the debate:
is the use of embryonic stem cells or the use
of any other technology so reprehensible, so
morally indefensible that it should be pro-
scribed, no matter what the potential benefits
to the community? I will draw an absurd
analogy in order to make the point. If the
only way of curing Parkinson’s disease were
to use cell samples from three-year-old chil-
children, then we would not permit that under any circumstances. No patient would want us to execute three-year-old children to obtain cell samples from them so that a cure for Parkinson’s disease might be derived. That is so immoral, so outrageous and so absurd that no-one in any moral context, any legal context, would permit such a thing to take place. Clearly, parliament makes such conduct absolutely abhorrent and illegal and no-one contemplates it. Therefore, that is conduct that is proscribed utterly and absolutely. Clearly, that is not a debate we need ever have. So we do not debate the merits of that kind of conduct, no matter what its ultimate benefits to patients.

Parliament should not be about debating the relevant merits of the scientific conduct of one type of scientific debate or another; in other words, this debate is not about whether it is adult stem cells or embryonic stem cells that will ultimately produce the correct scientific advance here. We are not in a position ourselves to decide the outcome of that debate. We are not researchers in a lab. We cannot know, and we do not have the scientific expertise to know, where that debate will lead. Indeed, scientists do not know that, and it will be years before the outcome of that particular scientific question is resolved. Our task here is to determine whether any of that conduct is so reprehensible, so improper and so outrageous that it should be made illegal, no matter what the potential outcome.

If we decide that the use of embryonic stem cells is such conduct, then it should be illegal no matter what benefits flow from it. That is not the kind of debate that we have often had in this place. The discussion which I have often heard here is, ‘Well, it’s okay to ban embryonic stem cell research because, after all, adult stem cells are better and they’ll bail us out anyway. We don’t have to worry about the fact that people with Parkinson’s and people with other serious illnesses will not be cured, because adult stem cells are superior and they will rescue us.’ That is not the issue that we should be determining. That issue will be determined in three, four or five years time in the laboratories of the world.

The issue we have to determine is: are we prepared to ban embryonic stem cell research, no matter what the outcome? If that were the question, I do not think people here would really be prepared to do that. If embryonic stem cells were the only way to produce that outcome, would we still ban it? I doubt it. That is the real question. Many other countries are prepared to go ahead with such research, including the United Kingdom. There this kind of research is perfectly legal for the first two weeks of a discarded IVF embryo’s existence. The House of Lords has approved this research; the government of the United Kingdom is fully in favour of it. I repeat: the United Kingdom is pursuing this research during the first two weeks of a discarded IVF embryo’s existence, as are many other countries around the world. If that method produces cures for these serious illnesses, then those countries will develop such cures.

If in a few years time those cures are available on the world market, will those who maintain that this process is so immoral it should be banned then deny Australian patients the right to import those cures? I doubt it. Will they say, ‘Australians cannot travel to the United Kingdom to receive those cures’? I doubt it. Will they arrest them on their return? I doubt it. Would they deny their own family members access to those cures? I doubt it. That is the real question that you have to ask yourself if you vote to ban embryonic stem cell research, because in five years time it may turn out that the United Kingdom will use that technology to develop a cure for Parkinson’s disease, let us say; though, as people rightly point out, these things are not forgone conclusions and other techniques may turn out to be better. However, let us suppose that that is what occurs and a relative of yours—you mother or wife—or you yourself wishes to take advantage of that cure in the United Kingdom. Would you deny them the right to travel to the UK to receive that cure? Would you ban them from travelling that distance? Would you deny their doctor the right to import the cure? Would you say, ‘No, you can’t go, and if you go I will arrest you when you return’? I do not think so. Yet, that is the real point you have to address if you are going to vote.
to ban the use of embryonic stem cells, because we would then have to deny Australians access to those cures if they are developed overseas and if we wish to retain the moral purity which we are seeking to establish for ourselves.

Adult stem cells actually are not quite as easy to use and manipulate as we might suspect. I do not know which of these technologies, if in fact either of them, will ultimately turn out to be the better to use. Adult stem cells are quite rare in the body; they are difficult to find and difficult to extract. Bone marrow biopsies, for example, are hard to do. They contain some risk and they are painful to have. Adult stem cells do not necessarily proliferate in the lab quite as easily as embryonic stem cells do. We have not really established yet that they are pluripotent or that they will differentiate in unlimited ways in the Petri dish, as embryonic stem cells do. We have not really established that they will differentiate later into unlimited lines of adult cells in the body. We have not really established any of those things with any certainty. But that is also true of embryonic stem cells, and I do not focus my argument on either of those scientific facts because neither of them are established with any certainty.

That is the whole point—none of this research has been taken to finality because it is only just beginning. Ultimately, it probably involves more than just research on embryonic stem cells or adult stem cells. It may involve a blending of those kinds of research; it may involve alternative research with single germ line cells, for example; it may involve genetic manipulation of the cells themselves, in order to block the immune response to ensure that the recipient does not reject the treatment through immune response, which would be a destructive outcome. We may need to apply a whole series of new techniques. The reality is that this opportunity comes at a time when it is needed and when we can exploit it best. That is true of many technological solutions in our age. As I said when I commenced discussing this, we are fortunate to live in an age when medicine is able to offer us many real and possible solutions to medical problems.

Technological convergence often delivers us the kinds of outcomes which we need at the time when we can exploit them best. This technology alone could not function the way it does; many technologies are needed around it, including genetics and all of the associated technologies which allow us to exploit it to advantage.

Along with that convergence of scientific technologies, we also need a convergence of the political, moral and social debate around it, and that requires an informed debate in the parliament and in the community. I think it is very desirable indeed that we have this kind of discussion in the parliament and in the community. But how informed is this discussion, either in the parliament or in the community, given that it has taken place in a relatively short period of time with minimal efforts on the part of government? I do not ask that in a political or a prejudicial way, because after all it is unusual for us to be entertaining this kind of debate. There has not been much prior notice of it or much prior anticipation of it, so government has very little precedent to go on. I think it would be important in future debates like this for government, whoever that happens to be, to seek to provide some better longer term briefing for parliament and the public on the essential issues, not to bias the debate one way or the other but to provide a higher level of expert opinion and access for the public and for the parliamentarians who must make the ultimate decisions about how views can be formed on this.

The amount of information that is available in the public arena is both too much and too little. You can be overwhelmed with information on the Internet, in magazines, newspapers and be buried by an avalanche of paper and electronic text. If you do not have the background and the expertise, it is very difficult to filter though all that. On the other hand, government does have the resources of the NHMRC through the department to provide some filtering for that, not to bias it or prejudice it but to provide some filtering and some analysis and to assist us all to come to a better outcome in the future. That is why the United States, for example, has the President’s Council on Bioethics. I support my
leader’s call for a bipartisan view in the future on forming a national bioethics council, which would at least allow us to develop a much more informed view in the future on these issues. Life sciences will be the most important ethical, social and, indeed, financial question we will face in the next 25 years. So that is a general point on which to end my discussion of this highly specific and personal legislation, which I will certainly be supporting.

While I may part company on some of the detailed discussion points—for example, I find it very difficult to differentiate embryonic stem cells created on 5 April from those created on 4 April or 6 April, and I would find it very difficult to tell them apart in a laboratory under a microscope if you gave me a blind test to tell them apart—the reality is that it is worth supporting that kind of illogical distinction simply to be able to see the promise of these things realised in five or 10 years time. Perhaps one day we will see the medical objectives that we would all like to see ultimately realised enabling our family, friends and constituents to be treated in the compassionate way we would want them to be treated in this country.

Ms GAMBARO (Petrie) (1.00 p.m.)—I rise today to speak to the Research Involving Embryos and Prohibition of Human Cloning Bill 2002. I also want to add my comments to those of the many speakers who have spoken before me. This legislation before us is significant not only in scoping the scientific future of this nation but also in recognising how far we as a people have come in grappling with our own consciences and the exponential directions of science. We have before us today legislation that offers potential answers to a myriad of diseases that have been a feature of our everyday lives since time immemorial. Few people cannot remember someone close to them suffering from a degenerative disease, whether it be Parkinson’s, diabetes, Alzheimer’s, cancer or leukemia. There are examples in our everyday lives of people being touched by and suffering from those diseases.

I believe stem cell research provides the opportunity to find those answers; answers that will help us understand these diseases more fully and offer reasons as to why some people are struck down by these diseases while others are seemingly unaffected. In the last two years the number of people in Australia with Parkinson’s disease has doubled—up to 80,000. What makes this figure even more troubling is that it is not just the elderly who are suffering but people as young as 30 are being affected. I have spoken with many people in my electorate who are sufferers of this degenerative disease. I have listened to them talk about their day-to-day experiences, their health and how their health impacts on the quality of their lives, their families and their friends. I understand their anguish and the need for answers.

We cannot walk away from possibly finding cures for diseases that have eluded us for centuries. Recently, in a speech on this very topic, my colleague Senator Amanda Vanstone said that history is littered with examples of people not being able to see where science could take us. This is true. When Bill Gates bought the rights to DOS for about $50, he probably was not aware how computers and the essential disk operating system would feature in our everyday lives. Today, computers help create products and solve problems. On a scientific level, computers enable the fast compilation of data, which is essential in finding answers to some of the most complex medical issues in history. We cannot predict the future—that is a given—but we can help shape it. As our population ages, that future will increasingly depend upon an expanding health budget.

In my electorate of Petrie around 20 per cent of the population are aged 65 and over. This is six per cent above the national average. By the year 2031, around 5.4 million of our population will be in this same age bracket. Last year that figure was 2.1 million. We have before us an opportunity to enlist science in ensuring that the quality of life of those 5.4 million people in the year 2031, not to mention the rest of the population, is at its best ever. To ignore the implications to our health and social policy budgets is to snub the factors that have shaped this nation into the great nation that it is. We really need to consider these implications.
Last year in an article in the bulletin of the World Health Organisation, Dr Ron McKay, a leader in stem cell research at the US National Institute of Neurological Disorders and Stroke, described the potential for stem cell research to revolutionise medicine as ‘mind-boggling’. He went on to say that, as a result of studies with stem cells, clinical trials in the treatment of heart disease and type 1 diabetes were within two or three years. This is amazing progress in such a short space of time.

Stem cells provide scientists with an opportunity to gain a deeper understanding of normal development. Since the 1960s adult stem cells from bone marrow transplants have been successfully used, particularly in treating tissue damage caused by chemotherapy. Adult stem cells are a source of multipotent stem cells. Although these are very valuable, they function by differentiating only as directed or required by the tissue in which they are placed. What makes embryonic stem cells so interesting is that they can provide both totipotent and pluripotent cells. Totipotent cells are the first cells or the stem of all future cells of an organism. Pluripotent cells are stem cells that have the potential to become any cell type and can provide a stable and long-lived culture, thereby making them very valuable to scientists in creating a variety of tissues.

Dr Angelo Vescovi, a stem cell researcher and scientist in Milan, Italy, argues that there is greater scope for embryonic stem cell research than simply relying on adult stem cell research, but that the two are complementary. While embryonic stem cell research focuses on how pluripotent cells differentiate to become tissue specific stem cells or multipotent stem cells, adult stem cell research looks at how the cells revert to a primitive state before developing into new tissue. Any study on stem cells should therefore consider both adult and embryonic stem cells. This is a recurrent theme that we have heard from researchers worldwide in this area.

One of the reasons for the need for complementary research is that adult stem cells, in particular bone marrow cells, have been shown to be able to develop into cells of the tissue in which they have been placed. However, scientists are unsure as to how and why this occurs. Embryonic stem cell research is therefore essential to understand this process. Stem cell research offers the potential to find answers to some of the most terrible diseases that we have heard about in this House. In May this year, the Melbourne based ES Cell International announced that in conjunction with US collaborators they had cured diabetic mice by using pancreas cells grown from embryonic stem cells. This finding offers hope to over 300 million diabetics worldwide, and the company predicts that the cure may be commercially available to sufferers by the year 2009.

Less than a month after this finding was published, US scientists in the magazine Nature announced on 21 June 2002 that they had successfully reversed the symptoms of Parkinson’s disease in rats using embryonic stem cells from mice. In the same article, scientists reported that they were able to isolate a stem cell from adult bone marrow that could produce all tissue types from the human body. What this information demonstrates is the value of parallel work in both adult and embryonic stem cells. We are yet to learn how adult stem cells or embryonic stem cells are better suited to the treatment of a particular disease. But it would be morally unjust to simply allow a person with a degenerative disease to suffer and die without the opportunity of a potential cure. If we prevent embryonic stem cell research we prevent the opportunity for finding answers and providing hope to the increasing number of people who suffer from diabetes, for example, on a daily basis.

There have been complaints from some areas of the community that embryonic stem cell research is playing God. A number of members of this House have relayed some of those emotions over the last couple of days. I have heard some amazing arguments that this research destroys life rather than embraces life. It is important to note that this legislation before us today refers to excess embryos that were in existence before 5 April 2002 and that would otherwise have been destroyed. These embryos will come from approved assisted reproductive technology treatment programs, which include in-vitro
fertilisation. The research conducted with these embryos will enhance life, not take it away. Embryos will not be farmed. In addition, this legislation does not take away the rights of donors, as we have heard on many occasions in this House. It requires their consent to research and enables them to specify restrictions on the use of donated embryos. If the donors do not give their consent for their surplus embryos to be used for research, according to this legislation, those embryos will be destroyed. It is important to note that in seeking out in-vitro treatment the donors themselves turned to science to help with their goal when nature was unable to.

When I began speaking to this bill I stated that it was akin to a litmus test as to how far we have come in weighing up the advances of science with ethical and moral judgments. I cannot find a rational reason that would allow these embryos to be destroyed, but I would question their use in research that may unlock answers to life-threatening diseases. In considering the legislation, I am supportive of embryonic stem cell research just as I am supportive of research involving adult stem cells. I agree, however, that we should not permit human cloning, whether reproductive or therapeutic cloning. However, I am concerned that the contents of this bill, in its present form, place some very unnecessary controls on the current clinical practices of in-vitro fertilisation. I support in-vitro fertilisation. In Australia, approximately two in every 100 babies born are from an IVF program. Since the early 1980s, Australia has maintained a high standard of integrity in our IVF programs. We are world leaders in this area.

The bill before us today, while providing the opportunity for science to advance for the betterment of mankind, places some very undue restrictions on IVF. In 1985, when the world’s first pregnancy from a frozen egg was announced, it revived the IVF debate as to whether IVF was research or experimentation. In 1982, the Catholic Bishops of Victoria called the IVF process unacceptable. They echoed the concerns of people and community groups who questioned the ethical application of IVF. Despite the National Health and Medical Research Council endorsing in 1983 the experimentation on human foetal tissue under certain conditions, the same arguments of 20 years past are being used again today to dissuade research involving embryonic stem cells. Perhaps we are still unable to remedy the growing rate of science with our own conscience. This bill should not be about curtailing IVF practices.

The Council of Australian Governments, COAG, meeting on 5 April 2002 agreed to introduce nationally consistent legislation to establish a national regime to regulate the use of embryos excess to approved assisted reproductive technology treatment programs. It supported maintaining the status quo on current IVF clinical practices. This bill goes beyond that original COAG agreement and as such seeks to control clinical IVF procedures. These controls are not needed to monitor embryonic stem cell research. In section 7, part 1 of this bill a human embryo is defined as up to eight weeks of development after fertilisation or initiation of its development. According to current definitions, a human embryo is a live embryo that has a human genome or an altered human genome and has been developing for less than two weeks since the appearance of two pronuclei or the initiation of its development by other means.

As such, it is therefore suitable to be placed in the body of a woman with the potential of creating a viable pregnancy. The definition as contained in this bill includes all embryos even though some of these embryos may be abnormal, dying, fragmented or very slow growing. In effect, the definition, as it is, equates abnormal and dying and dead embryos with viable embryos. If we take this definition of an embryo from section 7, part 1 of the bill in conjunction with section 18, part 2 of the bill we arrive at a problem. Section 18, part 2 states:

A person commits an offence if the person removes a human embryo from the body of a woman, intending to collect a viable human embryo.

If this definition is combined with the section 7, part 1 definition of an embryo then the termination of a normal or abnormal pregnancy could be prevented. Section 18, part 2 is not clear because it implies that the act of
removing an embryo up to the age of eight weeks is a prohibitive practice. The wording therefore needs to be much more specific to imply that it is an offence if the removed embryo is then used as a continuing viable embryo for other means and not the removal itself.

The inclusion of all embryos in the section 7, part 1 definition of an embryo places a control on the current clinical procedures for IVF. At present, IVF units use those abnormal and poorly developing embryos for training and testing purposes. These include training scientists in those reproductive techniques. They also use them for quality assurance testing to ensure that the culture and pre-implantation testing is optimal and also to check the effectiveness of those new culture systems.

Because section 25, part 3 of the bill limits the use of excess embryos to create a pregnancy unless a licence is obtained, it places a constraint on the current practices of IVF units. It is therefore not consistent with the COAG agreement of 5 April 2002 to maintain the status quo on clinical IVF practices. The control of current clinical IVF practices is not necessary to give the green light for embryonic stem cell research. Much of the impost in this bill placed on IVF can be reduced. As it stands, though, the bill is very worthy and has great merit in many other areas.

I support the elements of the bill that promote stem cell research involving excess embryos. I also support the banning of reproductive and therapeutic cloning. However, because of the constraints that the bill in its current form places on IVF clinical practices, I will be moving an amendment to remove these constraints. We have both talent and resources in this country. We can harness those skills and opportunities by constructing legislation that marries the current advances in IVF clinical research with the advancement of stem cell research. To curtail one in the name of the other would be a backward step in the evolution of science and the promotion of life. If we are to ensure that Australia is a notable contributor to advances in science and medicine, from which we can all benefit, we cannot afford to sit back and wait for someone else to find the answers.

Mr Latham (Werriwa) (1.17 p.m.)—I rise to support the Research Involving Embryos and Prohibition of Human Cloning Bill 2002. I congratulate the member for Petrie on her wonderful contribution to the debate. I for one look forward to her amendment and its consideration in the House. We live in an era of constant technological change. Some of the greatest advances in the history of humankind are happening in our lifetime. This is a compelling time for our society and its public representatives. Just think of the wonder of the human genome project. Scientists are mapping out the nature of our very existence, just as 300 years ago the great continental explorers mapped out the nature of our planet. These are achievements of the highest order, with the highest potential for human progress. Imagine a world without hereditary diseases and crippling genetic defects, a world in which people are healthier, stronger and more capable. In fact, these are no longer matters for just our imagination: science is making them possible in practice. So, too, embryonic stem cell research holds out the promise of curing some of the world’s most debilitating illnesses, such as Parkinson’s disease, diabetes, Alzheimer’s disease and spinal injuries.

We come to this parliament to make progress for our nation and its people. Part of this progress is to assist the work of medical science and scientists in solving disease, in easing pain, in ending suffering and in ending despair. I congratulate the Prime Minister, Mr Howard, and each of the state premiers and territory leaders for their cooperative federalism—in effect, for bringing this legislation before the House of Representatives. But I must say that I have been stunned to find the level of opposition among members of this House. It is a level of opposition that is way out of proportion with public opinion and the wishes of the Australian people on an issue such as this.

I heard earlier on the member for Warringah quoting Edmund Burke’s famous speech to the electors of Bristol. I remind the member for Warringah that after that speech Mr Burke was thrown out of office by the elec-
tors of Bristol. I can only trust that one day the electors of Warringah will show equally good judgment. The opponents of this legislation have put forward an extraordinary proposition: they want to hold back the research to protect embryonic cells that are going to be destroyed anyway. That is their proposition. They want to hold back this important research in the name of protecting embryonic cells that are going to be destroyed anyway. This is a proposition that only needs to be stated to be dismissed as absurd. It is a totally absurd proposition. They want to block research in the name of protecting cells that are going to be destroyed in any case. They have no strategy for stopping that. They have no strategy for winding back IVF procedures and other reproductive technologies. It is one of the most stunningly illogical, irrational and ultimately inhumane propositions to come before this House.

IVF technology produces a large number of surplus embryos, most of which cannot be used in the IVF process so, logically, they are disposed of. The only way to protect the embryos is to abolish IVF. But this is not the stated position of those who oppose the bill. They talk about the slippery slope and society sliding further down this slope but they have no strategy for crawling back up. They have no strategy or public position for crawling back up the slope that they claim is so slippery. Ultimately, they are engaged in the politics of futility. This is not logic. This is not reason. This is not rationality. The only reason I can see for opposing the bill is religious fundamentalism. The politics of futility is taking a position irrespective of argument, logic, reason, debate or the sort of discussion that we normally have in a debating chamber such as this. In effect, the impotent are pure. Whether or not this bill is passed, the embryos will still be destroyed. It is a totally illogical proposition to oppose this part of the legislation. Unhappily, it reflects the rise of religious fundamentalism on the coalition side of the parliament. It is a politics that dispenses with facts, dispenses with logic, dispenses with argument and puts fundamentalism at the core of this parliament’s work.

The member for Warringah spoke recently of the ‘Catholicisation’—an inelegant term—of the Liberal Party. It is a very dangerous trend. Here we have someone boasting about the effective end of the separation of church and state—one of the pillars of a free society, one of the pillars of an open democracy. We have the member for Warringah, Mr Abbott, boasting about its abolition within the Liberal Party, boasting of the Catholicisation of his side of politics. The member for Warringah claims to be worried about union influence in the ALP; yet apparently he has no such concern about the rise of National Civic Council influence within the Liberal Party.

The fundamentalists are putting forward false arguments. They have a range of inaccurate and false strategies in this particular debate, in attacking this particular legislation. Their first strategy is to attack the scientists themselves. Imagine the arrogance of the Deputy Prime Minister, Mr Anderson, and of the member for Warringah in coming into this House and attacking the scientists who dedicate their lives to human progress, to good science and to trying to solve problems for our society through good and sound technological means. The member for Warringah spoke of the ‘sovereignty of scientists’. It is typical of his debating style. In talking about the sovereignty of scientists he is trying to erect a straw man solely for the purpose of knocking it down. In truth, the scientists do not have sovereignty over or ownership of this technology. Scientists themselves are a very diverse group, spread across all parts of political, social and other spectrums in our community. Of course, the benefits of good science are dispensed widely across our society. They do not belong to any one group; they are not owned by a part of society. There is no sovereignty attached to technological breakthroughs. They are dispersed widely across our society, as they should be in a free, open and democratic society such as ours.

We had the Deputy Prime Minister, Mr Anderson, come into the House to speak of scientists with ‘very nasty, evil intent’. This is a shocking slur against people who dedicate themselves to progress in our society.
Talking of ‘very nasty, evil intent’ by scientists is a shocking slur, the slur of a Luddite, of someone who cannot see past his own fundamentalist views and who is willing to put down scientists and to talk of them as evil. The bigger evil is fundamentalism itself, which holds back good social progress and which holds back the capacity of this parliament, of scientists and of other good people in our community to solve problems of suffering and despair across the community. It is a terrible slur. Mr Abbott made a similar slur, saying that these scientists were motivated by commercial interest. Who are these people to slur scientists in this fashion? If they do know of evil scientists, I call on Mr Anderson to identify them and to take government action against them—defund them. He has the power to do that; he has been in this parliament a long while. He has been Deputy Prime Minister for a number of years and he has taken no such action. He too is erecting a straw man solely for the purpose of knocking it down.

There have been further misrepresentations of scientists. The member for Sturt is often engaged in a debate against me on the Lateline program on ABC TV. A few months ago, he pointed to United States research breakthroughs using adult stem cells and said, ‘This is all we need.’ He said, ‘We don’t need research on embryonic stem cells; the adult stem cells will suffice.’ I put to him the view that the scientists in the United States who made the research breakthrough did not hold that view. They said that embryonic stem cell research was just as necessary and should continue. The member for Sturt, putting the fundamentalist position, said he wanted to take the research of these scientists but not their advice. Did you ever hear anything more foolish in your life? He wanted to take the research of the American scientists but not their advice. This is the arrogance and the fundamentalism of people who do not believe in progress on reasonable terms and conditions. They are politicians who are saying they know more than the scientists. I put it to them that they are in the wrong job. If they think they are so smart and knowledgeable and have all these insights into science—the people I am talking about are not very good at politics—they should go and become scientists and use their expertise. If they really claim they know more than the scientists, they are in the wrong place. This is a political chamber. If you have outstanding scientific expertise, use it elsewhere for the benefit of humankind. They are in the wrong job.

As politicians, we must act on the best available advice from scientists and the science community. We should not disparage scientists at all; we should be congratulating them and encouraging their work. The member for Sturt, in putting up another false argument, turns around and says, ‘Hang on. We’re attacking scientists, but we’re not insensitive to the needs of the sick, the disabled and those who are suffering.’ That is the member for Sturt’s position. He wants to have it both ways. He wants to attack and misrepresent the science community and then turn around and say that, as an elected representative here, he is not insensitive to the needs of the sick, the disabled and those who are suffering. I put it to them and to the chamber: what if, decades ago, legislators in this place had banned research into heart transplants, kidney dialysis, CAT scans or radiotherapy? What if 20 or 30 years ago this parliament had taken that step and had banned all those forms of medical research that today are proving so useful in saving lives and in giving people decent quality of life? What would we say now about such a decision that was made 20 or 30 years ago? What would we say to the sufferers of heart disease, kidney disease or cancer? It would not have been just insensitive to have made such a decision 20 or 30 years ago, it would have been plain inhumane to the people who would have subsequently suffered so much from those particular diseases. I say to the member for Sturt: it is not just the insensitivity of your position but also its lack of humanity that is on display in this House.

The second tactic by the fundamentalists on the other side is to set themselves up to sit in moral judgment on our society. Of course, I respect their right to a conscience vote. I respect their right to express their views in this House, even if they are driven by religious fundamentalism. But what I can never respect is their hypocrisy in lecturing others
on how to run their private lives, in taking the high moral ground when they themselves are not pure and in lecturing others at a time when people have had a gutful of politicians who want to get into family life and tell people how to run their business. These Tories want to deregulate the boardroom but re-regulate the bedrooms of Australia. This is the hypocrisy and double standard of their position. I very much welcomed the intervention of the deputy Liberal leader, the Treasurer, Mr Costello, at the weekend. The Australian newspaper last Saturday reported: He WON’T be lecturing us all about divorce and family and abortion.

The quote goes on:

Costello, a moral conservative, compares this to Stalinism.

I welcome the comparison. It is a form of Stalinism to think that you can tell people how to run their private lives, that you know more about their lives than they do themselves. This is the new Stalinism that is about. The article goes on:

The Treasurer has been known to remind Coalition colleagues of the fate of John Major’s Conservative government in Britain, which embarked on a campaign to promote family values, only to crumble under the sleaze factor when a litany of Tory MPs’ personal quirks became public.

I hope the members for Warringah and Parramatta noted carefully the contents of that article. I hope they paid close attention to what their deputy leader was saying. He was saying that there should be a limit to the role of government, that government should not be intruding into the private lives of citizens and pretending to know more about their lives than they do themselves. I welcome that sensible intervention by Mr Costello.

Of course there is a further double standard in the position adopted by the members for Warringah, Parramatta and Gwydir. When they are freed of their religious fundamentalism on an issue such as industry policy they come into this place and say, ‘When it comes to picking industry winners, picking the businesses that deserve government subsidies, government hasn’t got the power, capacity or understanding to do that.’ They say it is not possible for government to have the know-how and ability to pick industry winners. So, when you take their religious fundamentalism out of them, on an issue like industry policy—a straight economic issue—they say government has not got the capacity to pick industry winners and to run activist industry policy. But, when you put the fundamentalism back in, on religious, family and moral issues they claim now that government has the capacity to pick the difference between right and wrong in someone else’s family. It is an amazing double standard. On industry policy they say government has no capacity to pick winners; on moral and family policy they claim that government now has the capacity to know the difference between right and wrong in someone else’s family life. It is a basic contradiction. They should understand the limits of government. They should not be in the business of deregulating the boardroom while, on the other hand, wanting to re-regulate the bedrooms of this nation.

It is also a bit rich for the Catholic Church to be lecturing the parliament on morality in this particular bill at this time. I would advise the church to get its own house in order first.

I think there is a standard where you should get your own house in order first before you come and put yourself up on a pedestal lecturing others about issues of family, morality and human existence. We have the news overnight of the Archbishop of Sydney standing down because of serious child sexual abuse allegations made against him. We have the horrific situation in the United States where the Catholic Church has been ripped to the ground by the allegations, and proven instances, of child molestation.

We have a problem here in Australia. Just the other day, a woman in my electorate who knows me as her member of parliament came up to me in the street and said, ‘Mr Latham, we should close down the churches to protect the children.’ That is what she said about the Catholic Church: we should close them down to protect the children. People are living in fear of what is happening to young, innocent children in the hands of the Catholic Church. Yet the hierarchy adopts a pious, sanctimonious status where they want to lecture others about family and moral issues. This demonstrates the problem with religious
fundamentalism. These are the people who have denied priests the natural right to and opportunity of a sex life. It is not surprising—it is tragic but not surprising—that it spills over into these terrible circumstances for children in their care. Now they are the same people who want to deny society the benefits of stem cell research, the sorts of breakthroughs that can end so much human suffering and disease.

The third tactic of the fundamentalists is to draw absurd analogies. Earlier in this debate, and also in the Australian Financial Review, the member for Warringah drew this analogy: ‘it is not necessary to hold that a tadpole is the same as a frog for a frog protection society to have deep concerns about the deliberate destruction of tadpoles’. For those of us who have always thought the member for Warringah is not the full quid, this is perfect confirmation of that fact. This is someone who says he has a deep, passionate concern about all forms of human life, yet his analogy of choice in this parliament is to compare people to tadpoles, and this debate to frog protection societies. He is not the full quid, and he should not be using such ridiculous analogies in such a serious debate. In fact, the problem with the member for Warringah is he cannot make up his mind whether he wants to be a politician or a priest.

Mr Dutton interjecting—

Mr Latham—In fact—joined by the member for Dickson—he has adopted the worst of all positions: the fundamentalist politician. He says in this debate that we were once embryos. That is true—everyone in this House was once an embryo. But the bigger truth that the member for Warringah and the other opponents of this legislation need to confront is this: whether they like it or not, the embryos in question will never be people. The embryos we are talking about will never be people and will never experience the senses, the intelligence and the reality of a human existence. And there is another truth that the member for Warringah should also confront: just as we were once embryos, one day we will all be ashes or worm food pushing up daisies in the cemetery. That is what this bill is about. It is not about the past; it is about the future. It is not about the denial of human existence; it is about its promotion. It is about prolonging and enriching lives by solving disease.

The right-wing conservatives in the coalition do not have a consistent view on the dignity of human life. They are so concerned about the unborn, but they drop the baby at birth. They are not concerned about the dignity of young people. Where is their commitment to take care of young life? In fact, in this debate, one would have thought the Deputy Prime Minister gives a higher priority to stem cells than he does to young children locked up in the detention centres of this country. They are not concerned about the dignity of dying. Where is their commitment to take care of the old? Now the member for Warringah will say that those things are not as important. He will say that they are not fundamental questions of philosophy. He is not consistent. The member for Warringah would know, from his time in the seminary, that the Catholic Church traditionally says there are four sins that cry out to heaven for justice. They are: murder of the innocent, sodomy, oppression of the poor and defrauding the labourer of his wages. Now the member for Warringah wants to lecture us on human life. But where is he on the oppression of the poor? He has got nothing to say. And where is he on defrauding the labourer of his wages? In fact, he tries to make a virtue of that by his constant bashing of trade unions in question time.

The member for Warringah’s hypocrisy is on display. He is what we call a cafeteria Catholic: he wants to pick and choose bits of his religion that suit and meet his particular political interests. But when it comes to stem cells he gives this bizarre speech about frogs and tadpoles, and then moves on to a lot of religious philosophy. It sounds like he has swallowed the Catechism; but it turns out there are some pages of the Catholic Catechism that he has spat back out—like the page that says: ‘Remuneration for work should take into account the common good ... agreement between the parties is not sufficient to justify morally the amount to be received in wages’. That is absolutely right, and the member for Warringah’s support for
individual employment contracts makes him a heretic in the eyes of the Catholic Church. So these are the wrong values, the wrong attitudes.

The member for Warringah said this was a values debate. He is in search of the things we cannot do in this society. It is true that some people lead a public life that way. But I would rather look for the things we can do, not the things we cannot do; the good things we can do for the future, particularly when it comes to solving illness and disease. *(Time expired)*

Mr LINDSAY (Herbert) *(1.37 p.m.)*—I might say at the outset that I agree entirely with the views the member for Werriwa has on embryonic stem cell research. I think it is very healthy—and I hope that the gallery notices—that a member of the government can agree with a member of the opposition. We ought to see a bit more of that from time to time in this place. Also from time to time members of parliament are faced with making significant and far-reaching decisions that have ethical implications. So it is with this question of how to deal with embryonic stem cell research; a question that deserves a considered view.

Over the past several months there has been widespread debate in Australia, and this debate has intensified in the lead-up to the introduction of the Research Involving Embryos and Prohibition of Human Cloning Bill 2002 currently before the House. It is a great country we live in, where all sides of the debate can be heard and their views respected. It is also significant that, on an issue as important as this, members of parliament are able to search their consciences and vote accordingly. The last great debate of this nature was on euthanasia and, before that debate began, I had a very strong view that was pro-euthanasia. However, I faced the time to read widely, to consult extensively and to think deeply about the issue and, in doing so, I changed my mind and voted accordingly.

In relation to the use of embryonic stem cells for research, I have also read widely, consulted extensively and thought deeply. But this time I have not changed my original view. I support the use of embryonic stem cells as outlined in the bill before the parlia-

ment today. Those opposing stem cell research say, ‘It is unethical to use embryonic stem cells. It is unnecessary to use embryonic stem cells, and any benefits of embryonic stem cell research are still a long way off.’ Taking these issues in turn, I challenge the concept that it is unethical to use these cells. The question is really about where human life begins and that is a question largely raised by Catholics, who believe that conception occurs when sperm and ovum first combine. I do not accept this view. I am particularly guided by the views of Dr Peter Carnley, Primate of the Anglican Church of Australia and Archbishop of Perth. Dr Carnley observes that human life might be considered not to begin at fertilisation since spermatozoa and eggs are already alive in advance of fertilisation, and they display great activity.

So the age-old question arises about when exactly the embryo is to be afforded the status of an individual human person for whom life may be claimed. The answer to this question lies in science and the process towards creating a human being. My view is that conception is now known to be not at a moment but a process that takes some 14 days. Only at the end of that process is it possible to say that a human individual has been conceived. During the 14-day process, twinning may occur or divided cells may recombine. It is only at the end of the 14-day process and once implantation has occurred that there is no further possibility of twinning and that I think we can logically say a human individual has been conceived. It is only on implantation that the blastocyst can be said to have resulted in the creation of a human life. This bill deals with embryonic stem cells harvested during the 14-day period, which can be fairly argued to have the potential to establish a human life, just as it could be argued that sperm does. But I argue that ES cells are in fact nothing more than human DNA before implantation.

The community has already accepted that the IVF—that is, in-vitro fertilisation—process allows childless couples to have the joy of raising their own children. The community accepts that. This process has always been known as IVF; it has not been known as
IVC—meaning in-vitro conception—because human life is not conceived in a test tube in that process. This bill deals with the surplus embryos that have been created in that process and seeks to allow these surplus embryos to be used for beneficial scientific research.

In relation to the view that it is unnecessary to use embryonic stem cells, it is claimed that adult stem cells can equally well be used. I do not hold this view because adult stem cells may contain DNA damage from ageing and environmental degradation or may contain genetic defects that would render them useless for transplantation therapy. There is a body of scientific evidence showing that there are limitations on the use of adult stem cells. There are real limitations, on current knowledge, on the ability of adult stem cells to differentiate into mature cells such as nerve cells. Experiments have shown that adult stem cells can be isolated and manipulated into a variety of mature cells, but these have been difficult to repeat. The conversions occur at very low frequencies and are therefore unlikely to be translated into therapeutic use. These conversions can only occur under severe conditions, such as following the irradiation of tissue. I reject the claim that is put by one side of this debate that the solution lies in the use of adult stem cells and not in the use of embryonic stem cells.

It is also claimed that any benefits of embryonic stem cells are a long way off. I ask the question: so? Research into both adult and embryonic stem cells is a rapidly evolving field, but researchers consider that there is greater potential for more exciting developments using embryonic stem cells than with the use of adult stem cells. Scientists believe that embryonic stem cells can more easily be directed to form particular types of specialised cells, such as heart muscle, nerve cells, blood cells, insulin-producing pancreatic cells and skin cells. There is a landscape of marvellous opportunities for the discovery of new regenerative medicines and potential cell therapies that must not be blocked by unscientific thinking.

Human embryonic stem cell research offers significant potential to improve or cure diseases or conditions which will affect up to half the Australian population. Embryonic stem cells have the capacity to develop into any mature adult cell. Some adult stem cells may also have this capacity, so work on adult stem cells should also be encouraged. But, since science does not understand the mechanisms of reprogramming, adult stem cells cannot adequately substitute for embryonic stem cells. As an example, in diabetes research, I am advised that efforts to reprogram adult stem cells to differentiate into insulin-secreting islet cells have simply not been successful.

All members of parliament would have received passionate pleas from parents with children who suffer terrible medical conditions who could benefit from this frontier research. They wait in hope for advances in medicine to assist them with all sorts of diseases so that their children can lead a normal life. As legislators, we have an obligation to make this research lawfully possible so that, one day, many youngsters can live with a brighter future. There is no way that I, as a parent, could deny another parent this opportunity. I received a letter from a Mrs Kim Cook—she will know who she is—and she simply wrote this to me:

I am writing to you as a mother. I have twin boys aged 6.

There are two other little boys in my life that are also dear to my heart, I am intrinsically involved in the lives of these little boys and they are desperately in need of your help to have the opportunity to live to be adults. Currently they are living on borrowed time.

May I ask you for one moment to pause and ponder the thought! How would you feel if these children were your little boys.

These little boys are Bailey ... and Brandon ...

Bailey is 2 years of age and Brandon is 6 years of age.

Bailey ... has a rare form of Muscular Dystrophy. Bailey has defied all medical opinions and continues to live in a society that struggles to fully comprehend his needs for assistance.

Brandon ... has a disease called C.G.D. (Chronic Granulomatous Disease), a condition that renders the immune system, for the most part, defenceless. Brandon has battled through a collapsed lung, abscesses on his liver, multiple skin irritations and the loss of nearly 75% of sight in his
right eye. He is steroid dependent and those very
drugs that are keeping him alive are the same
drugs that are slowly but surely destroying him
and any chance for a normal, happy life. Like
many sick children Brandon continues to conquer
this world with determination that many adults
would be proud of.

These two boys are unique and you will see from
the media stories attached to this letter that their
parents, family and friends are all working tire-
lessly to support these children.

Mrs Cook goes on to say:
This letter asks that you clearly look at the issue
of embryonic stem cell research—
which the parliament is doing today—
Would you deny these children the right to maybe
have a chance of having their medical problems
cured? If you will for a minute imagine yourself
in these parents position and those of other par-
ents with sick children would you not do every-
thing humanly possible to ensure that research
continues into embryonic stem cell.
We live in a country that is based on a democratic
constitution. We the public empower you as
speakers for us to ensure that the democratic pro-
cess is carried out and that our country continues
to grow forward.

This research into embryonic stem cell will not
only give us the opportunity to help children like
Bailey and Brandon but also continues medical
research into the human body. Australia should be
at the forefront of this technology.
I respectfully ask that you think of Bailey and
Brandon’s stories and other stories from parents
with children that may one-day benefit from this
research when making your decision on this very
important issue of embryonic stem cell research.
I can say to Mrs Cook: I certainly have lis-
tened, and I certainly hope that the vote in
this parliament will also be as a result of lis-
tening not only to you but also to the very
many people who have asked for the parlia-
ment’s assistance in this regard.

I am very excited that stem cell research
may have benefits for many serious illnesses
as widely diverse as Alzheimer’s disease,
Parkinson’s disease, diabetes, spinal cord
injuries, heart disease and cancer. The re-
search on embryonic stem cells that this bill
seeks to approve will look for ways that new
cells may be guided to replace and repair
damaged tissue. I accept that these benefits
may still be a long way off, but most disco-
very in the field of scientific endeavour have
taken considerable lengths of time. I do not
accept the argument that is being put about
that, just because embryonic stem cell re-
search has not helped a single patient to date,
research should not be permitted. If we had
allowed this view to prevail, many major
past discoveries would never have been
made for the benefit of mankind. I also note
the argument that embryonic stem cell re-
search destroys the embryo. There are two
answers to this argument. Firstly, an embryo
is not a living human being until it has been
implanted, as I have argued previously, and
therefore it does not exist as a separate and
distinct person. Secondly, all of the excess
embryos currently held in Australia will be
destroyed anyway. It puzzles me, as it does
the member for Werriwa, that people who
oppose embryonic stem cell research seem-
ingly happily accept the destruction of cur-
rent embryo stocks.

I note the emotive language used in this
debate that says that we must not cross the
line of deliberately creating and destroying
human life. Of course I agree with this sen-
timent, but the question revolves around the
point at which human life is created. I have
already indicated my view on this, so I have
no difficulty in supporting the use of human
genetic material for the noble purpose of
discovering new ways to allow humans to
have a better quality of life. I also note the
concerns about cloning of human beings, and
I think we will see every member of this
parliament happily supporting that aspect of
the bill. That is not in question.

Those against this bill state that good sci-
ence is ethical science; but I believe that this
is good, ethical science, as it has great bene-
fits for mankind. Opponents of the bill state
that destroying any human life for research is
unethical. As noted earlier, I do not believe
that science, in this instance, is destroying
human life. Opponents of the bill state that
embryonic stem cell research will lead to
cloning and must not be allowed—but the
bill prohibits this. They state that destroying
embryos for research is not necessary to ob-
tain cures, but I would rather see embryos
used for research than just destroyed. I
would rather see the potential of that material used for the good of all mankind. I believe that embryonic stem cell research points a way forward and may provide tremendous medical breakthroughs in the future. It does not affect the dignity of the human condition. We should all take this road now for the benefit of our future generations.

Mrs IRWIN (Fowler) (1.53 p.m.)—When I started to look at the issues involved in this debate, it soon became obvious that two sides to the argument formed up around the use of embryonic stem cells for research and the possible treatment of human disease. The things that we are debating have become stuck on the moral arguments of each side. Everyone quotes the argument of some scientific or religious principle. It seems to be one of those issues where some people look to the high priests for answers: the high priests of religion or the high priests of science—men in frocks or men in white coats. That seems to be the position in most of the many letters I have received on the Research Involving Embryos and Prohibition of Human Cloning Bill 2002, and I assume that other members have received as many letters as or more letters than I have. But of all the letters I have received, only a handful have come from people in my electorate.

So what does the so-called average person in the street think about this bill? We have words like ‘embryo’ and ‘stem cells’. If you were not paying attention that day in your biology class, you probably have not got a clue what they are. But does that mean that ordinary people should not take a stand on this bill? I do not think so. Does it mean that we should leave the answers to wiser heads, to higher authorities, to men in frocks or men in white coats? I do not think so.

Decisions about the reproductive lives of ordinary people are made by the individuals themselves every day. We make decisions about the fate of human embryos. Not all people consult the self-appointed moral guardians in our society to make the decision for them. Today, individuals—and women in particular—are rightly resentful of anyone who wants to tell them what they can or cannot do with their own bodies. A woman who takes a contraceptive pill and is sexually active, whether she realises it or not, may in effect be making a decision on the future of a human embryo. A woman who seeks to terminate a pregnancy no doubt realises she is making a decision about a human embryo. Individuals or couples who seek assisted reproductive technology are making decisions about a number of human embryos. I think the words of the high priests of religion or science count for very little when each of those decisions is made. In making a decision on this legislation, we can look at the issue from the point of view of the high priests, we can accept the dictates of the moral guardians or we can look at the way in which tens of thousands of Australians reach decisions about human embryos every day of the week.

When a sexually active woman who takes a contraceptive pill discards an embryo at the end of the month, does she mourn the loss? Of course not. She does not. I have no doubt that some couples who have undertaken IVF treatment sometimes think of their unwanted embryos locked away in cold storage. As the member for Moore told the House today, between 50 and 65 per cent of IVF patients request that their excess frozen embryos be donated to research, including stem cell research. But the high priests would have us believe that is wrong. We can argue till the cows come home about when human life begins. We can listen to the high priests, to the men in frocks and the men in white coats, but what really matters is how ordinary people feel about it, and for IVF couples more than 90 per cent either allow excess embryos to be used for research or request their destruction.

We hear a lot of talk about human values, but it usually comes from people who want to force their values on the whole of society. The last thing they ever do is listen to ordinary people and try to understand how they frame their values, how they make their values fit the everyday things in their lives. While they may discard an embryo without a second thought, they will love, cherish, nurture and defend to the death their born children. That is what real human values are—not the kind of artificial values chiselled on tablets of stone that the high priests expect us
all to live by. And that is how we must judge this legislation: not by the words of the high priests but by the values of ordinary people. That is how we must look at this debate.

As the women and men who make this country’s laws, we need to consider who we are making those laws for and whose values should be reflected in those laws. That is what we must consider. That idea might seem strange, but it should not. In fact, it is one of the pillars of our justice system. It is known as the jury system and it has served us well for many years. We rely on ordinary people to decide the facts in a jury trial. While some people would suggest that some matters brought to trial should be judged by experts, we should think very carefully before we do. The judgment of ordinary people based on the values they frame in living their daily lives is not a bad place to start when deciding moral issues.

So where does that leave the moral guardians? They have their place. They can preach, they can present their case and they can exercise their influence. But in deciding these matters, should we as representatives of the people listen directly to the moral guardians or should we listen to our own hearts? I know that, in the broad electorate, opinion on this bill is more often guided by what people feel in their own hearts.

The SPEAKER—Order! It being 2.00 p.m., the debate is interrupted in accordance with standing order 101A. The debate may be resumed at a later hour and the member for Fowler will have leave to continue speaking when the debate is resumed.

SHADOW MINISTRY

Mr CREAN (Hotham—Leader of the Opposition) (2.00 p.m.)—Mr Speaker, on indulgence, I am pleased to announce the election by caucus of the member for Canberra, Ms Annette Ellis, to the frontbench of the Labor Party. I am sure all members will join me in welcoming her to that position. I will advise the House in due course of the allocation of portfolio responsibilities.

Mr HOWARD (Bennelong—Prime Minister) (2.01 p.m.)—Mr Speaker, on indulgence, could I, on behalf of the government, congratulate the member for Canberra on her election to the opposition frontbench—long may she remain there.

Mr CREAN—How long are you going to remain there?

Honourable members interjecting—

The SPEAKER—The House will come to order!

QUESTIONS WITHOUT NOTICE

Health: Biomedical Research and Bioethics

Mr CREAN (2.01 p.m.)—My question is to the Prime Minister. Do you agree that the developments in biomedical research will continue to raise complex ethical issues? Will you support my proposal for the establishment of a national bioethics commission to facilitate a better understanding of bioethical issues and a better public debate in Australia?

Mr HOWARD—The opposition leader is right in saying that developments in biomedical procedures do raise very complicated ethical issues. I will give some consideration to what he has put forward, but let me say this so that he does not assume that that is yes: one of the problems I have with propositions which say you should establish a commission to tell you about all of these things is that it does tend bit by bit to take away from the parliament and governments the right to decide these issues.

I do not subscribe to the view that you should establish a statutory commission to make decisions that are normally the prerogative of elected governments. I know there are some people in this country who believe that you should hand over all decisions to statutory bodies, which would leave you with the ludicrous situation of the elected government of the day, whether it is a Labor government or Liberal government, getting all of the blame and having none of the authority and the responsibility. I am not one who thinks that this parliament is incapable of taking decisions about ethical matters. I think in the end we are as enabled and as enfranchised—indeed, more so—than most, because we are a mirror of the Australian community, and I do not think we should ever lose sight of that fact.
Subject to that very important reservation and conditioning attitude, I will consider it. But, if it involves removing the authority of this parliament to decide on ethical matters, then I am totally opposed to it.

Foreign Affairs: China

Mr FARMER (2.03 p.m.)—My question is addressed to the Minister for Foreign Affairs. Would the minister update the House on the state of Australia’s bilateral relationship with China.

Mr DOWNER—I thank the member for Macarthur for his question. The member for Macarthur is a very appropriate person to ask such a question. He—and the Macarthur region generally—has a particular interest in China and in relations with China. For example, the Macarthur region has a regional partnership with one of the cities in Shandong Province. In recent months I have met two delegations from the province brought to me by the honourable member.

Mr Speaker, 2002 is an important milestone in Australia’s relationship with China, being the 30th anniversary of the establishment of our diplomatic relations. In that period—since 1973 anyway—our two-way trade with China has grown from $113 million to $18 billion in 2001. Since 1996, Australia’s exports to China have nearly doubled.

The economic relationship is obviously continuing to burgeon, including in the area of energy. The LNG contract will boost Australia’s exports to China by up to around $1 billion a year—or in the vicinity of 13 per cent. Obviously, this $25 billion LNG contract was a tremendous win for our resources sector and all of those, including the Prime Minister and ministers, who gave such strong backing to the sector to get the contract. But I do think, more than that, that this contract represents what inevitably will be a real spur for our bilateral economic relationship. It will, I think, advance very substantially on the back of that much enhanced linkage.

It is true, though, that the political links between Australia and China are also very close and very constructive. Eight of our ministers visited China last year and, as everyone knows, the Prime Minister had a very successful visit in May. But our relationship is not just about trade. In November this year, Australia will be the feature country at the Shanghai Arts Festival. I am delighted that the Australian International Cultural Council, which I chair, has decided to give particular emphasis to promoting Australian artists and culture in China at that important festival. This is going to be, again, another great step forward in the understanding by the Chinese people of the strength of Australian arts and culture.

Finally, last week we had a very productive sixth bilateral human rights dialogue meeting with China. We raised a number of concerns in relation to Tibet, the treatment of ethnic and religious minorities, the question of the Falun Gong, the reform of China’s legal system, and so on. Our human rights dialogue with China was one of the first-ever human rights dialogues established with China, and my department advises me that we are the only country which has a human rights dialogue with China held at the vice-ministerial level; that is, China’s delegation is led by a vice-minister. I came to Canberra last week with the specific purpose of meeting the leader of the Chinese delegation and having the opportunity to discuss human rights issues as well a number of other issues with him.

I think the extraordinary success of our relationship with China—and I was reminded of it only last night when I hosted a dinner for Donald Tsang, the Chief Secretary of Hong Kong—is symbolic of the very great success of this government in pursuing its policy of constructive and practical engagement with Asia. This relationship and, increasingly, our relationships with our ASEAN partners at the economic level, and in terms of working together on people-smuggling, fighting terrorism and so on, are relationships which are moving forward with great strength and with a great deal of confidence. I am proud of what the Prime Minister and the government have done to take forward these relationships.

Mr Melham interjecting—

DISTINGUISHED VISITORS

The SPEAKER (2.09 p.m.)—The member for Banks might take notice of the fact
that not only is he outside the standing orders but I am on my feet.

I inform the House that we have present in the gallery this afternoon the Hon. Edward Fenech-Adami, the Prime Minister of Malta; and the Hon. Lawrence Gonzi, Deputy Prime Minister of Malta, Minister for Social Policy and former Speaker of the Parliament of Malta. On behalf of the House, I extend to our Maltese friends and to the other members of the delegation in the gallery a very warm welcome.

Honourable members—Hear, hear!

QUESTIONS WITHOUT NOTICE

Business: Corporate Governance

Mr McMULLAN (2.09 p.m.)—My question is to the Treasurer. Treasurer, I refer to your answer yesterday in which you asserted categorically that your government would not legislate to bolster auditor independence before it received the findings of the HIH Royal Commission. Treasurer, are you aware of comments yesterday by the author of a report to you 10 months ago on audit standards, Professor Ian Ramsay, that there was no need to wait for the findings of the HIH Royal Commission before making changes to audit rules? Why won’t you follow his advice and take up his proposals to ensure auditor independence? Why won’t you act now to ensure big business acts properly to protect the investments of millions of mum and dad investors?

Mr COSTELLO—As I fully answered this question yesterday, let me repeat what I said then. Professor Ramsay’s report was done in advance of the developments of WorldCom and Enron, and did not take into account either those matters or the US congressional response. Obviously the government will be taking into account the US congressional response, if only for the reason that, with worldwide accounting firms, the US legislation will obviously govern their worldwide operations, including in Australia.

The Ramsay report, which the government has also released, does not take into account Australia’s own experience in relation to HIH. We have a royal commission which will look at the audit in relation to HIH and, I have no doubt, will make recommendations. The government will be releasing shortly the ninth of its corporate law reform proposals, which will pick up Professor Ramsay’s report, developments in relation to Enron and WorldCom and, eventually, the developments in relation to the royal commission—as soon as they are made—and will give us the opportunity to have a fully considered legislative response.

The proposition that we should re-regulate the audit profession now, do a second wave after the US response and a third wave after the royal commission is, as I said yesterday, flying in the face of the reason for the royal commission. One normally gets the results of a royal commission before acting. One very rarely acts before the royal commission has reported. That is the reason why you have a royal commission.

Trade: Middle East

Mr NEVILLE (2.12 p.m.)—My question is addressed to the Minister for Trade. Would the minister inform the House about Australia’s trading relationship with the Middle East? Minister, are there any domestic threats to this strong trading relationship?

Mr V AILE—I thank the honourable member for Hinkler for his question and for his interest in our international trading relationships—particularly those with the countries of the Middle East, which are growing at a rapid pace and becoming significantly important to the economic wellbeing of Australia.

The member will be pleased to know that last year Australia exported $7.5 billion worth of goods and services to a whole range of countries in the Middle East region. In fact, as of Monday this week, you can add another $25 million to that, with the announcement of the wheat sales to Jordan and Libya. Exports to the Middle East grew by 13.8 per cent during that time, compared with growth of total exports of 1.4 per cent. Over the last four years, exports to the Middle East grew at an average annual rate of 22.7 per cent, compared with growth in total exports over the period of 8.4 per cent. These exports included milk, meat, live animals and specialised industrial machinery, as well as grain such as wheat. Interestingly and
most importantly, members of the opposition would be interested in this statistic: the best export to the Middle East is Australia’s passenger motor vehicles, which have been an outstanding success, growing from $400 million in 1997-98 to $1.8 billion in 2001-02. That is $1,800 million worth of auto exports to the Middle East coming from Australia’s manufacturing base. That is an outstanding success story in anybody’s terms.

The question was asked whether there were any threats to this. Of course, there are threats to these exports.

An opposition member—The foreign minister!

Mr VAILE—It’s not the foreign minister; it’s Doug Cameron of the AMWU. That is who it is!

Dr Emerson interjecting—

The SPEAKER—The minister will address his remarks through the chair. The member for Rankin!

Mr VAILE—This year this industry has suffered at the hands of strike action by the AMWU on three separate occasions—militant strike action—

Mr Latham—Did you say ‘military strike action’?

The SPEAKER—The member for Werriwa!

Mr VAILE—‘Militant’, I said. There has been militant strike action in this industry. It has tried to bring down this industry that is an outstanding success story. It is an industry that generates jobs right throughout the electorates represented by those opposite.

Opposition members interjecting—

The SPEAKER—The minister will resume his seat. The minister has the call, and I will act firmly with people who defy standing order 55.

Mr VAILE—Thank you, Mr Speaker. The point should be made that, on three separate occasions, this industry—and the success of this industry—has been put at risk, has been jeopardised, by the militant action of the union movement. It is something that, in their own publication—their own yearbook—they indicate that they intend to continue. I will quote their yearbook, *Australia at the crossroads*. It certainly is; I think it should be rebadged *The Australian Labor Party and the union movement at the crossroads*. This is Doug Cameron—

Mr Martin Ferguson interjecting—

The SPEAKER—The member for Batman! The member for Batman is defying the chair.

Mr VAILE—I quote from this publication:

Our proud traditions of militancy need to be renewed and refined.

It went on to say:

Campaign 2000 and campaign 2001 set us on a path out of the enterprise bargaining trap.

It went on to say:

The campaign was strategic and laid the ground for another major step forward in 2003.

So what is in store from the Australian Labor Party, the Australian union movement and the AMWU for the auto sector in 2003? The auto sector want to take their exports from five billion to 10 billion, but they cannot do it with this monkey on their back. The Australian people and the Australian Labor Party should criticise heavily the actions of this union in this industry when the industry is working so hard to generate increased exports and, particularly, generate jobs in Australia—and in the electorates of many of the members who sit opposite, including that of the Leader of the Opposition.

As we saw on one newspaper front page recently, the Leader of the Opposition should get on with the job of focusing on real jobs for real Australians, and protecting those, rather than the navel-gazing that he has been up to. The Leader of the Opposition, in his reform process and his handing over of 50 per cent of the control of the Australian Labor Party to the union movement, is going to be handing it over to the militancy of the AMWU. *(Time expired)*

Mr Albanese—I ask that the minister table the document, *Australia at the crossroads*, from which he was reading.

The SPEAKER—The minister may not have heard the member for Grayndler. The minister was asked to table the document *Australia at the crossroads*. I assume—
Dr Emerson—That’s right: you weren’t reading from a confidential document.

The SPEAKER—The member for Rankin! The minister was asked to table a document—

Mr Vaile interjecting—

The SPEAKER—The minister, for that reason, is required to table the document.

Mr Crean—You need to take instructions, too, do you? God, you’re stupid!

Mr Vaile—You’re the one that’s stupid, Simon.

Mr Martin Ferguson—You couldn’t lead a horse to water, you boofhead!

The SPEAKER—I warn the member for Batman!

Mr Swan—I rise on a point of order, Mr Speaker. You warned the member for Batman, but would you warn the minister, who was being very provocative and defying your ruling?

The SPEAKER—Had the minister acted in defiance of the chair he would have been warned, as you are well aware. I had already taken action—as the member for Batman knows—when the minister was using the press clipping, and he complied with my request to table the document as requested by the member for Grayndler.

Mr Martin Ferguson—I rise on a point of order, Mr Speaker. The request by the member for Grayndler was to table Australia at the crossroads. There was then a smart alec endeavour by the minister to further hold up the front page of the Daily Telegraph—

The SPEAKER—The member for Batman will resume his seat!

Business: Executive Remuneration

Ms HOARE (2.20 p.m.)—My question is directed to the Treasurer. Is the Treasurer aware of the report in today’s Sydney Morning Herald showing that 22 of Australia’s top 100 companies are not fulfilling their legal duty to disclose all the details of executive options to their shareholders? Treasurer, given that yesterday you appeared to be totally unaware of this problem, will you now use your power under section 14 of the ASIC Act to direct ASIC to investigate these breaches of the law?

Mr COSTELLO—Again, as I fully explained to the House yesterday—I am very happy to go through it again—the Corporations Law requires, in relation to each director and the five named officers receiving the highest emolument, details of the nature and amount of each element of the emolument to be in the directors’ report. That is enforced by ASIC. If one looked carefully at the report in the Sydney Morning Herald, one would have seen that there is considerable argument about how to value options. The point I also made in a speech I gave on Monday night was that the valuation of options—and bear in mind that the Corporations Law requires nature and amount—has been a matter of some argument.

The AASB, the Australian Accounting Standards Board, has put out a proposed accounting standard on that called ‘Directors, Executive and Related Party Disclosures’, which was issued on 31 May 2002. That becomes law unless disallowed by either house of parliament. In addition to that, Australia, because it is in front of the United States and comparable jurisdictions around the world, has announced that it will be following the IASB. The IASB is proposing to put out another exposure draft, which will be an international draft, in October 2002. Because of the reforms that this government put in place, once standards are made by the AASB they have the force of law unless disallowed by either house of parliament. So, in relation to valuation, we have from the AASB an exposure draft which is already out and, in relation to the international standard, we have the adoption of the international standard—an international standard which would allow Australian companies which are reporting to use the same methodology in foreign exchanges. Of course, the United States does not have a valuation standard. This is another area where Australia leads the world, and it is the result of the Corporate Law Economic Reform Program, which this government has put in place since 1996.

I notice that the tactics committee gave the question to one of the backbenchers to ask; no doubt because both the shadow
Treasurer and the leader of the Labor Party—and this may be unknown to that member of the backbench—have in the last 48 hours acknowledged that Australia’s corporate regulation is in advance of the United States. So we might ask: which jurisdictions have a better system than Australia? The United Kingdom, with the establishment of the Financial Services Authority, have in many respects adopted the Australian model. So we have AASB and IASB in relation to exposure drafts—the Labor Party were caught out again wrong on the facts, wrong on the law. The Labor Party’s interest in corporate regulation commenced around 48 hours ago—no interest in CLERP1, no interest in CLERP2, no interest in CLERP3, no interest in CLERP4, no interest in CLERP5 and no interest in CLERP6.

Economy: Performance

Ms GAMBARO (2.24 p.m.)—My question is addressed to the Treasurer. Would the Treasurer provide the House with an update on the Australian economy? In particular, are there any recently released leading indicators? What do these indicate about the prospects for the economy?

Mr COSTELLO—I thank the honourable member for her question about the economy, the state of the Australian economy and how it affects the lives of people in her electorate and Australians generally. The Westpac-Melbourne Institute released its index of economic activity today, and it consists of two parts. The first part consists of the coincident index, which measures circumstances as they apply at the moment. The coincident index actually strengthened, which is consistent with an Australian economy which is growing quite strongly. In addition to that, the release includes a leading index, which tries to measure circumstances as they may be in six to nine months. The leading index turned down below the long-term trend of three per cent. These indexes bounce around on a considerable basis—and one would not want to put too much store on them from any month to month—but, in particular, what affected the leading index was the share price index, which has fallen quite considerably over recent weeks and in the wake of international developments in equity markets. Without putting too much into the leading index, one should observe from this that the international situation is still very volatile, that the movement on world equity markets will have some confidence effects in relation to Australian business and the economy, and that in a world which is very unstable, particularly with the United States—which is the engine of global growth—being very unstable, policy makers in Australia need to be very focused on economic management at a time like this.

The good news is that Australia still continues to outperform the rest of the developed world as the strongest growing of the industrialised countries of the world, according to most forecasts. But there is more to be done. One of the best things that could be done would be for the Labor Party to pass in the Senate the government’s legislation to strengthen our economy. It is a matter of deep regret that, after seven years in opposition, the Labor Party is more opportunistic than ever, less interested in good economic policy and less interested in building the kinds of conditions that will set Australia up for the years to come. The Labor Party, for cheap opportunism, has rejected key budget measures to try to put the budget under pressure at a time when the world economy is turning down. No doubt the strategy of the Labor Party is to hope that it can spread some of that downturn to Australia and take some political advantage from it.

We on this side say it is important in the interests of future Australians to put our Pharmaceutical Benefits Scheme on a sustainable basis; it is important to reform expenditures in relation to the welfare system; it is important to change Australia’s unfair dismissal laws; it is important to give Australian small business a go so that they can go out and create jobs; and it is important to rein in trade union power, which is threatening many of the Australian manufacturing industries. These are the things that good economic managers are prepared to stand for. These are the things that the coalition will continue to fight for.

Banking Industry

Mr GRIFFIN (2.28 p.m.)—My question is to the Treasurer. Is the Treasurer aware of
the announcement today by the Commonwealth Bank of a record profit of $2.65 billion and the net loss of 1,000 jobs over the next 12 months? Is he also aware that this result follows announcements earlier this year of billion dollar profits by all other major banks and the release of RBA statistics showing bank fees soared to almost $2.3 billion last year? With record-breaking profits, bank fees soaring and huge job losses, what action does the Treasurer propose to take to reign in this further example of corporate excess?

Mr COSTELLO—It is certainly not my intention, nor is it the intention of the government, to state the case on behalf of the Australian banks. The Australian banks are very profitable institutions and they can certainly state the case on their own behalf and they can explain their own management decisions.

Mr Griffin interjecting—

The SPEAKER—The member for Bruce has asked his question!

Mr COSTELLO—The only point I would make is that, as far as the economy is concerned, one does not want to have banks which make losses and one does not want to have banks which threaten the financial system. It is certainly the case in relation to other countries—you only have to look at the Japanese financial system. I have often said that banks which make losses are a bigger problem than banks that make profits.

An opposition member—That is insightful!

Mr COSTELLO—Well, it is insightful, because the last bank that made big losses in Australia was the State Bank of Victoria—owned by a government. One reason why Labor privatised the Commonwealth Bank was that the State Bank of Victoria had failed and they had to find an institution that could take over the bank which had failed. That is the reason why Labor supported privatisation. I must say, in view of the fact that the Commonwealth Bank has been profitable, the Labor policy of privatising the Commonwealth Bank was right. Certainly on this side, we are not arguing that the Labor policy was wrong. It may well be—and I see the heads go down on that side—that they believe their policy was wrong. But on this side, we do not believe it was wrong.

Ms Burke—On a point of order relating to relevance, Mr Speaker: what about the 1,000 jobs?

The SPEAKER—The member for Chisholm will resume her seat. The member for Chisholm did not have a point of order.

Mr COSTELLO—Mr Speaker, that is very relevant because one of the reasons why in Victoria there were so many branch amalgamations and closures was that the whole of the State Bank of Victoria had to be backed into the Commonwealth Bank.

Ms Burke—What about the 1,000 jobs?

The SPEAKER—The member for Chisholm!

Mr COSTELLO—So where you had in a shopping centre a State Bank branch and a Commonwealth Bank branch, once the Labor Party allowed the State Bank of Victoria to go insolvent and the branch moved into the Commonwealth Bank, that meant branch amalgamations and jobs.

Ms Burke interjecting—

The SPEAKER—The member for Chisholm!

Mr COSTELLO—As I said before, it certainly is not the policy of this government to argue the merits or demerits of bank decisions. The banks can argue that for themselves. They are very profitable institutions. I welcome one thing that was announced by the Commonwealth Bank today—that it will keep branch numbers at the current level as of today. This is bearing in mind there have been massive closures, particularly in Victoria—some of which, I understand, are because of the failure of the State Bank of Victoria. That is an indication that it will not be closing further branches, and that is something that I certainly welcome and I imagine many of the bank’s customers also welcome. Obviously there was a time for a big restructure with the failure of the State Bank of Victoria; that has passed.

Ms Burke interjecting—

The SPEAKER—I warn the member for Chisholm!
Mr COSTELLO—I welcome the fact that the Commonwealth Bank has now indicated that it will not be closing any more branches. I think the people of Australia will welcome that and, if I may say so, that was a proper decision for the bank to take in the circumstances.

Workplace Relations: Industrial Action

Mr BARRESI (2.34 p.m.)—My question is addressed to the Minister for Employment and Workplace Relations. Minister, is the government aware of strike threats in the motor industry, particularly in Victoria? What is the government doing to counter these threats and promote enterprise bargaining? Are there any alternative approaches to this issue?

Mr ABBOTT—I thank the member for Deakin for his question and I also thank him for his commitment to job creation in the Victorian manufacturing industry. The motor industry is very important to Australia’s future because it probably is still the very heart of the manufacturing sector in this country. Thanks to a lot of good work by governments and by people in the industry it has been enjoying something of a renaissance over the last decade with production up quite strongly and, in particular, with exports growing from almost nothing to more than $5 billion a year now.

Unfortunately, three times in the last 12 months it has been brought to the brink of standstill by the activities of ultramilitant unions. Just to give one example, let me quote the comments of an AMWU organiser to the Age, who said:

The delegates will be putting a devious little plot together to stuff up production ... causing maximum disruption to the company but minimum loss of pay to workers ...

That organiser was no maverick. No less a person than the assistant secretary of the AMWU has threatened to paralyse no fewer than 500 component manufacturers as enterprise bargaining negotiations begin over the next few months. It is interesting; there was a time when the Leader of the Opposition was actually against strikes. When he was a union leader he said:

There is no doubt that the public is put offside by strike action. It is better that trade unions do something positive.

Unfortunately, he has gone backward over the years and now he never sees a strike that he does not support. I think it is fair to say that, in translating the member for Hotham from the leadership of the trade union movement to the leadership of the parliamentary Labor Party, the quality of both institutions has deteriorated. Even if he did want to criticise the AMWU, he could not afford to because the AMWU has given no less than $3 million over the last six years to the Labor Party and it controls the biggest single block vote in the Victorian Labor conference—the Leader of the Opposition’s home state.

The SPEAKER—The minister will come back to the question.

Mr ABBOTT—Speaking of the motor industry, the situation is just going to get worse because under the Hawke-Wran reforms the union block vote is increasing from zero per cent to 50 per cent at Labor’s national conference. Mr Speaker, the Leader of the Opposition is shaking his head—

The SPEAKER—The minister will resume his seat!

Mr Swan—Mr Speaker, I rise on a point of order. My point of order goes to relevance. Given your previous rulings, will you bring the minister back to the question, please?

The SPEAKER—The member for Lilley may have noted that I had already intervened. The minister will refer specifically to the question on the motor vehicle industry.

Mr ABBOTT—The situation in the motor industry is likely to deteriorate further as the AMWU gets even more influence and it will get more influence under the Hawke-Wran reforms. The Leader of the Opposition shakes his head when I say that the union block vote at the national conference will increase from zero per cent to 50 per cent. He shakes his head. Let me quote.

Mr Swan—Mr Speaker, I rise again on a point of order. The minister is again defying your ruling. He is being deliberately provocative and, if he continues to do that, the
Representatives

House will degenerate because we will reply. Would you please bring him to order.

The SPEAKER—The member for Lilley will resume his seat. If the minister defies my ruling, I will take action.

Mr ABBOTT—Let me quote for the benefit of the House from the Hawke-Wran summary of recommendations. Recommendation 1.3 states: The number of delegates representing unions at the National Conference shall be consistent with the equal partnership reflected in this Report and in the result shall be consistent with changes to the ratio of delegates that we have recommended for State Conferences.

The SPEAKER—I warn the member for Fowler! When I have recognised the member for Lilley, he will be heard. The only reason for the delay was to wait for some order in the House, not to deny the member for Lilley the call, as anyone could see.

Mr Swan—Mr Speaker, the minister is quoting from the Hawke-Wran review, which has absolutely nothing to do with the metal industry and, as you have indicated before, the minister is clearly not being relevant to the question asked. Secondly, if I could seek your indulgence, it appears to those on this side of the House that it takes an inordinate amount of time for you to pull the minister into order and that is very—

The SPEAKER—The member for Lilley will resume his seat or I will deal with him instantly. I warn the member for Lilley!

Points of order are always heard by the chair, as they ought to be, and are frequently abused. Any reflection on the chair is highly disorderly.

Mr Martin Ferguson—Mr Speaker, I rise on a point of order. Earlier in question time today, I was warned by you.

The SPEAKER—The member for Batman raises a point of order when I suspect there is no point of order. He may have a matter of concern, but I do not think it can easily be addressed as a point of order.

Mr Martin Ferguson—With all respect, can I say it actually goes to the function of question time and the manner in which you have asked the minister to return to the question.

The SPEAKER—I understand what the member for Batman is attempting to do and it is not my desire to frustrate him. What he must understand is that the facility he has is to the point of order. If he is unhappy with any decision made in question time, I will of course hear him at the conclusion of question time or on indulgence. I am only using the facilities available to me and to him.

Mr Martin Ferguson—Mr Speaker, it goes to the question of relevance. The question posed went to the automotive industry. On a number of occasions you have asked the minister to return to the question. It would seem to me, on the basis of your earlier rulings today with respect to me being warned for defying the chair, that on a number of occasions the minister has sought to defy your request that he return to the question. It therefore goes to an issue of guidance and consistency as to whether or not there is a different rule for him as against me with respect to defying the chair.

The SPEAKER—The member for Batman will not go down that course.

Mr Martin Ferguson—I therefore seek your guidance on a question of relevance, to facilitate the question being answered, Mr Speaker, as to when the minister, in accordance with your desire and the desire of the House, will take your guidance and actually answer the question rather than continually seeking to defy your request bringing this House into contempt.

The SPEAKER—The member for Batman is, I think, aware that my warning of him was—I do not recall the detail—related as much to interjections as it was to any other comment and to a remark he made that I felt was inappropriate relative to the chair. The minister has an obligation to answer a question in a way that is relevant. It is clearly difficult when the chair has a question on strike action and enterprise bargaining in the motor vehicle industry and on alternate policies to know to what degree a comment about other organisations, whether they be the motor vehicle association or trade unions, may or may not be relevant. The chair endeavours to hear what is being said and then to make a judgment. I do not intend to have the minister say things that I feel are no
longer relevant to the question. I will act accordingly.

Mr Martin Ferguson—I raise a point of order, Mr Speaker, further to my earlier point of order on a question of relevance. As someone who operated for many years as the national secretary of a registered organisation for which the minister has responsibility, I point out, in terms of assisting you, that as national secretary of that organisation I was also responsible for affiliation of the Labor Party. There is a clear separation of power in terms of the operation of—

The SPEAKER—The member for Batman will resume his seat. The member for Batman must be aware that he has just been extended a good deal more licence than anyone is ever allowed, particularly someone who has been warned.

Mr McMullan—I seek your guidance on the matter raised by the member for Batman.

The SPEAKER—Does the member for Fraser have a point of order?

Mr McMullan—Yes, my point of order relates to the point of order raised by the member for Batman the time before his last intervention. I am also seeking your guidance because on three occasions you asked the minister to cease saying what he was and return to the question, and on every occasion he returned exactly to the same matters he had been referring to before you spoke. I ask you to consult the Hansard and confirm that, on each occasion, he went, word for word, exactly back to the point at which you had asked him to desist and return to the question. How is it, Mr Speaker, that we are to pursue questions of relevance when you properly rule, ministers ignore that ruling and persist with the irrelevance which you have asked them to desist from? How are we to pursue matters of relevance in this House if that circumstance arises and the minister can do it three times unsanctioned?

The SPEAKER—in the four years that I have occupied this chair, I cannot recall an instance in which I would review—that is, overturn—any decision I have made on relevance. Concerning the three instances referred to, I have no intention of checking the Hansard because I am sure the member for Fraser is right—I was waiting for the minister to bring his remarks back more closely to the question.

Mr ABBOTT—To tackle the kinds of problems that we are seeing in the motor industry, because of the ultramilitant unions supported by members opposite, we have a bill before the Senate. It is the genuine bargaining bill. I say to members opposite, in particular to the Leader of the Opposition, that if the Leader of the Opposition wants to demonstrate that he has changed, if he wants to demonstrate that he is not a prisoner of his past, that he is bigger than his background, that he is not a trade union official out of his depth, he would tell his colleagues in the Senate to support the government’s genuine bargaining bill.

Distinguished Visitors

The SPEAKER (2.48 p.m.)—I inform the House that we have present in the gallery this afternoon members of a parliamentary delegation from the Kingdom of Tonga. On behalf of the House, I extend a very warm welcome to our visitors.

Honourable members—Hear, hear!

Questions Without Notice

Telstra: Privatisation

Mr TANNER (2.48 p.m.)—My question is to the Deputy Prime Minister and Minister for Transport and Regional Services. Can you confirm that the chair of your Telstra inquiry, Dick Estens, is a personal friend of yours and joined your branch of the National Party just a month ago? Did the government approach Mr Estens about chairing the inquiry before or after he joined your branch of the National Party? How can you claim that this inquiry is independent when the chair is your mate and the National Party has a majority on the inquiry? Deputy Prime Minister, why don’t you just do the inquiry yourself?

The SPEAKER—I remind the member for Melbourne that not only answers but also questions should be addressed through the chair and that his question would have left me feeling somewhat uncomfortable.

Mr ANDERSON—I thank the honourable member for his surprising question. Prior to the work done by Tim Besley in the
first inquiry, the Labor Party went down the road of seeking to discredit Tim Besley and that process of inquiry—you know, smear anybody with anything that comes to hand and—

Mr Melham interjecting—

The SPEAKER—The member for Banks!

Mr ANDERSON—and seek to imply at all turns that the inquiry therefore would not be—

Mr Griffin interjecting—

The SPEAKER—I warn the member for Bruce!

Mr ANDERSON—rigorous and would not be independent and would not have the necessary substance. Of course the Besley inquiry proved all of the critics wrong. It called it as it was. The government has responded in a very appropriate and I think far reaching way. Of the some 17 points we made in response to the Besley inquiry, 12 or 13 are now either complete or very substantially complete; the others are on track. It is time to have a look again. In view of the fact that Tim Besley is regrettably not available, for understandable reasons, to continue his work we wanted somebody who will do exactly what Mr Besley did, which is call it exactly as it is.

Natural Resource Management

Ms PANOPoulos (2.51 p.m.)—Mr Speaker—

Dr Emerson interjecting—

The SPEAKER—I warn the member for Rankin!

Ms PANOPoulos—my question is to the Minister for Agriculture, Fisheries and Forestry. Would the minister please advise the House on how volunteers, communities and the government are working together to care for Australia’s unique agricultural and environmental resources? How is the government recognising the contribution of Australians to natural resource management?

Mr Adams—This will tax you, Warren—a really hard question.

Mr TRUSS—I am delighted that members opposite—

The SPEAKER—The member for Lyons is warned!

Mr TRUSS—are also interested in the significant contribution that this government is making towards protecting our environment. It is especially appropriate that the member for Indi should ask this question on this day, because this is National Landcare Week. This is a week in which we pay tribute to the enormous efforts of volunteers right across the nation who care for our environment in a very practical way. Tonight, the Prime Minister will be hosting the national Landcare awards in this building. The Deputy Prime Minister and others will be there as well. Awards will be presented to people who have made a particular contribution and to local groups which have undertaken projects of particular benefit to our environment.

Landcare is an extraordinary community organisation. It is unique to Australia. Other countries around the world are seeking to implement similar models. It is a classic example of Australians working together at the local level to achieve worthwhile outcomes. These people care about the environment. They do not just climb up on rooftops or complain about it; they actually get into it and do something. They act and deliver results. There is no doubt that every community in Australia has benefited from the activities of their Landcare groups over recent years. The Landcare ethos that has developed, particularly in rural and regional Australia, has helped to motivate the whole nation towards caring about our environment and addressing issues of local concern. This is not just about identifying problems; it is about actually getting on with the job.

This government has been more than pleased to provide financial support to make Landcare work. At successive elections, we heard that the Labor Party were going to wind back financial support to the Natural Heritage Trust and to Landcare work. That demonstrates their lack of concern for and lack of appreciation of the enormous effort that communities have put into caring for the environment. Contrast that with the $2.5 billion commitment we have made to the Natural Heritage Trust. And now, in cooperation with the states, there is $1.4 billion going
towards salinity and water quality issues. Already $50 million has been allocated under that plan—$15 million to South Australia, $18 million to Victoria, $16 million to Queensland and half a million dollars to Tasmania so that regionally driven, worthwhile projects can deliver results at the local level.

The Landcare movement has one of the most extensive memberships of any organisation in the country. Volunteers work remarkably well together locally, supported by a federal government that cares about environmental issues. It is appropriate that we honour those volunteers this week in National Landcare Week.

Sugar Industry: Government Assistance

Mr KATTER (2.55 p.m.)—My question is to the Prime Minister. With the sugar industry’s deteriorating situation threatening the government’s laudable environmental ethanol options, could the Prime Minister ensure that any government bridging initiative via an Ansett workers or dairy farmers style consumer levy does not result in the giant retail chains continuing with or increasing their currently indefensible profit margins—

The SPEAKER—The member for Kennedy knows he is advancing an argument. I will hear him, but he is sailing close to the wind.

Mr KATTER—I know. I think that this is important.

The SPEAKER—I am sorry but that is not the criterion! The member for Kennedy may continue.

Mr KATTER—wherein a capital NYBOT quoted refined world price of $331 a tonne becomes, in Australia, a retail price of $1,240 a tonne, a 400 per cent mark-up, and in light of a 40 per cent reduction in income to farmers and millers, from $520 to $331, as a result of tariff abolition—

The SPEAKER—The member for Kennedy will come to his question.

Mr KATTER—resulted in a disgraceful 12 per cent rise in price.

Mr HOWARD—I thank the member for Kennedy for his question. He joins a long list of members of this parliament—the member for Leichhardt, the member for Dawson, the member for Hinkler and others—who are concerned about the state of the sugar industry. I can assure the House that, in considering the requests that have been put to us by the sugar industry, we will examine all of the options.

Mr Crean interjecting—

Mr HOWARD—The Leader of the Opposition finds the plight of the sugar industry amusing, does he?

Ms Macklin interjecting—

Mr HOWARD—He does. You get asked a serious question by somebody—

Ms Macklin—That is why we are in this predicament—your inaction.

Mr HOWARD—who has a concern about this—

Ms Macklin—But you do not do anything!

The SPEAKER—The member for Jagajaga! The Prime Minister has the call.

Mr HOWARD—and the Leader of the Opposition treats it in a ‘once over lightly’ cavalier fashion. To return to an issue that people are concerned about on this side of the parliament, there are a number of proposals that have been put to the government. The industry is in a very difficult state. I do not share in full the analysis of the reasons given by the member for Kennedy; I do not think the tariff abolition really is the reason. When you bear in mind the relationship between the world price and the domestic price of sugar at the time that decision was taken, I think that rather disproves the proposition that it was the abolition of the tariff that has created the problem.

There is a massive oversupply of sugar. The world price is very depressed. The industry is important to many regional cities, particularly along the Queensland coast. In the past, the government have been very sympathetic. We gave a very significant rescue package several years ago, and I have to say that the structural reform in the industry that followed that package was not as much as we expected at the time. We are prepared to provide additional assistance to the indus-
try, but it will, in general terms, only be on the condition that serious restructuring is under way. If that is not assured, then the assistance cannot be made available. The problem with the industry is obvious: there are too many small holdings. There will be some who will have to leave the industry. One of the propositions that we will consider is the possibility of a levy. I think the levy worked effectively in relation to the dairy industry restructuring and I have not ruled that out. I am not saying we are going to do it, but I am certainly not going to rule it out.

In making a decision on this issue, we have to obtain from the industry an understanding that, as well as being a recipient of assistance, the industry has to be a significant part of the solution. On that basis, let me assure all members in this parliament, particularly the coalition sugar industry task force, that I and the senior members of the government—the Deputy Prime Minister in particular—are very concerned about the industry. We do not want the people of Queensland to lose the critical economic and social mass of the industry which has contributed to many coastal towns in Queensland and northern New South Wales.

In very difficult world circumstances where there is a massive oversupply and dreadful prices, there will have to be some major restructuring, there will have to be a bit of lateral thinking and there will have to be solutions that have never been embraced before. The government is not interested in just another bandaid response which will mean that in a couple of years the industry is back asking for more assistance. We need a more radical, lasting solution if government help is to be forthcoming.

Environment: Kyoto Protocol

Mr BALDWIN (3.00 p.m.)—My question is directed to the Minister for Industry, Tourism and Resources. With the positive announcement last week that Australia is close to reaching the Kyoto target on a voluntary basis, can the minister outline what further practical measures the Howard government has recently initiated in addressing this global problem?

Mr IAN MACFARLANE—I thank the member for Paterson for his question. I know he maintains a very active interest in this area of Kyoto and it is fair to say that he is one of the biggest supporters in this House of the government’s position on Kyoto. The inaugural government-business climate change dialogue was held a few hours ago and was attended by both the environment minister and me. That dialogue has set the way to identify and deliver long-term solutions on greenhouse.

Greenhouse is a global issue and requires global solutions. In terms of industry’s role in that, industry today accepted that it has to be part of those global solutions but in turn has asked this government to ensure, as we proceed in partnership, that the costs of greenhouse reduction are shared globally—that is, that the competitiveness of Australia’s industries is not compromised, nor is our ability to provide jobs.

In doing so, industry is mindful today—as is government—that simplistic solutions will not deliver answers to long-term greenhouse reduction. What industry is desiring and what government has committed to work with them on is the delivery of long-term consistency in greenhouse policy in Australia, both at a state and federal level. Industry is asking that we deliver an incentive and market based system, not a punitive system. By building a framework together, I am confident that this government and industry in Australia will deliver reductions in greenhouse gas that will be for the good of the whole globe.

In terms of industries in Australia, they are already taking advantage of the $1 billion provided particularly by the Minister for the Environment and Heritage for greenhouse programs. These will provide an annual saving of some 60 million tonnes of CO2 and greenhouse gases by the end of this decade. In fact, that is equivalent to taking all of the cars in Australia off the road. In the aluminium industry, for instance, reduction in greenhouse gas emissions per tonne of aluminium produced is about 45 per cent.

In talking of today’s dialogue, it is important that we also hear from the participants from the industry side. For instance, Brian
Horwood from the Minerals Council said, ‘The government is putting its money where its mouth is to improve energy efficiency and reduce emissions.’ Ollie Clark from the Australian Gas Association praised the government for its ‘commonsense approach on the greenhouse issue’. What is the alternative? While the government progresses in partnership with industry to reduce global greenhouse gases, Labor’s promise to ratify the Kyoto agreement will simply cost jobs in industry in Australia.

Mr Fitzgibbon—Rubbish.

Mr IAN MACFARLANE—The member for Hunter knows that and so does the member for Paterson.

Liberal Party of Australia: Branch Stacking

Mr McCLELLAND (3.04 p.m.)—My question is to the Minister for Employment and Workplace Relations in his capacity representing the Special Minister of State and is with respect to the internal affairs of a registered political party under the Commonwealth Electoral Act. Minister, are you aware of concerns by the member for Fairfax and the member for Fadden about Liberal Party branch stacking in their electorates? Minister, do you support calls by your junior colleague, the Minister for Employment Services, for federal intervention in the Queensland division of the Liberal Party if anti-stacking measures proposed by the Queensland Leader of the Liberal Party, Mr Quinn, are blocked?

Mr Secker—Mr Speaker, I rise on a point of order. This has nothing to do with the ministerial responsibilities of that minister.

Mr Swan—Mr Speaker, I rise on a point of order. Further to the member’s point of order, those questions have been consistently allowed in this House by you, sir. One example I could give you is that on 28 May this year you clearly allowed questions to the minister when it concerned registered organisations for which the minister is not responsible.

The SPEAKER—I am mystified about how the Special Minister of State has—

Mr Swan—The Electoral Act.

Opposition members—The Electoral Act.

The SPEAKER—I do not require answers to be shouted at the Chair. I am merely indicating to the House why I had some difficulty allocating this question because it seems to me to be not something directly under the responsibility of the Special Minister of State. Does the Leader of the House want to speak?

Mr Abbott—I was going to answer the question.

The SPEAKER—I was weighing up the merits of where the Electoral Act fits into any alleged action of branch stacking by any particular party. I understand that it could slot in under registered organisations. It seems a long bow to me, but I will allow the minister to respond.

Mr ABBOTT—Thank you, Mr Speaker. The Liberal Party is an organisation under the Electoral Act. The Special Minister of State does have responsibility for the Electoral Act. I represent the Special Minister for State, and I am happy to take the question. The fact is that the Liberal Party, like all other parties, like all other organisations, should abide by the rules; it should operate under the law. If members opposite have any evidence whatsoever that any law has been broken, they should provide it to the relevant authority.

Opposition members interjecting—

The SPEAKER—Order! The minister will resume his seat. That sort of behaviour is totally unacceptable. Has the minister concluded his answer?

Mr ABBOTT—Yes.

Science: Awards

Mr NAIRN (3.08 p.m.)—My question is directed to the Minister for Science. Minister, last night I had the pleasure of attending a function in the Great Hall to announce the winners of the Prime Minister’s Prize for Science and other awards. Would the minister advise the House who won the awards; and is the minister aware of any other policies aimed at raising the profile of science and innovation in Australia?
Mr McGauran—I thank the member for Eden-Monaro for his question and his continuing great interest in science, especially as chairman of the House of Representatives Standing Committee on Science and Innovation. His attendance at last night’s dinner, together with several other members of the House, is much appreciated. After all, last night was an opportunity to celebrate the outstanding careers of three leading Australian scientists.

The Prime Minister presented the 2002 Prime Minister’s Prize for Science to Professor Frank Fenner, a universally popular choice. Professor Fenner has had a long and distinguished career. He is regarded as a pioneer in his field of virology and as Australia’s most distinguished living microbiologist. Throughout his career, Professor Fenner became internationally renowned for his work in two vitally important areas: myxomatosis and smallpox. I should add that Professor Fenner remains actively involved in the science community at the tender age of 87. He has mentored and inspired successive generations of Australian scientists to follow in his footsteps. He continues to do so on a daily basis.

At the other end of the age spectrum, prizes were presented to two of Australia’s most promising young researchers. The Science Minister’s Prize for the Life Scientist of the Year was awarded to Dr Joel Mackay of the University of Sydney. Dr Mackay’s work has led to a better understanding of the way in which genetic information is regulated and read out in living organisms—a development which could lead to cures for cancer in the future. The Malcolm McIntosh Prize for the Physical Scientist of the Year was awarded to Dr Marcela Bilek of the University of Sydney. Dr Mackay’s work has led to a better understanding of the way in which genetic information is regulated and read out in living organisms—a development which could lead to cures for cancer in the future. The Malcolm McIntosh Prize for the Physical Scientist of the Year was awarded to Dr Marcela Bilek, also from the University of Sydney, for her substantial contributions in the fields of plasma physics and the physics of materials. These two young scientists represent the best of the new generation, and the awards reflect the government’s commitment to encouraging our best talent to pursue careers in research.

We are quick—over-quick at times—to provide accolades for our entertainment and sports heroes, but, as the Prime Minister himself remarked last night, our leaders in science and innovation make an even greater contribution to our daily lives. It is very fitting that these awards were presented last night, in the middle of National Science Week. Throughout Australia, the government is supporting and encouraging schools, science communicators, community groups and volunteers as they take part in more than a thousand official events and school activities. Last night—and National Science Week—provided an opportunity to honour the achievements of all Australian scientists, not just those who take out the major awards.

While I am sure the House joins me in congratulating all the prize winners on their achievements, I would also like to congratulate their support teams, who are leading the way in so many areas of science and innovation in the country. Frank Fenner, Marcela Bilek and Joel Mackay all made this point last night. They are representatives of the research teams who collectively go to make Australian science the basis of the nation’s prosperity.

Ms Macklin—Mr Speaker, I seek your indulgence.

The Speaker—Indulgence is extended.

Ms Macklin—Thank you. I would like to also extend our congratulations to all the winners of the science prizes, particularly to Professor Fenner, who has made an outstanding contribution, not just in Australia but internationally. I think everybody on both sides of the House would like to extend their congratulations.

Honourable members—Hear, hear!

Defence: Equipment

Mr Quick (3.12 p.m.)—My question is directed to the Minister for Veterans’ Affairs, representing the Minister for Defence. I refer her to comments by Lieutenant General Des Mueller. Given that your government has already paid $800 million for the Sea Sprites, which will not be operational for another four years, given that your government will spend more than $400 million on torpedoes that are too heavy for our submarines and given that your government is two years behind schedule on the $1.4 billion project to upgrade our frigates, when will you finally
heed the advice of experts and fix this problem?

The SPEAKER—I remind the member for Franklin that the question ought to be addressed through the chair. If he were to consider the question he asked as a question asked of me, it could have been more appropriately phrased.

Mrs VALE—I thank the honourable member for his question. In June, Lieutenant General Des Mueller, the Vice Chief of Defence Force from 2000 to 2002, circulated a report to senior defence and ADF officers on his reflections on his two years in office. I would have thought that the conduct of the ADF in recent deployments in East Timor and Afghanistan was proof enough of the professionalism and the effectiveness of the ADF and of the broader defence organisation.

Defence has already acknowledged some of the deficiencies identified by the general, including the need to improve information flows within the department, within the ADF and with government, and is making improvements. The suggestion that a chief of staff work with the Chief of Defence Force has already been canvassed by the secretary and the CDF task force. This is also to assist with communications in Defence and exploring ways of establishing such a function. Defence financial management practices and the management of platforms have been undergoing substantial reform, and this continues to be a high priority for the defence leadership. I think that the proof effectively is in the delivery. We can honestly say, ‘Look at four words’, and they are East Timor and Afghanistan.

Mr Sidebottom—that’s two words.

Mrs VALE—‘East Timor and Afghanistan’ are four words.

Mrs Irwin—Mr Speaker, I raise a point of order under standing order 145. The minister is not answering the question. I thought it was about torpedoes and helicopters.

The SPEAKER—The member for Fowler will resume her seat.

Mr Bevis interjecting—

The SPEAKER—I warn the member for Brisbane!

Mrs VALE—Australia has a Defence Force that is recognised internationally as the very best. They have played strong, done good and they have done Australia proud.

Family and Community Services

Mr JOHN COBB (3.15 p.m.)—My question is addressed to the Minister for Children and Youth Affairs. What is the government doing for Australian families; and is the minister aware of any alternative policies?

Mr ANTHONY—I thank the member for Parkes for his keen interest in families, like all members on this side of the House.

Mr Fitzgibbon—you’ve practised this one, haven’t you. Keep the hand movements going.

Mr ANTHONY—I was delighted to be in his electorate out at Narromine the other day when we went and viewed the Rivergum Childcare Centre, which was opened because of the policies of the coalition government.

Mr Fitzgibbon—Give us the left hand.

The SPEAKER—I warn the member for Hunter!

Mr ANTHONY—Just briefly, there are some very big macro things that this government has done when it comes to the welfare of families.

Mr Fitzgibbon—There he goes again.

The SPEAKER—The minister will resume his seat. The member for Hunter will excuse himself from the House, under the provisions of standing order 304A.

The member for Hunter then left the chamber.

Mr ANTHONY—There are a number of very major achievements that this government has been responsible for, when it comes to the welfare of families. They are extremely low mortgage rates, the pay rises and tax cuts families have had over the last couple of years and very strong employment growth. These are three critical ingredients for helping Australian families. At the micro level, the family tax benefit has been a great success for this government. I want to reiterate what I said yesterday: there is $2 billion
extra going to two million families, helping nearly four million Australian children.

When it comes to child care, the record is outstanding. If anything, this is a signature project for the Howard-Anderson government. We are spending 70 per cent more on child care today than Labor ever did. We invested over $1.6 billion in child care last year alone. What we are seeing is that there are more children using child care today than there ever have been in Australia’s history—720,000. There are 190,000 extra places and there have been 2,000 more services built, along with a reduction in cost—a nine per cent fall in the cost of child care over the last two years. There is no question that child care under this government has been enormously beneficial for families. If you add child care, family tax benefit and parenting payment, it comes to over $18 billion that is going out in assisting Australian families, not to mention the baby bonus and the measure announced yesterday: a vaccine for meningococcal disease type C, which is very important for Australian kids.

The member did ask, in a very poignant part of his question: do the opposition have any alternative policies? I have to say that they have a dismal record. The facts are that they spent 40 per cent less on the welfare of Australian families when they were in government in the last six years than we with our outstanding record have done. They gave Australian families two recessions, record unemployment and record interest rates, and they left a legacy to our children of $80 billion in Commonwealth debt.

It is interesting that the rhetoric now has almost become comical. We saw yesterday that the tactics used, certainly by the member for Lilley, are scare tactics. We saw those used when he was trying to introduce an individual case into the parliament relating to the family tax benefit. It is interesting in that I asked Senator Vanstone whether she had heard from the member for Lilley, because we have an interest in following through with cases. We did not hear from the member for Lilley. We made an inquiry and he refused to give us the information. He said, ‘Oh, I have to go and contact the family.’ He was quite happy to give the information in the Australian parliament, which just goes to demonstrate that you are more interested in scaring people in a stunt than you are in their actual welfare.

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

Mr Anthony—Mr Speaker, we have seen a very interesting article that Laurie Oakes wrote yesterday. I think the Australian Labor Party now have abandoned all pretense of trying to represent families or of having some type of family policy. One member of the opposition, described as a Crean supporter, was quoted as giving a very accurate complaint. In today’s Bulletin, he says, ‘Everyone is saying the PM is taking the lead on work and family.’

Mr Swan—Mr Speaker, I raise a point of order on the ground of relevance. The minister is not remotely relevant to family payments.

The SPEAKER—I was listening very closely to what the minister had to say. Had his comments not been relevant to the question, I would have taken instant action.

Mr Anthony—I wonder. The only family they are interested in is the trade union family—and what a shambles that is.

The SPEAKER—The minister will come back to the question.

Mr Anthony—I wonder. The only family they are interested in is the trade union family—and what a shambles that is.

The SPEAKER—The minister will resume his seat.

Foreign Affairs: Iraq

Mr Rudd (3.22 p.m.)—My question is addressed to the Minister for Foreign Affairs. Given the minister’s statement that the gov-
ernment would now brief the coalition party room on Iraq, does the minister recall rejecting both a statement to and a debate in the Australian parliament in the next two weeks on Iraq when he said:

I don’t think we need to get out ahead of the rest of the world by being the first national parliament—to have a formal debate ... I just think that would be quite a strange look actually ...

Is the minister aware of a document dated 4 June 2002 by the Canadian parliament containing a detailed statement to that parliament by the Canadian foreign ministry outlining Canadian policy on Iraq, and a report of the British parliament of 12 June 2002 dealing at length with British policy on Iraq? Minister, if it is good enough for you to brief your own party room on Iraq and it is good enough for the Canadian and British parliaments to debate their governments’ policy on Iraq, why isn’t it good enough for the Australian people to have this parliament hold a formal debate now on your government’s policy on Iraq?

Mr DOWNER—I thank the honourable member for his question. As I said yesterday and Senator Hill repeated today, a request was made of the government by a member of the coalition during a party room meeting yesterday for a briefing on the issue of Iraq. Both Senator Hill and I are happy to facilitate such a briefing. We also said to the media, both yesterday and today, that if the members of the Labor Party caucus would like a briefing, I would obviously be happy to provide one for them. I think the Prime Minister has very effectively answered these questions in relation to a prime ministerial statement. But I am not aware of those prime ministers having done so and instituted a debate at this stage.

There are obviously many forms of the House that could be used to institute discussion on these issues if the opposition wishes to pursue this; it is an option for them, of course. Alternatively, as the Prime Minister has made clear and I have made clear, we are happy to have not just one debate but several debates at an appropriate time to talk about this issue. It will not be happening in the next two weeks because we think it is premature. To be frank, I think the Prime Minister’s argument that it would be premature is entirely appropriate.

Mr Rudd—I seek leave to table the reports of the British House of Commons and the Canadian parliament on their premature deliberations on this question of policy on Iraq.

Leave granted.

Health and Ageing: Accommodation Places

Mr PEARCE (3.25 p.m.)—My question is addressed to the Minister for Ageing. Can the minister inform the House of what progress has been made in bringing provisionally allocated aged care beds online since the minister initiated a review of places?

Mr ANDREWS—I thank the member for Aston for his question and note that I was delighted to be able to visit a number of aged care facilities in his electorate over the recent weeks. As the member alluded to, earlier this year I asked the Department of Health and Ageing to review each and every provisional aged care allocation over the two years afforded in the legislation to determine progress being made in those beds becoming operational. One of the government’s major priorities in aged care has been to ensure that beds are brought online as soon as possible to ensure that older Australians who require residential aged care are able to access it.

All providers with provisionally allocated beds are now required to report on progress towards bringing new places online on a quarterly basis with a view to making them operational as soon as possible. The review undertaken by the department revealed, as I indicated to the House in April, that there were 2,816 outstanding beds that had been allocated for more than the two years under the legislation. I am pleased to be able to inform the House that of these 829 have become operational since that announcement, 68 have been revoked, a further 59 have been surrendered and some 1,211 will become operational this financial year.
Following on from that review of the pre-2000 provisional allocations, the department is now reviewing places allocated in the 2000 aged care approvals round that are still outstanding. I can also report to the House that a total of 1,580 provisionally allocated aged care beds have become operational in the last six months. This is in part due to the government’s determination to send a strong message to providers that the community expects that these places will be brought into operation as soon as possible.

Indeed, since the coalition came to government in 1996 over 49,000 aged care places have been released to meet the needs of older Australians and there are now 169,000 operational places nationally. In May this year I released another 8,231 new aged care places to meet the needs of older Australians requiring aged care, and we are committed to achieving a target of 200,000 aged care places by 2006. This will restore the balance in aged care provision by continuing to make up for the 10,000-bed shortfall in aged care places which we inherited from the Labor Party.

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

COMMITTEES

Former Members of Parliament: Appearance Before Parliamentary Inquiries

The SPEAKER (3.30 p.m.)—For the information of honourable members, I present a briefing paper dated 19 August 2002 from the Clerk of the House relating to former members of parliament being compelled to appear before the house of which they were not a member or one of its committees. Attached to the briefing paper are opinions by Professor Geoffrey Lindell, Mr Brett Walker SC and Mr Alan Robertson SC.

PAPERS

Mr ABBOTT (Warringah—Leader of the House) (3.30 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:
Department of Communications, Information Technology and the Arts—Six-Month Report on the Online Content Co-Regulatory Scheme—Reporting Period 4: July to December 2001 (7 June 2002 / 7 June 2002)

Debate (on motion by Mr Swan) adjourned.

MATTERS OF PUBLIC IMPORTANCE

Telstra: Full Privatisation

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

The Government’s, including the National Party’s, support for the full privatisation of Telstra.

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 TANNER (Melbourne) (3.31 p.m.)—One of the lessons you learn after spending a few years in this House is that, with the National Party, old habits die hard—the old habits of pork-barrelling, of patronage, of protectionism are always never far beneath the surface of the National Party when it comes to seeking to represent their constituents. One of the great old habits that has not died is the habit of the dodgy inquiry—the habit of getting one of your mates to do an inquiry, to stitch up a deal, to produce an outcome that you, as part of the government, seek to create.

The inquiry that was announced by the Minister for Communications, Information Technology and the Arts with the support of the National Party and the acquiescence of the Deputy Prime Minister, Mr Anderson, on Friday could not get much dodgier. It has been promised for months—Besley Mark II:
the update on the state of regional services and telecommunications in order to facilitate the full sale of Telstra. Finally, after months of speculation, it is announced. And who is conducting the inquiry? A personal friend of the Deputy Prime Minister who, just by sheer coincidence, happened to join the National Party a month or so ago. Possibly a bit of branch-stacking has broken out in the National Party, but they had to pay a very high price for this new member: about $30 billion, in fact—the value of the government’s ownership of Telstra. Or it could, indeed, be the National Party’s equivalent of ‘no ticket, no start’: in order to do an inquiry, you have got to sign on; in order to be part of their inquiry, you have got to be a member of the National Party, and the National Party has got the numbers! Two out of three of the inquiry members are members of the National Party. So when it comes to dodgy inquiries, old habits die hard with the National Party.

Even if we were to take a generous—perhaps even naive—view that this inquiry is genuinely independent, even if we were to give them an enormous amount of benefit of the doubt, the time scale that has been allocated to the inquiry to do its job says everything. It is 2½ months from go to whoa—from announcement to conclusion, from announcement to report date—for this inquiry to examine the state of regional telecommunications services throughout Australia. Two-and-a-half months to deal with the huge panoply of complaints and issues associated with telecommunications in regional Australia! If you look at the time it will take to gear the inquiry up at the start and the inevitable time required in the latter period to write a report, the amount of time that this inquiry will be able to devote to actually doing its job—dealing with issues, hearing from people, examining problems on the ground—will be negligible, almost to the point of being able to be measured in days rather than weeks.

There is a simple test that can be applied to the credibility of this inquiry: is there anybody in this country who thinks that this inquiry will recommend against selling Telstra? I think that that is an unlikely possibility, and I would be very interested to hear the odds that the member for Gippsland might be prepared to offer on that prospect. The reality is that it is a set-up, a stitch-up. It is designed purely as a sop to the National Party, to allow backbenchers in the National Party to pretend that they have put up some kind of pathetic, token resistance to Peter Costello and John Howard’s agenda of selling Telstra. This inquiry is a phoney sideshow orchestrated by the government with the compliance of a complacent media that is complicit in the process of selling Telstra, because it supports the government’s agenda of selling Telstra to the point where it regards it almost as a matter of religious belief, not requiring of any argument or substantive evidence to be advocated in its support.

Services in regional Australia, which is the focus of this inquiry, are fundamental to the debate about the future of Telstra, but they are by no means the only issue that needs to be dealt with in the debate about whether or not Telstra should be privatised. The tragedy in north-east Victoria earlier this year with the death of Sam Boulding illustrated again the enormous problems that exist with telecommunications services in regional Australia. A family’s telephone service in a fairly remote area was out of action for the bulk of a fortnight. For the vast majority of time throughout an entire fortnight this family’s phone was out of action and yet, in spite of that, technically, over that period, Telstra complied with its regulatory obligations under the customer service guarantee. So much for the stringent regulatory arrangement that this government sees as guaranteeing the standard of services in regional Australia.

The government’s efforts to improve services have been driven primarily by pork-barrelling and political imperatives and by window-dressing imperatives. I was in Cairns last week dealing with people who have children in distance education who effectively cannot make use of the government’s satellite Internet offering because of the fact that they do not have computers that are appropriate for the kind of service that is
being offered. They are being told, ‘Well, you have to spend a couple of thousand dollars to get yourself a different computer.’ The fact that the distance school to which they are affiliated runs on an Apple Mac basis and therefore they have Apple Macs in their remote locations is bad luck. This is yet another example of window-dressing initiatives that are designed to make it look like everything is being fixed up in regional Australia when in fact the problems are still there, they are pervasive and, if anything, they are getting worse.

Regional Australians understand that a privately-owned Telstra would be just like the banks. It would focus on the most lucrative markets in the bigger cities, at the expense of the less profitable customers in the smaller towns and remote areas of Australia and lower-income earners right across the board. There are other issues besides the standard of regional services, which is the one issue that the government acknowledges is a significant issue. There are issues about prices and consumer service standards generally—in the suburbs of our major cities just as much as in regional Australia. There are issues about broadband access, about pair gains and about what the sale proceeds will be dedicated to if the government is successful in selling Telstra.

I want to spend a minute dealing with some of the issues that this inquiry might have considered and that are definitely relevant to the consideration of whether or not Telstra should be sold. This inquiry might have considered the issue of prices. Since the federal election, mobile phone prices have been going up. Flag fall rates have gone up from 20c to 25c, and the government is removing price regulation from mobile telephony, even though there is effectively a duopoly or, at best, three major players which are all pricing in tandem. Prices are going up for text messages—usage is going up dramatically—when they should be going down. They have gone up to a uniform 25c when the cost of sending a text message on the various platforms is only a handful of cents.

The cost of Internet access is going up. Line rentals have gone up under the government’s changed pricing arrangements, from $2 to $3 a month, with no compensating reduction in local call costs. Over several years, line rental costs will be up to $30 or more a month when, two years ago, they were $11 a month. This is a great cost to many lower-income earners, particularly those who need the phone for emergencies and to stay in touch with loved ones but do not use it a great deal of the time—in part because they cannot afford to. One of the key compensating mechanisms for this, the Homeline Classic plan, was effectively altered so that the supposedly cheaper arrangements that were still available to people now have a 30c per local call price in order to get the cheaper line rental. Thank you very much, Telstra. Thank you very much, government, for helping low-income earners.

This inquiry might well ask: when prices are going up, when Telstra is making huge profits and being allowed to behave as if it were already privatised, and when there is inadequate competition, why would a government want to relax or abolish its price controls and why would it want to sell Telstra? This inquiry might also examine the standard of services in the suburbs. Having travelled throughout the country over the past six or seven weeks, the messages I have been getting as shadow minister are very clear and very uniform: inadequate broadband access, poor service standards, poor fault rectification standards, outer suburbs still in STD zones, and arrogant treatment of consumers by Telstra. I would like to read from a letter that I received a couple of days ago from a Telstra customer in one of our major capital cities. It says:

Dear Shadow Minister,

Never mind Telstra providing improved services to ‘the bush’. It recently took me 6 weeks to get a phone on in my home. In the past I was dubiously in support of at least the partial sale of Telstra. After my utterly frustrating dealings with them in relation to the above and the resulting concern about services to regional and remote communities I am now completely opposed to any further sale of Telstra.

In my attempts to have a phone connected in early March—remember he is writing this in August—
I made almost a dozen phone calls to Telstra’s unfriendly computerised voice activated telephone service system.

He goes on to explain that he was told by Telstra that the problem was at his end and that he had better go and get an electrician to fix it. Telstra subsequently conceded that it was actually their problem and sent somebody in to do something, and they installed some equipment that was not compatible with his computer. He found that they had installed the line, but he then had to go and change all of his computer arrangements.

This person concludes:

Where is the service? If this is the sort of problem people encounter having a phone connected in a city, one can only imagine the frustration those in more remote areas have with the current system. Any further sale of Telstra should be stopped.

I get letters and emails like that every day of the week. The inquiry might also consider the state of broadband access in this country and the fact that, even in many of the bigger cities, people have problems getting access. Telstra’s pair gains scam means that people get a second line but, in return, they lose the capacity to get ADSL and they lose a substantial amount of the poor Internet speed they have already got.

Telstra pricing is designed to milk customers with staggered plans that are about imposing download limits to maximise the amount of revenue they can get—unlike in the United Kingdom and other places, where they do not have download limits. Telstra has long-term plans to monopolise content so that people are able to be offered free access to their content with no download limits in order to maximise their overall monopolistic position.

The inquiry might also consider the government’s plan for the proceeds from the Telstra sale, which are to establish a big investment fund that will invest in foreign government bonds and shares. In other words, the government is planning to sell Telstra in order to buy German government bonds or Microsoft or General Motors shares. Explaining the logic of that to justify the sale of Telstra might test the arguing skills of anybody, much less the people who have charge of it on behalf of the government. But you will not get the government to address these issues. You will not get a proper public examination of these issues by the government. But Labor will be addressing them. We have initiated an inquiry by the Senate, which will be inquiring into the state of the network and the state of telecommunications infrastructure through Australia. Labor is the only party that has stood firm against the sale of Telstra throughout the past five years. The Greens have toyed with the idea of doing a deal with the government, the Democrats have toyed with the idea of doing a deal with the government, and there are various other players in the Senate who trail their coats. Labor is the only party in the Australian political system to relentlessly and rigorously oppose the sale of Telstra.

I notice that the Treasurer, in the last week or so, has done his annual ritual ‘meet the bush’ tour. He goes out with a collection of a few tame journalists who are there to relay the story of the second coming of the Messiah, to all of those who are, sadly, unfortunate not to have been present when this event took place. Of course, he whacks on the Akubra, he pretends to shear a sheep and he gets to auction a cow.

Mr Gavan O’Connor—Poor sheep!

Mr TANNER—It was a bit unfortunate for the sheep, I suspect. But, sadly for him, at the time he was doing all these things half the phones in south-west Queensland went down, which sent a message about the real issues in the real world for the Treasurer. It was a fair while ago, but I grew up in the bush. I now represent the city; it is a while since I lived in country Australia. But, in spite of those memories fading a bit, I can tell you one thing about country people: they know a phoney. Country people in Australia know a phoney. They know what a phoney looks like. They know that, just because Peter Costello whacks on an Akubra and indulges in a bit of Greco-Roman wrestling with a sheep, that does not mean that he is committed to representing their interests, that he understands their aspirations or that he is pushing to ensure that they get a fair deal out of this government.

They know that, when Peter Costello promotes the sale of Telstra, he is promoting
the interests of better-off people in the major cities. They know that all his promises about better service standards in the future with a privatised Telstra will simply melt away like mirages in the desert once Telstra is sold. More than anything else, they know that this inquiry is a total National Party stitch-up; it is totally phoney. They understand that the National Party has sold them out completely on the sale of Telstra, as they were always going to do. This inquiry is meaningless. It should be ignored. It will find that Telstra should be sold. For absolutely the opposite reasons, and for all of the other themes that need to be explored and dealt with, it can be completely disregarded. This government is completely phoney in its alleged interest in the bush and telecommunications. This inquiry will be a total whitewash. The Treasurer and the Deputy Prime Minister cannot be treated seriously. (Time expired)

Mr McGauran (Gippsland—Minister for Science) (3.46 p.m.)—Envy is a terrible thing. It must eat away at the member for Melbourne to see the Treasurer so well received in rural Australia—received with a degree of respect, even affection, that he could not possibly dream of for anybody on his side. In fact, I notice in Laurie Oakes’s column in today’s Bulletin that there is a complaint from unnamed Labor sources that the member for Melbourne is actually a disadvantage—he is actually counterproductive—when you take him out to meet your constituents. That is not so with the Treasurer, who is welcome in any of our electorates—whether they be urban, outer metropolitan, regional or rural. The Treasurer is a popular figure because people know he stands for something; he is a person of substance. They know that he does not take the least line of resistance on every argument; he does not try to give one answer to one audience and then another to another. He does not try to appease everybody. He has convictions and he will express them. He will argue his case and he will, in many ways, prevail.

In that, he is like the Prime Minister. The greatest strength of the Prime Minister—and, hence, the government—is that people know where he stands. They do not always agree with the Prime Minister, but they know that his views arise out of a spring of personal conviction—they subscribe largely to his values—and they know he will argue his case. In the end, that is what Australians want: they want to be treated as intelligent contributors to the public policy debate. That is what it is with Telstra. Running scare campaigns about Telstra is just an insult to the Australian electorate and will never win their respect, let alone their support in electoral terms. The Treasurer had a triumphant visit to rural Australia—not that he was seeking it; he went out there to hear people and to hear their views. He was overwhelmed by their generosity of hospitality and their endorsement, largely, of his and therefore the government’s economic policies.

The member for Melbourne attacked the journalists. Oh, my heavens! So only tame journalists followed the Treasurer around? Tell that to Malcolm Farr, tell that to Jim Middleton, tell that to Michael Harvey—just three of the most senior members of the press gallery. And, with the greatest respect to them, because they are objective, impartial journalists I do not know that any of them have done the government any favours!

Mr Tanner—Did you read what they wrote?

Deputy Chair (Mr Causley)—The member for Melbourne has had his opportunity.

Mr McGauran—‘Did you read what they wrote?’ says the member for Melbourne. He really thinks that the journalists from the gallery—who scrutinise the Treasurer, the Prime Minister and the government day in and day out—would go soft because they went bush. Quite the opposite! I suspect that the journalists were hoping that the Treasurer would trip up, fail and encounter hostility as much as the Labor Party did, but they did their job and reported it as they saw it and as was the case. That was the second attack on the media by the member for Melbourne during the MPI, because he started off by saying that a compliant media were supporting the government in its stand on Telstra. So the frustration of all these years in opposition and the lack of his own policy
coherence is finally getting to the member for Melbourne. When you turn on the journalists you know you have a problem in opposition.

The other aspect which reveals the total paucity of the opposition’s position is the attack on the inquiry. They did it with Besley. Who can remember the attacks by the then shadow minister for communications, the member for Perth, on Tim Besley as Chair of the Telecommunications Service Inquiry? The words that come to mind are, ‘It’s a sham; it’s a put-up; it’s rigged.’ But, when the Besley inquiry actually found that, whilst generally services were sufficient in regional Australia, a great deal of improvement was needed, the member for Perth adopted the Besley report. He said, ‘The Besley report’s right; its conclusions are accurate.’

The member for Melbourne is positioning himself exactly as his predecessor did. He wants the best of both worlds. If the Estens report finds that there is not a case for moving to full private ownership of Telstra, the member for Melbourne wants to seize upon it. If it does not recommend that but says that, subject to certain conditions, the service levels in regional Australia are improving, he wants to be able to dump on it. So I say to the member for Melbourne: please take a position of principle. You never know, you might like it! You might actually receive the support of the Australian people. But why don’t you try it?

As for his attack in question time on Mr Dick Estens, that was shameful. That was just slurring by association. Labor did not criticise Mr Estens when he received entirely justifiable recognition for running the most successful Indigenous employment program in Australia. It is only when he stands in the way of them gaining a political advantage that they rip into his character. They ought to be ashamed of themselves for doing it.

Sure Mr Estens, like anyone else who adopts a position in public life, may be able to shrug it off by saying, ‘That’s politics,’ but for the public it is a much more serious thing. Somebody should not have their reputation traversed in this way, totally inaccurately and unfairly, just in the name of politics—politics according to the Labor Party perhaps but not politics according to the standard the public want us to embrace. The exaltation of the politics of hate by the member for Werriwa is beginning to seep through the frontbench. Whilst we always look to the member for Melbourne as a person of individual character and with his own points of view, he too is comprising himself in these personal attacks.

The Labor Party raising this issue during the MPI is just a filler; an absolute filler! Members of the public need to note that this is the most important part of the day, apart from question time, for an opposition. They get roughly an hour to set the debate on a matter of urgency and pressing importance as they wish—it is in their hands. They have listed Telstra and the National Party’s policies as the most important issues of the day. How come the opposition have had 30 questions this week and only one of them was on a Telstra issue—30 questions and only one is allocated to pursuing the Telstra issue. This is just a filler. They have nothing else. They have nothing positive to say and they do not have much negative to say about the government—so let’s resort to the hoary old chestnut of the full privatisation of Telstra.

I have some sympathy for the member for Melbourne—because what does he do? He knows, as he has said, that the position of Telstra in its present ownership is untenable. So what do you do? In his ‘Reforming Telstra’ discussion paper of May 2002—which he does not refer to very often now, one might have noticed in passing—the member for Melbourne said:

Merely accepting the status quo, however, is insufficient.
He proudly declares his party is the only one to oppose consistently and resolutely the full privatisation of Telstra. Well, what are you going to do? What is the answer, when you say that me accepting the status quo is insufficient? You are hoist on your own petard.

Mr Tanner—Fix it.

Mr McGauran—Fix it—fix it how? We have some clue as to how the member for Melbourne wants to fix it. He wants to break it up. He wants structural separation. He actually wants to break up Telstra. He wants to sell off parts of Telstra—the mobile phone network, for instance, and some of the Internet services—and keep the infrastructure. That is his solution. In fact, there is a whisper around the place that you are organising a caucus meeting on Friday to discuss this very issue. We wish you well; we wish you luck.

Mr Tanner interjecting—

Mr McGauran—Oh, it is just a rumour, is it? You say 'fix it'; how are you going to fix it, because you have not got a solution?

The DEPUTY SPEAKER (Hon. I.R. Causley)—The word 'ewe' refers to a sheep, I think.

Mr McGauran—Yes, you are right. Everyone knows Labor are going to sell Telstra if they ever get to government. If they ever get to government—which is the prerogative of the Australian people; it may be sooner rather than later, but we will work hard to convince Australians it should be later—the reality is that they will sell Telstra, just as they sold anything that moved during their 13 years in government, whether it be Qantas, the Commonwealth Bank or a number of government businesses.

The member for Melbourne is also being undermined by the most senior and most successful Labor leader in Australia—the Premier of New South Wales, Bob Carr. He stated on 27 July on Dubbo radio exactly the position of the coalition, and especially the National Party. He said:

I am strongly opposed to the further privatisation of Telstra, certainly until we can get a decent level of rural service.

That has been the government’s position from day one. We are consistent—not contradictory, not opportunistic, not chopping and changing. We have always said that the full privatisation of Telstra would depend on a satisfactory level of service for rural customers and rural residents. Bob Carr is saying it too: ‘I am opposed to further privatisation until we get a decent level of service.’ That is Bob Carr. I think you should heed Bob Carr because he has a better understanding of the expectations, even demands, of the Australian electorate than the federal Labor opposition.

There is also another Bob at work here undermining the position of the member for Melbourne, and that is the shadow Treasurer, Bob McMullan. He gave an interview on 18 August to Meet the Press. He was asked about competition in the telecommunications sector, and he responded:

Very good question. The key issue is not who owns Telstra but what’s the competition in the telecommunications sector.

‘The key issue is not who owns Telstra,’ the shadow Treasurer very succinctly and accurately described the position. The member for Melbourne was a long-time rural resident and has strong rural links. Of the Labor opposition, I think he—better than his colleagues, understands country people and has a dialogue with them, but the fact is that he is totally out of touch. Rural people are pragmatic. It is not the ownership of Telstra which will dictate their thinking and eventually their voting on this issue; it is the level of service.

Since the Labor Party corporatised Telecom in the early 1990s, the board of Telstra has always made commercial decisions, particularly since the partial privatisation. They cannot make uncommercial decisions. Consequently, the upgrading we have been seeing over the last few years—especially since the coalition came to government—has been paid directly to Telstra out of government appropriations. Hundreds of millions of dollars have been paid to Telstra to install the infrastructure and the new level of services. Even with 49 per cent private ownership, that board, under the Corporations Law and
their duties to their shareholders, cannot make uncommercial decisions. It is always going to be the government—and has been since Labor corporatised Telecom—that has to direct specific appropriations to Telstra to upgrade services. Consequently, whether Telstra is 100 per cent or 49 per cent in private ownership, the government is always going to have to deliver funds to Telstra to put in rural services. I think the shadow Treasurer knows that and he is being very honest. But, of course, it is a big step between a statement like that in passing and actually taking it up as Labor Party policy.

The member for Melbourne’s idea for structural separation is very different to the government’s idea of accounting separation. We are responding to a Productivity Commission report of late April. We see that accounting separation has the potential to significantly increase the level of competition and investment in the telecommunications market.

Mr Tanner—When are you going to announce it?

Mr McGauran—We are working on it. We want complete transparency within Telstra’s wholesale and retail operations so that we help ensure equitable treatment amongst industry players. The government approaches Telstra in the best interests of Telstra’s shareholders and in the best interests of Telstra’s customers, especially those in rural and regional Australia. It is a pity that a debate which, I freely concede on behalf of my rural constituents, is of pressing importance is reduced to an afterthought on the part of the Labor Party. They slotted it in to fill up an hour. They have no other issues that they want to get off their chests. I can certainly give them a few issues that, if they really want to tap into the thinking of Australians, they should be pursuing in the national parliament. They asked one question only this week. Their position is full of bravado and rhetoric that does not stand up to close examination—or to the point that it does it is a break-up of Telstra. It is a structural separation of the components of Telstra.

We wish to assist the member for Melbourne. We know he has a very difficult task dealing with ideologues and troglodytes within his own party ranks. But in the end it comes back to him. He is going to have to show a lot more intellectual rigour and personal fortitude if he is going to make any sense of this issue for the Labor Party. In the meantime, they are drowning in their inherent contradictions and their spineless approach to policy setting.

Mr Zahra (McMillan) (4.01 p.m.)—The member for Gippsland talked about how it is important to be consistent. It is true to say that the National Party has consistently been for sale in its political life in our country. It has always been for sale—that is one thing that has always been consistent in public life in our country. What has changed, of course, is the fact that the price used to be up here and now it is down here. They need a new set of negotiators! I think about some of the great old men of the National Party, or the Country Party as it was—some of those very tough negotiators, people like the former member for Gippsland, Peter Nixon. He was a tough man who would always negotiate a good deal for his constituents and for the people he sought to represent in country districts. The price has gone down, the negotiating skills have gone down and the calibre of National Party members has gone down too. They are a gaggle of dullards.

What that means for country people is that the price they are going to be able to extract in getting any sort of deal at all for their country constituents is not going to be much at all. In this historic debate that we are engaged in right now—whether or not to privatise the remaining share of Telstra—the National Party have just folded, they have just capitulated, they have run up the white flag and sold out. Instead of negotiating a hard deal, instead of negotiating a set of outcomes which will make sure that country constituents are able to access good levels of service and the types of services they need for their electoral districts—

Mr Forrest interjecting—

Mr Zahra—People like the member for Mallee on the other side have just run up the white flag, capitulated and not been able to negotiate any sort of deal at all for the rural constituents they are supposed to represent. I know a little about the Country Party, having
grown up in a country district. Let me tell you, when you speak to the men and women who have for a long time supported the National Party, they tell you how bitterly disappointed they are in the current form the Country Party has taken. Listen to some of the speeches that National Party members give in this place and ask yourself seriously whether there is any difference at all between what they have to say and what the Liberal Party members in this place have to say.

A very smart and very capable National Party member of this place once said that when people look at John Anderson they just see a Liberal in gumboots. I think that National Party member was spot on, right on the money, when he said that. When country people look to the National Party and try and spot any difference at all between them and the Liberal Party, they do not see any difference at all. All they see are the same policies, the same ideas and the same words. This is a great folly that the National Party are involved in right now. As if the National Party would not just do the bidding of the Liberal Party! As if they would ever offer any serious resistance to what the Liberal Party directed them to do.

When talking about Telstra and services in country districts, you have to have a realistic look at the situation and how big a player Telstra Corporation is—just how powerful it is and how much monopoly power it has. It is all well and good to talk about the idea of competition and how it is a great principle, but you have to look at the reality of Telstra’s position in the marketplace. At the end of 2001, Telstra controlled 86 per cent of the basic access market, 83 per cent of the local call market, 50 per cent of the mobile telephony market, 72 per cent of the long-distance market, 50 per cent of the international market, 96 per cent of the directories market and 53 per cent of the pay TV market.

We are not talking about a corporation which is in a competitive situation; we are talking about a corporation which has got massive monopoly power. We know about corporations that have got massive monopoly power. We know about big and tough corporations which are worth billions of dollars and are interested in adding to the amount that they are worth by making big profits at the expense of customers. Does it sound like a familiar story? I think it sounds just like the banks in Australia. We in country districts all know what it means when the banks are let off the leash. We know what it means when they focus only on profits and do not give any attention at all to customers. It means the bank branches close and services go down.

Those opposite say, ‘We will regulate. We will be able to control this enormous monolith. We will be able to control this massive corporation. We will use regulation to make sure there is competition. We will use regulation to make sure that, if we privatise Telstra, services are provided at the level we direct.’ It is not an argument which can stand the test of reality. Right now, Telstra Corporation is regulated by the following agencies: the Australian Broadcasting Authority, the Telecommunications Industry Ombudsman, the Department of Communications, Information Technology and the Arts, the Australian Communications Authority, the ACCC, the Australian Communications Industry Forum and Standards Australia.

All of those regulatory agencies have been unable to smash Telstra’s massive market power, they have been unable to stop Telstra acting in an anticompetitive way and they have been unable to stop Telstra hiking up prices and reducing services, in particular for people in country districts. The Liberal-National Party opposite expect us to believe that, if we sell Telstra—if we make it a massive, privately owned corporation with all of that market power—somehow we will be able to regulate it and make sure that services are provided at the level that we dictate and that services are provided to country people irrespective of where they live, despite the fact that they are not being provided right now. This is not consistent, it is not logical and it does not make any sense.

If people in the National and Liberal parties think that a privatised Telstra corporation will be a tame cat corporation, that it will be a corporation which will meekly do the bid-
ding of the government of the day and say, ‘More regulation? We’ll take that, no worries at all; we’d like that. Of course we will, we’d just do whatever you say,’ they need to think again. This is a tough corporation which acts in a very tough corporate manner. This is a corporation which is completely unafraid of squeezing out its competitors by using all sorts of very brutal corporate tactics. This is a corporation which has threatened to sue the shadow minister for communications. This is a corporation which is completely unafraid of squeezing out its competitors by using all sorts of very brutal corporate tactics. This is a corporation which has threatened to sue the shadow minister for communications. This is a corporation which has no fear when it comes to regulation. If we regulate it—if we put in place a law—it will seek to gain from it. If we put in place a procedure or a mechanism to try to bring it to account, it will find a way around it. This is not just me saying this. Ziggy Zwitkowski argues: ... you can’t have more regulation as well as more competition and investment.

I think the CEO of Telstra completely mis-represents what those of us who are arguing for more competition are trying to achieve. We think that, if you can put in place a regulatory regime and control Telstra through the 50 per cent plus one government shareholding then you can have a competitive regime. What we do not think is that you can completely privatise Telstra and then hope to regulate it, because the only thing that is keeping Telstra from not behaving like a completely out of control private monopolist is the fact that it does have a majority public shareholding. We know that to be true and the people in Telstra know it to be true, and that is why they want to be taken off the leash. It is not just me who says that Telstra conducts itself in a brutal and anti-competitive manner; the ACCC says it. Also, the CEO of Optus, Chris Anderson, said in the Financial Review:

Too often, the fight has been in the courts and before the Australian Competition and Consumer Commission, rather than in the market-place ...

The laws must be made tougher—to stop Telstra playing its usual game of delay. Today, Telstra spends many millions of dollars on lawyers and economists. And it ruthlessly exploits the weaknesses of the system.

This is the corporation that the Liberal-National Party want us to trust. This is the corporation that the Liberal-National Party want us to give 100 per cent control to so they can do whatever they want and be completely unfettered in the marketplace. They have more than 90 per cent of the profits in the telecommunications sector; they have about 70 per cent control of the entire telecommunications sector in our country. The Liberal-National Party are expecting country people to cop this. Let me tell you: we will not cop this. Let me tell the National Party very plainly: you will be punished at the ballot box if you expect country people to cop this, to cop reductions in service, to cop your continual selling out to Liberal Party interests and to cop your continual failure to stand up for the interests of regional and rural Australians. (Time expired)

Mr HAWKER (Wannon) (4.11 p.m.)—That last little bit reminded me of being hit with a wet lettuce. I thought this was supposed to be a serious debate, and I was extremely disappointed when listening to the member for Melbourne. I had expected a lot more. He began with pathetic personal attacks, just like he did today when he asked that one frivolous question before the MPI. If you look back, despite what happened two years ago with the Besley inquiry—when we started an attack on Besley and on what he was doing and then saw very quickly that Besley demonstrated his independence—I have no doubt that the current inquiry will demonstrate the same thing. We have already shown as a government that we take these inquiries very seriously. When the Besley report came out, we responded and acted on the points recommended by Besley and made sure that those improvements were made.

It is unfortunate that the member for Melbourne, in his diatribe, was clearly and quite deliberately misleading the House on a number of matters. He failed to point out that Telstra is regulated when it comes to services through the universal service obligation and that this government has strengthened that to make sure that people in the country and in the city get better services. We have the customer service guarantee, which he also chose to omit mention of in his presentation. The third point he chose to omit was that STD prices are continuing to come down, so customers are getting benefits. What was
really sad about his presentation was that, in short, he failed totally to acknowledge the remarkable gains that have occurred in communications in the last few years. That is something that the government is proud of and I think it is something that all Australians appreciate, because these gains are quite remarkable. When you think about it, the points made by the member for Melbourne when he said that this was just a filler were so short on content that it was quite sad. In the end, there was tedious repetition, and one would assess that his heart was not even in it.

The other point I want to make about today’s MPI shows just how weak the opposition are and how they are in total disarray. We heard this puffed-up concern about the fact that Labor are really worried about Iraq. Clearly, if we want to talk about phoney debates, that was the phoney debate today: their concern about debating Iraq. They had the opportunity with the MPI, but there has been no MPI on Iraq. Clearly all that concern was just feigned and phoney.

I would like to mention a couple of things about the presentation by the member for McMillan. He started off with more tedious repetition. In fact, I thought he seemed to be more interested in talking about the deals that might go with the further privatisation of Telstra than debating the point. At the end he was really hard to follow. He finished up with some fanciful and rather contradictory logic.

This MPI clearly misrepresents government policy. So that everyone is quite clear, I will repeat it: the government has undertaken not to proceed with any further sale of Telstra until it is fully satisfied that arrangements are in place to deliver adequate telecommunications services to all Australians, including maintaining the improvements to existing services. That is quite clear. The government put that qualifying point on it, and it has now announced a second inquiry to make sure that people will have an opportunity to put their views and make it quite clear if they are not happy. There could not be anything more democratic or a better way of consulting with the community to make sure that people are informed.

But what do we find with the Labor Party? The first thing the Labor Party do is attack the people on the inquiry. Then they talk about its other shortcomings. Let us go back to what happened in the year 2000. I suppose we should not be surprised that, when we established the independent Besley inquiry two years ago, Labor’s words were that the inquiry was ‘fatally politically compromised’, that it was not ‘free from political interference’, that it was a ‘political stunt’ and that it ‘created a perception of a clear conflict of interest’. In fact, Labor went so far as to call on the then head of the inquiry, Mr Besley, to resign and for the government to scrap the inquiry. The then shadow minister, the member for Perth, claimed, ‘You can have absolutely no confidence that this report can be regarded as an objective, impartial assessment of Telstra’s service levels.’ Isn’t it funny that, when the report came out, they thought that it was a pretty good one. There is something odd about the Labor Party: they do not seem to have a great deal of consistency. We can understand the frustrations of the member for Melbourne. He did try to put forward a policy position, but the unions very quickly moved in on him and he is back-pedalling as fast as he can. It seems we no longer know what the opposition’s position is.

It is interesting to note that one spokesman for the Labor Party, the New South Wales Premier, Mr Carr, made it quite clear that Labor are in favour of privatising Telstra. He pointed out that he actually agreed with the federal government that Telstra could be sold once services in regional Australia are up to scratch. That is exactly what our policy is. That is exactly what Carr said. It is also interesting to see the disarray of the Labor Party. The *Canberra Times* of 20 July noted:

Within hours of Labor’s election loss, Simon Crean said all policies were up for review except the sale of Telstra. However,— and this is the interesting part— some Labor MPs privately want the Democrats to allow the sale to proceed. They are worried that the Opposition is continually portrayed as opposing everything.
So there we have it: the opposition are in total disarray, hoping things will be done so that they do not have to be seen to be supporting what they really want to see happen. It is really quite remarkable.

I will quickly run through some of the things that this government have done to get better communications into the country for all Australians. We have put in place a number of strong consumer safeguards, and they are certainly working. We have introduced a customer service guarantee. When people come to me with problems nowadays I know that I can get very quick results from Telstra, particularly since they introduced Telstra Countrywide—something brought about through this government. It shows that not only are we interested in making sure that people in the country get services but also we are going to make sure that they happen. We brought in the digital data obligation, under which 96 per cent of Australians are able to obtain a 64-kilobyte per second ISDN service. For those who cannot get that service, we are able to supply a satellite service that is comparable, with a 50 per cent rebate on price. We have strengthened the universal service obligation, and we have also maintained the requirement that all Australians must have access to untimed local calls. As well, we have ensured that low-income customers are adequately protected from line rental increases. Another very important thing for people in the country, despite Labor’s mess with the analog system, is that we ensured that Telstra brought in the CDMA system to replace it to make sure we get better services. Through Networking the Nation we have put considerable funds into the country.

As I said at the beginning, in whatever way you look at it, this government have made sure that communications have improved radically over the last few years. There is no doubt that we have a very strong commitment to maintaining and improving communication services for people right across the nation. We have a very proud record, and I think all Australians recognise that. Frankly, this MPI is just a filler. It shows that the Labor Party are devoid of ideas and that they cannot put a consistent point of view on the whole issue. Today’s MPI demonstrates that the disarray has extended not only to policy but also to even choosing the issues that they can raise in an MPI.

Mr WINDSOR (New England) (4.21 p.m.)—Contrary to a couple of the speakers today, I do believe that this issue is one of great significance, particularly for country people but, as the member for Melbourne said, not only for country people. There are a number of issues that really do need to be debated and I am a little bit disturbed that the member for Wannon should suggest that we would be better off to utilise time today talking about Iraq. I thought this was the parliament of this nation, and one of the major issues we should be deliberating is the equity of access to telecommunication services within this nation. I am not a technological giant but, whether we like it or not, access to technology, to modern communications, is going to be the way of this century and we have to ensure that country people, the people who make up 30 per cent of the population of this nation, do have some equity of access. Two issues come out of that: the first is the privatisation of Telstra; and the second is, if in fact it is privatised, the capacity of the privatised body to deliver services to those people in rural and remote Australia.

One thing I do know in terms of the principles of competition policy and economic rationalism is that, under a fully privatised arrangement where the shareholder is the primary responsibility, the people who are remote—those who have distance to contend with—and those who are small will be disadvantaged. There are a myriad of examples that we should have learnt from over the last decade in relation to those particular issues. This MPI is essentially about the role of the National Party in the privatisation of and the inquiry into Telstra. I would almost suggest that this is almost a plot by the Liberal Party to remove the National Party by pursuing this particular agenda, because anybody—and I am pleased that there is a country member, the member for Page, in the chair; he would fully endorse what I am about to say—who was listening to the country—
The DEPUTY SPEAKER (Hon. I.R. Causley)—The member for New England would be reminded that the chair does not have a seat.

Mr WINDSOR—Anybody with an ear remotely tuned to people in the country would know that they do not want Telstra sold. They have many reasons: one of them is the lack of trust in government, another is the lack of trust in a fully privatised arrangement, some reasons may well be about who actually would be the owner of this privatised arrangement, and there are others concerning how you can regulate that sort of body.

The Minister for Communications, Information Technology and the Arts has attacked me in a press release today over a number of issues, and he makes some mistakes in his press release. One of the issues that I think the minister faces—and maybe the press, which was suggested to be fairly tame on this issue, might like to question the Minister for Communications, Information Technology and the Arts on this particular issue—is: is it constitutionally or legally possible for a government to move some legislative or regulatory arrangement in this parliament that binds a future government to the provision of those services? I would like the minister for communications to actually answer this question: is it within our Constitution and within the law of this parliament to bind a successor? My information is that the answer is no.

If that is the case, how can government, or the National Party in particular, which purports to represent country people in this place, stand up and say: ‘Trust us. There will never be an adjustment to the regulations that we put in place.’ How can a parliament guarantee access to and equity of services at affordable prices for country people to technology that has not even been invented yet? An enormous amount of trust must be placed in the government of the day. One would like to feel that the current government is totally trustworthy, and I am sure there are some people in this place who believe that to be the case. But what of the next government? What of the government in 2010? Will they be under pressure from some slippery cheques at election time in relation to this $60 billion or $80 billion telco giant which might be partly foreign owned? We do not know the answers to those questions, and they are important questions that the Australian public want answered. But the minister for communications should answer that very simple question: can this parliament bind its successors in terms of the provision of services to country people? I think most of us would be well aware of the answer.

Recently an asset was sold, the Sydney airport. Prior to the sale of Sydney (Kingsford-Smith) Airport there were a whole range of commitments and guarantees about noise levels, service levels et cetera and it was suggested by the two ministers, John Anderson and Nick Minchin, that people should be calm and that they would be satisfied with the outcome. Within two days of the sale being announced, on Thursday, 27 June 2002 in the Financial Review the Minister for Finance and Administration, Nick Minchin, also conceded that a future government would be open to try and change existing regulations. I quote the senator:

‘Those caps and the curfew are in legislation. They will not change. The company cannot change it. Only the parliament can change those limits,’ Senator Minchin told the Seven network.

The article quotes Senator Minchin again:

‘Obviously we can’t bind future governments, but I cannot imagine any government in the future changing those rules.’

Maybe the minister for communications could have a chat to Senator Nick Minchin. In today’s Financial Review there is a feature article titled “Taking stock of the fault lines”, and I do receive an honourable mention, as do some others in this place. The article says:

But some independent and National Party MPs say the issue is not about the level of services now being delivered under a government majority-owned Telstra, but what commitments could be made about the future level of services when the carrier is fully privatised.

Estens—that is, Dick Estens, the chairman of the new inquiry—will undoubtedly be forced to address those dangling cables...
And there are quite a lot of them. There is a series of cables buried within eyesight of the Leader of the National Party’s office—and they were buried only after it was raised in this parliament. Is that the sort of political imperative we have to have to get cables that are hanging off barbed wire fences buried? Let us hope not. It continues:

... because Telstra Country Wide concedes they are a major problem for service delivery in this region. New England and Gwydir are neighbouring electorates, and the rocky, dividing range landscape appears to be a formidable obstacle for putting in underground fibre-optic cables, according to Telstra Country Wide’s NSW chief, Roger Bamber.

Bamber admits there is a labyrinth of cables in this region, and it is a problem that has to be fixed. He has even asked Windsor to tell him where these cables can be found ... How is the inquiry going to get on when it is going around asking all the MPs where the cables are to be found? It continues:

... so that fibre-optic cable can be put in the ground.

They are the sorts of things that I think the inquiry should have a very close look at. There are some people who have received new cable recently, and they are involved in the National Party. The Deputy Prime Minister might like to tell the parliament what new cabling went into his property. Former senator David Brownhill might like to suggest why a new cable stops at his property and does not go any further. Is that what we are talking about? Who is getting up to scratch and who is scratching whom?

There are a number of issues that really do need to be answered in relation to this particular concern. Even over and above the service delivery issues that need to be addressed are the performance indicators. This is an important issue, and I am very disappointed in the Minister for Science for his attitude to this particular debate. When we look at the performance indicators of Telstra to see whether it is a business that is performing reasonably well, what do we find? The return on assets is 20.8 per cent—I think a lot of businesses would like to see that return on assets—the return on equity is 32.1 per cent; dividends—these are government dividends—are nearly $2.5 billion annually; and income tax is $2.236 billion annually. This is not a crippled corporate operation we are talking about, it is a fairly profitable business and maybe we should be looking at maintaining it as part of our infrastructure in the future.

In conclusion, I also congratulate two of the female members of the National Party: the member for Dawson and the member for Riverina. The National Party is a party where more female participation should be encouraged. They are the only two who have any spine in relation to this issue. I assure them that I will give them any support I can, as a male and as an Independent member of this parliament, to try and get this issue properly addressed. Country people do not want this valuable piece of infrastructure privatised. (Time expired)

NATIONAL LIBRARY OF AUSTRALIA COUNCIL
Membership

Mrs VALE (Hughes—Minister for Veterans’ Affairs and Minister Assisting the Minister for Defence) (4.32 p.m.)—by leave—I move:

That, in accordance with the provisions of the National Library Act 1960, this House elects Mr M.J. Ferguson to be a member of the Council of the National Library of Australia and to continue as a member for a period of 3 years from and including 21 August 2002.

Question agreed to.

PLANT HEALTH AUSTRALIA (PLANT INDUSTRIES) FUNDING BILL 2002

Report from Main Committee

Bill returned from Main Committee without amendment, appropriation message having been reported; certified copy of the bill presented.

Ordered that this bill be considered forthwith.

Bill agreed to.

Third Reading

Mrs VALE (Hughes—Minister for Veterans’ Affairs and Minister Assisting the Minister for Defence) (4.32 p.m.)—by leave—I move:

That this bill be now read a third time.
Question agreed to.
Bill read a third time.

CUSTOMS LEGISLATION AMENDMENT BILL (No. 1) 2002
Report from Main Committee
Bill returned from Main Committee without amendment; certified copy of the bill presented.
Ordered that this bill be considered forthwith.
Bill agreed to.

Third Reading
Mrs VALE (Hughes—Minister for Veterans' Affairs and Minister Assisting the Minister for Defence) (4.34 p.m.)—by leave—I move:
That this bill be now read a third time.
Question agreed to.
Bill read a third time.

IMPORT PROCESSING CHARGES (AMENDMENT AND REPEAL) BILL 2002
Report from Main Committee
Bill returned from Main Committee without amendment; certified copy of the bill presented.
Ordered that this bill be considered forthwith.
Bill agreed to.

Third Reading
Mrs VALE (Hughes—Minister for Veterans' Affairs and Minister Assisting the Minister for Defence) (4.35 p.m.)—by leave—I move:
That this bill be now read a third time.
Question agreed to.
Bill read a third time.

RESEARCH INVOLVING EMBRYOS AND PROHIBITION OF HUMAN CLONING BILL 2002
Second Reading
Debate resumed.
Mrs IRWIN (Fowler) (4.36 p.m.)—Before I continue my remarks on the Research Involving Embryos and Prohibition of Human Cloning Bill 2002, I will review the point I was making when I was interrupted for question time. I wanted to make the point that when it comes to making decisions of this nature, we should listen to the views of ordinary people. Ordinary people deal with moral issues every day. They frame their values according to how they live their daily lives and they do a good job of it. When people express what is in their hearts, they come closest to what the real values of our society are. As I have said, when people have made personal decisions involving the fate of human embryos, they have done so in a way that fits with their own lives and they have lived with the consequences. On this issue, I believe the broad electorate is guided by what people feel in their own hearts. It is guided by the balance of commonsense and compassion that all of us have, and that is how I have made my decision to support this bill.

What then are the values in our society with regard to human embryos? There is one word which keeps coming up in this debate and that word is 'potential'. We are told by the high priests that an embryo is a potential human being. Therefore, it is human and must be treated the same as a full human being. That is like saying that a lottery ticket is worth the value of the prize. If I went along to my local newsagent and bought a lottery ticket in a million dollar lottery, only a fool would give me a million dollars for that ticket before the lottery was drawn. The lottery ticket might be worth a million dollars one day, but not until it is drawn. We all know that the odds are stacked against it. For now, it is only worth the price of the ticket. The ticket has the potential to be worth a million dollars, but only if it is selected. After the draw, if it is not selected, it is worth nothing at all. It had the potential to be worth a million dollars but now it is worthless and is thrown away.

We can all regret what might have been, but we all know that for every winning ticket there are millions that will be discarded. Is a lottery ticket worth a million dollars? It depends on whether it is the winning ticket. It has the potential but only if it is the one in a million that is selected does it have value. An embryo can be seen as a potential human
being, but not all embryos reach their potential. You might think that it is shallow to dismiss a human embryo as lightly as a lottery ticket. But if you think about it, you will agree that our understanding of the potential of something is what determines what it is worth.

There is another potential to consider. The human embryo that is not selected may have worth in another way. It may have the potential to provide the material to cure some of the most debilitating diseases faced by humans. It may have the potential to provide a cure for motor neurone or Parkinson’s disease or a treatment for Alzheimer’s disease. It may have the potential to repair damaged tissue, to restore sight or to give movement back to those suffering from paralysis. It may have the potential to cure diabetes and many other disorders. That potential may face the same odds as winning the lottery, but for many people it is a small ray of light at the end of a very dark tunnel.

Of the letters I have received, the ones that touched me most are those from sufferers of diseases such as motor neurone disease and Parkinson’s disease. Those writers know that stem cell research may not provide a cure in their lifetime. They know that they will have to bear the pain and suffering that is part of their daily lives, but they live in hope and seek any opportunity to save others from their fate. Even if the odds are less than winning the lottery, if there is a potential cure to be found in embryonic stem cell research, they believe it is worth a try. They care enough for their fellow human beings to make sure that no-one should suffer as they have.

Who would deny that potential? Who would stop us from exploring that path to a cure and do so in the name of compassion? These are the things that matter to ordinary Australians. You can stand on some moral high horse and tell the people what is right and what is wrong, but it is the decisions that people make about their own lives that matter. Do people see embryos as human beings? No matter what research questions you ask, when people make decisions about their own lives those decisions show the true answers to the questions. When couples face the decision that the surplus embryos from their IVF treatment may either be used for research or flushed down the drain, what potential do they see for them? The embryos will never reach their potential as humans, but they still have the potential to relieve the suffering of other human beings.

In some provisions of the bill, I note that the bill deals with what are described as excess embryos resulting from assisted reproductive technology. I have already described how I see the views of the broader community when it comes to the concept of a human embryo. In Australia, we have already seen over 30,000 babies born as a result of assisted reproductive technology. There are many Australian families grateful for the special gift of life that this technology has given them. Australia is a world leader in this technology and that has come about as a result of years of research which has, at times, involved the destruction of human embryos.

Long ago we came to accept research involving human embryos when the result was that childless couples were able to have a child of their own. Knowing that their ability to have a child has come about as a result of research involving human embryos would no doubt influence the decision to allow the couple’s surplus embryos to be used for further research. This bill will allow that research to be continued by using only the embryos created before 5 April this year. I note, however, that there is a sunset clause on this provision extending for three years, or sooner, should the Council of Australian Governments see the need to lift the provision at an earlier date. I note that the bill goes further than the United States and the United Kingdom in banning therapeutic cloning. I want to stress that this does not involve the idea of human cloning along the same lines of Dolly the sheep and other experiments in that field. I also note that this aspect of the legislation will be reviewed in three years. By then, we may be in a better position to determine whether any changes should be made to allow research involving therapeutic cloning.

As I said, the United States and the United Kingdom allow types of therapeutic cloning
and, when we look at our position, we can benefit from their experience with developments in that field. I must say, though, that while Australian researchers have been among the leaders in the field of stem cell research I am concerned that placing bans on Australian researchers that do not apply in other parts of the world may cause Australia to fall behind in this important field. Another cost to our research may be that Australian scientists in this field are forced to go overseas to follow their research. This would be a great loss to Australian science and, in the end, a loss to Australians requiring medical treatment.

I will conclude on a note about what I see as a danger if this debate becomes involved in what I call traditional moral values. The world today is a different place from that of our grandparents, and it is even more different from that of ancient prophets and wise men. Ordinary people have to deal with the realities of life in the 21st century. They have to mould their own values to allow for this changing world. In my lifetime, advances in medical treatments have overcome many diseases that at one time claimed thousands of lives and left many others severely maimed. Medical science offers hope to many in today’s world—hope for cures from cruel diseases and hope to restore broken bodies.

Will we say to the family of Luke Alderton that we will close off any hope of a cure for his paralysis, or will we listen to the hearts of the many ordinary people who would have no hesitation in allowing embryonic stem cell research if it offered the hope of a cure? Those who hold their own moral objections are free to refuse treatments that have come from embryonic stem cell research, just as they are free to refuse to use contraceptives and just as they are free to refuse blood transfusions. Their personal moral values are not compromised.

For those members of this House who have insisted on a conscience vote—and I agree that they are entitled to have that—I simply ask that they respect the consciences of the great majority of Australians. If they simply want to use their conscience vote to impose their will on the majority of Australians, they are denying them the right to exercise their own conscience. I do believe in my heart that supporting this bill is the right thing to do, and I believe that, in their own heart of hearts, the great majority of Australian people want to see this bill become the law of the land.

Mr CAUSLEY (Page) (4.48 p.m.)—I rise to speak on the Research Involving Embryos and Prohibition of Human Cloning Bill 2002. Mr Deputy Speaker, like you I have been in politics for quite a long time. I think, in my 18 years of representation in both the state and federal parliaments, there have been very few occasions when a conscience vote has occurred within the parliament. I do not recall one in the state parliament, and this is the second conscience vote in my time in the federal parliament—the first being with the euthanasia debate.

I acknowledge that this is a very difficult debate. There are, no doubt, some very strongly held views on the subject. There is no doubt in my mind that some of the views held by a number of people are steeped in religion and history, and they are entitled to hold those views. Undoubtedly, people of my generation were brought up in a very strong religious era. I came from a very strongly Anglican family, and I still practise the Anglican religion. But I do think sometimes that we have to try to separate some of the religious beliefs from areas such as the Australian parliament, where decisions have to be made for future generations.

It is interesting to sit in the chair and listen to the debates. There have been some very good speeches from both sides about their position on this particular bill. Sometimes I believe the language has been too emotive from both sides. It is a matter of being objective on this particular issue and trying to analyse exactly what the debate is about and what the opportunities are. I do not pretend to be a scientist and, while I might have some rudimentary knowledge of DNA and genetics, I am certainly no expert in that particular field. But, from listening to the debate, it seems to me that it comes down to an argument about whether the embryo can be considered to be a living being that would become a Homo sapien. The opposition to it
is that the embryo is alive—that it is a living thing, and it is being killed.

Coming from my background as a rural person and a farmer, you tend to analyse why you would come to that conclusion. With some of our backgrounds in religion, the old parable about the farmer sowing came fairly clearly to me. The parable very clearly said that when the seeds fell, some fell upon the rocks, some fell amongst weeds and some fell on fertile ground. Those people in opposition to the bill would say that it is a quantum leap to go from a fertilised grass seed to a fertilised seed of the highest mammal in the world—but I have to say that I do not think the analogy is any different. I dare say that some of the confusion comes from whether the fertilised human seed is considered to be alive; whether it has already progressed to that stage. I do not believe it has. In my opinion, if it has not connected itself with the female and it has not started to reproduce as a human being, then it is no different from a seed that has never found a place to grow and to be nourished. That is the position that I come from.

Whether you can guarantee that these terrible diseases will be cured by way of research—claims that are being made by both sides—is not a conclusion we can come to at present. But science has to start somewhere and it is often a very long road. When we look back in history at some of the great achievements of the human race, we see that some of the scientists that put forward views centuries ago were indeed considered heretics. Often they were burnt at the stake for the views they held. Humans have progressed and, as science has been developed, it has meant that we do not suffer from the terrible plagues that used to ravage the planet in the past, which kept the population under considerable control. Thousands and thousands of people died from the black plague, smallpox and diseases that this generation has conquered because of science. People have gone out and achieved these results in the name of all humanity.

I accept that in my electorate there are people who hold some very strong views and they are entitled to hold those strong views. Some of my constituents entirely object to these embryos, as we are calling them, being used in the name of science. I have spoken widely to communities in my electorate. If I were asked to make a judgment, I would say that the majority of people believe that the bill, and the bounds it puts on research, should be supported as it gives opportunity for great results in the future. The divide is very strong, but those who oppose this bill would never come to that conclusion. As representatives of the Australian people we have to make the decisions, the judgments, on what we see as the position of our electorate. That is the way that I see it in my electorate.

It would be helpful to talk a little about the area of stem cell research, because there has been considerable debate about adult stem cells versus embryonic stem cells. On the advice I have been given, both areas can achieve results in the long term. I do not think that either area is going to give many short-term results, although there could be some short-term results with Alzheimer’s. The research will go on for a considerable amount of time. Again, on the advice that I have been given, the flexibility of the embryonic stem cells makes them valuable to science. I am a little disappointed at times with scientists in general. There seems to be quite a strong division within the science community—it could be jealousy or because of the funds made available for science or whatever, I do not know, but it does disappoint me. I would have thought that science was fairly black and white: something can or cannot be achieved. I do not think that some of the arguments that have been put forward by some of the people who have been trying to influence members of this parliament are really scientific arguments, and that does disappoint me.

There are constraints in the bill: there are limits on the number of embryos and there has to be consent from the parents of the fertilised embryo. I emphasise the fact that there is a sunset clause—a very important part of the bill. Issues such as this, particularly when there are those who argue that we are going down a particular track, should always come back to the parliament. Under our system of democracy, which I strongly
support, we represent the people. I am not keen to send off some of these decisions to scientific boards or experts. I think that it should always come back to the parliament and to the representatives of the people—whether it is today, in five years time or in 20 years time. The parliament should make the decisions that would have a big effect on the community. It is a point that we should remember and respect. The strength of our system is that the people speak through us. If we do not speak for the people, we will not be here next time. Someone else will be here who will put forward their views.

I am not going to name people, because I do not think that is the right thing to do. I think it is highly emotive. I have known a number of people in recent years—some very close friends and a couple of relatives—who have developed some of these debilitating and destructive diseases. We would be doing a disservice to the community if we did not allow research in this field to continue. We need to put restraints in place and to make sure that people cannot step outside the bounds of what the community believes is reasonable. I would hope that were the case in other countries, although I doubt it in some instances. I doubt that the types of restraints in this country would be embraced by other jurisdictions. It is important that we continue to strive to overcome some of these diseases. Scientists believe that this is within our grasp. It would be quite wrong if we cut that off and did not allow it to continue.

When we think very carefully about this—especially with the argument that it is unnatural, that it is killing—we have to come to terms with the fact that, when we went down this track and accepted in-vitro fertilisation, we were accepting the fact that an egg could be fertilised outside the body. That is unnatural. It is not the way we know natural fertilisation to take place. So we took that step of fertilising an egg outside the body fully knowing with the science that we had that embryos—and, as I said, I prefer to call them fertilised eggs—would be created. We have also been told, and it is fairly evident from the debates that we have heard in this place, that in fact there are surplus embryos available. I also accept the argument put forward by some that that should not be the reason we should go forward and say, ‘Let’s use them.’ I do not think that is the reason at all. I think the reason is that we can see hope. We can see an opportunity. We see a resource that is going to be lost, but that resource is an extraordinary resource.

When I read some of the papers and I saw that the scientists call these cells immortal—we might have a religious debate going on about that—and that they can be reproduced over and over again in the laboratory, that was an extraordinary revelation to me. It just goes to show me how important and how different these embryonic cells are. The benefits that this could yield came through clearly to me then. As I said, I am not stupid. I know that it will not be tomorrow and it may not be in my lifetime, but certainly, if we continue to do this research and look at the benefits that can accrue for our children, grandchildren and great-grandchildren, this will give them great benefits in some of the areas we struggle with at the present time.

Undoubtedly, nature is an incredible being. If you look at it in its entirety, yes, there will always be problems. I have heard in the debate that because they are embryonic cells there may be some rejection. We have rejection at the present time with the implanting of cells and foreign organs into the body. It is something that we have had to learn to overcome. I do not think anybody these days would say we should not do a heart transplant or we should not do a kidney transplant. There was probably a time when people disagreed with that. Rejection is a problem we have gradually been overcoming. If there is a rejection process with embryonic stem cells, that will be something that science will have to overcome again. In the long term, I would not support the idea that embryos should just be developed for science. That is certainly not the way the Research Involving Embryos and Prohibition of Human Cloning Bill 2002 is put forward. It is something I would not support.

I want to touch on something else which has been raised by members on this side and certainly has been commented on by members opposite, particularly the Leader of the Opposition. As it is put forward, this bill is
two bills. It is certainly an anti-cloning bill and a bill on embryo stem cell research. Some members have expressed the view that coupling those two bills inhibits their conscience vote. I would agree with that. I thought that the Leader the Opposition was wrong when he said he would not give his members a conscience vote on that because it is clear to me that I have not heard or seen any member of this place who would support cloning as such. As I said earlier, I am not a biologist and I am certainly not an expert in genetics, but I have some very grave concerns about cloning a person. That is a very big step. Maybe one day that will happen. I am not going to argue that point. At this particular time, I think members are rightly concerned about having those two coupled. There are people who have a genuine view that they would want to vote either way. If members proposed that they would like to split the bill, I would support that because it gives a genuine conscience vote to those people who want to vote against cloning yet want to express a view otherwise on the embryonic stem cell bill. Because it is such an emotive subject and because people hold some very strong views, we should be able to allow the members of this parliament to express their views on both those issues.

I think I have covered most of the ground. Obviously, I am at difference with my leader. This is a conscience vote. On the balance, as I weigh it up on the evidence I have before me and with the benefits that can accrue from this type of research, I would have to support the bill.

Dr Lawrence (Fremantle) (5.05 p.m.)—I take part in the debate today not to repeat many of the arguments for and against which have already been comprehensively canvassed, although I will touch on one or two of them, but to suggest that it is an area where we should proceed with great caution. I know other people have made that point. I simply want to underline, precisely because the ethical issues are so fraught and we should be humble enough to say that we know little.

Everyone in this debate is going to exercise what is called a conscience vote. It is a somewhat strange notion in my view because I would have hoped that we do, all of the time, exercise our consciences in coming to decisions about whether, for instance, to continue to agree with the party line or a position that is adopted by another group of people with which we identify. Sometimes I think it actually has a very limited meaning in people’s minds. So far it is interesting that conscience votes have been held about the beginning and end of life. Here, we are talking about the use of embryos; in the past, we have had debates about euthanasia. But we do not often think about exercising our consciences in relation to people who are, if you like, living, breathing human beings today—the euthanasia debate is a little different. It often refers to religious sensibilities as much as it does to other ethical frameworks. I want to put on the record at the outset that, although I do not belong to any group and I do not identify precisely with any group of people on this question, I regard my values as fitting under the general heading of humanism—secular humanism, I guess. There is a good definition contained in one of Einstein’s observations and I think we can forgive him for referring only to ‘man’ in the sense of mankind. He said:

A man’s ethical behaviour should be based effectively on sympathy, education, and social ties and needs; no religious basis is necessary. Man would indeed be in a poor way if he had to be restrained by fear of punishment and hope of reward after death.

Of course, Einstein was a scientist, and an exemplary humanist. The debate we are having today and over the next few days necessarily raises very deep questions about life and its importance. What I want to do today is try and extend them beyond this question of the use of embryos—or, indeed, of human cloning.

This debate is asking us to weigh up the value that we, as members of this parliament, place on people generally and the value we are asking the community to place on people generally. We are asking whether there are risks of denying the life chances of people with degenerative diseases and disabilities by refusing further experimentation, on the one hand, denying them potentially the hope for fuller, pain free lives, as against the problems created by the view of embryos as a re-
source, and whether using them in that way, as instrumental in the therapy of living humans, actually diminishes our humanity. If we think of embryos in that way, and that is an argument that has been made by some, perhaps we are diminishing our own humanity.

I think there is merit in both of those arguments. I am not one of those who thinks you can have an absolute position on this, which is why judgment is required. On balance, I come down in support of allowing embryonic stem cell research, although with significant caveats. I am not a dewy-eyed supporter of the idea of the ineluctability of scientific progress. There are enough examples of the misuse of scientific knowledge to give cause for scepticism. Generally speaking, I think we are not sufficiently humble or sceptical about what we know. We have seen a lot of accidental outcomes from 'scientific progress'—unlooked for consequences. I was health minister at the time when there was a major inquiry into Creutzfeldt-Jakob disease which had been caused as a result of medical intervention after the use of cadavers. Everyone thought that they knew what they were doing. A lot of people's lives were destroyed in the process. So I think we do need to be incredibly sceptical and careful—to show scepticism in the sense of weighing up the arguments and taking adequate precaution.

I have never been a great fan of the way the IVF programs in general have been conducted. I certainly understand people's desire to have children. I have one of my own, and it is a wonderful thing for us all to aspire to. But I sometimes think that that has been used as a justification for practices that have been far from perfect. Fortunately, most of these practices are no longer with us, but in the early days of IVF some pretty rough-and-ready things were done. Women and their partners were not always properly informed about the risks—and sometimes the considerable suffering—attached to repeated IVF cycles. In many cases, psychological damage was surely done. Relationships were broken and finances were put under pressure. Women and their partners were not often told of those risks.

In many cases, too, too many embryos were implanted—sometimes out of scientific interest but sometimes because of the inadequacy of the technology—resulting in multiple births of three, four, five or even more children on occasions, with the obvious consequences: risks to the mothers and the babies, and poor long-term health outcomes, particularly for the underweight and premature. In my view, on occasions there has been a cavalier approach to the production of those 'surplus' embryos, and the production of surplus embryos in the early days—perhaps out of caution—in some respects was excessive.

I have been around in politics for long enough—and I have worked in the health field for even longer—to remember well the initial reluctance of some clinicians to submit to ethical guidance and the scrutiny of their research and clinical practice. That is why it is so very important that we have such guidelines now. Another thing that used to concern me was that some clinicians had little apparent concern for those who had failed to conceive after many cycles: such people were simply allowed to drift off with unresolved problems, often of a substantial nature.

With these technologies, too, including stem cell research, I do worry that there are some excessively optimistic claims being made. I may sound a bit gloomy about this, but I think it is worth putting it on the record. In the push for funding, particularly now that people have to rely more on commercial funding, medical scientists are sometimes inclined to exaggerate the benefits of various therapies—and not just in this field—and sometimes accelerate the time frames for so-called breakthroughs. I cannot count the number of times that I have heard that we are in for a cure for X, Y or Z—usually breast cancer, when you look at most of the stories. And the media are happy to aid in this process. We have heard a lot of heart wrenching stories about people with degenerative diseases and illnesses which may be capable of being assisted by this sort of research. If we are not careful, we hold hope out cruelly to those who are not in any case likely to benefit; we mislead them. We have to be ex-
tremely careful about that. As well, there is often little discussion of the possible risks and costs. We need a more constant airing of and debate on these issues in our community, because the change here is extremely rapid and we should not just leave it to the professional ethicists or to medical professionals.

I turn to a slightly different issue. The member for Warringah, who spoke this morning, intends to vote against this legislation. He argued that it was our responsibility to protect the innocent. As I understand it, he was talking, about embryos. I think that is a very narrow definition of who needs to be protected in this debate. Sometimes, sadly—and I did say this to the member for Warringah—some people who agonise over the treatment and use of embryos are somewhat cavalier in decisions about lives being lived. That is not an accusation I am making against the member for Warringah, but sometimes you find that this obsession with embryos does not translate into quite the same care over living, breathing people. That is one of the reasons why I am voting in support of this bill. I am sure we are all familiar with examples of these people, so I will not name them. But I do wonder sometimes why some of them do not appear to feel the same pangs of conscience and the same moral qualms over, for example, the detention of asylum seekers—to the point of madness, as Sev Ozdowski has pointed out—and why they do not appear to worry about the repatriation of some of these people to hostile regimes and certain death.

I raised in this parliament a little while ago the case of a young man, Mr Nadar Sayadi-Estahbanati, who was deported back to Iran. Given the nature of his offences—although he was not found to be a refugee—there was every likelihood that he would not survive very long once he returned there. It appears that no-one in the Australian community or government is inquiring after his wellbeing. I put a number of questions on notice and I will be most interested to see the outcome. His brother, who returned in similar circumstances, has disappeared. There is a life that no-one much appears to be caring about.

I do worry that we can obsess about a collection of cells—which are in some senses alive, I concede—while toying with the idea of pre-emptive strikes on Iraq, with a possible massive loss of life. I do not know how many people are aware of the fact that roughly five per cent of the casualties of the First World War were civilian. By the Second World War, it was 50 per cent. In armed conflict since that time, the civilian casualty rate has risen to 80 per cent. So, while we worry about our soldiers—and well we might—other people on the ground, innocent bystanders, the innocent that the member for Warringah talked about, are being bombed and killed and maimed. We need to think about that every time we take any action.

I worry too that some of the people who are concerned about the embryos we are discussing do not appear to appreciate the desperate plight of many in our indigenous communities—or, if they do, they do not speak about it; they do not take action to try and reduce the levels of poverty, violence and substance abuse. Just to make a little point to the side, less than half a per cent of the funds set aside for domestic violence in recent times has gone to indigenous communities, and yet the rates of violence in those communities are, per capita, the highest in the country.

I wonder too how we can stand by and ignore something that is going on right under our noses: the trafficking of prostitutes into Australia, people who were described in one publication I read recently as ‘disposable people’. They are effectively in bondage. They often do not know where they are going. They end up in brothels in Sydney and Melbourne. There has been very little interest in tracking down that particular group of people smugglers, the people who bring them into this country. Indeed, I think it is fair to say that their prosecution has been made more difficult by the fact that such women, when occasionally they complain—and they have on a few occasions—are placed in detention and then deported forthwith. Cases then are not able to be brought against those people smugglers. That is something that worries me a great deal, particularly when in one case at least—again I
Representatives have asked questions about this—a young woman, who seems to have been in the circumstance I have described, committed suicide in Villawood Detention Centre. That is the subject, I understand, of a coronial inquest.

There are other disposable people around the world who get less of our attention, it appears, than embryos—and we buy the products that they produce. I would draw the attention of members of the House to the charcoal burners in Brazil. They also can be labelled ‘disposable people’. They are in modern slavery, producing charcoal that is used as fuel in the alumina industry, some of which almost certainly ends up in products we consume. I think very few of us know or care about those people.

I guess I am saying that I would be more enthusiastic about this debate if we had it more often about more of the issues that I have described. We do live, it is true, in a very violent world. But for the most part we appear to be inured to that violence, unless it is right on our doorstep. It is the daily bread of the media and, it has to be said, often our entertainment—death and destruction. Sometimes it is state sanctioned, sometimes it is from terrorist bombs, and often it is from men assaulting one another and their female partners. Yet we remain tragically ignorant about, and even indifferent to, the roots of violence and its many victims, those lives that are lived, devoting very few resources to change the conditions that allow such violence to germinate and flourish.

I just want to make a couple of points about that indifference. In a speech that he gave in 1999, Elie Wiesel, a Holocaust survivor and Nobel Prize winner, spoke very eloquently of the perils of indifference. He surveyed the legacy of the 20th century, labelling it a violent century—a century which encompassed two world wars, countless civil wars, a senseless chain of assassinations, civilian bloodbaths in many armed conflicts, the inhumanity of the gulags and also the labour camps in China, the tragedy of Hiroshima and, of course, the vile stain that is the Holocaust—and a great deal more since then into the 21st century. ‘So much violence,’ says Wiesel, ‘and, perhaps more surprisingly, so much indifference.’

‘Indifference’ is a word that literally means ‘no difference’. Wiesel describes it as ‘a strange and unnatural state in which the lines blur between light and darkness, dusk and dawn, crime and punishment, cruelty and compassion, good and evil’. We have ceased seeing the difference. Of course, indifference can be tempting. More than that, it is seductive. It is so much easier to look away from victims; it is so much easier to avoid such rude interruptions to our work, our dreams and our hopes. It is, after all, awkward; it is troublesome to be involved in another person’s pain and despair. How much easier it is to retreat into indifference, to render those who suffer as of no consequence, reducing them to an abstraction.

I do get somewhat irritated by people who say that there should be no emotion in this debate. It is about our common human feelings and there have to be emotions in these debates; otherwise we are simply ciphers and we should hand the debate over to a computer. Elie Wiesel argues passionately that to be indifferent to suffering is what makes the human being inhuman. It is Wiesel’s view, which I share, that being indifferent to suffering—whether it is of the people who are asking our help through this bill to ensure appropriate experimentation or whether it is those people, some of whom I have referred to, whom we often overlook—is more dangerous than feeling anger or hatred. He points out that anger at least can be a stimulus for creativity or altruism, because one is angry at injustice. But, as he says, indifference is never creative. Even hatred sometimes may elicit a response: you fight it, you denounce it, you disarm it. Indifference elicits no response. Indifference is not a response. Indifference, as he says, is not a beginning but an end. Therefore, indifference is always the friend of the enemy, for it benefits the aggressor and never his victim.

I draw attention to that issue because there are a great many people whose lives, it would appear, are often regarded as second rate—people who are different from us in some way because of their appearance, their skin colour, their disability. My appeal—and
I do not make this out of a sense of virtue; I am as frail as anyone else—is that, in public debate in Australia, we should think more often of our common humanity; we should think more often of the people who are suffering today, those who have become living, breathing souls, to show that we value human life, lives lived now, people with families, with children, with hopes and fears, and we should expand our horizons.

**Mr NAIRN (Eden-Monaro) (5.22 p.m.)—** I welcome the opportunity to speak on the Research Involving Embryos and Prohibition of Human Cloning Bill 2002. I think everyone in this House, having received scores of pieces of information and advice on the bill, knows only too well that it is a very complex and difficult issue. Firstly, I would like to thank the many people and organisations who have sent me information, in particular the many constituents of my electorate of Eden-Monaro who have written, emailed and phoned to express their personal views on the legislation. To all those people, I very much understand and respect the personal strong feelings you have on this subject. I ask that my views and ultimate decision, which has been taken after extensive research, also be respected.

As members would be aware, there are two parts to this bill: firstly, the research involving embryos; and, secondly, the prohibition of human cloning. I certainly support the bill with respect to the prohibition of human cloning. I think there is widespread support for that aspect of the bill. In regard to the embryonic stem cell aspect, I support some comments made by the member for Fremantle in her speech on the second reading; that is, that there are some very strong and optimistic things said about aspects of the potential research using embryonic stem cells. By the same token, there are some extreme views on the other side of the argument; but there is also a lot of sensible comment right through the middle. The major case against the use of excess embryos seems to focus on what I call the issue of the sanctity of life, for want of a better description. The further argument against this part of the bill is that it is unnecessary, as everything that might be possible using embryonic stem cells can be done using adult stem cells.

I know that many members have explained the differences, but for the record I want to acknowledge the reading I have done and my understanding of the difference between the two. As we all know, adult stem cells are taken from humans using blood, bone marrow and so on, whereas embryonic stem cells are taken from embryos. The ones used currently have been taken from embryos that are only a few days old and stem cell lines have been developed from those particular excess embryos.

The sanctity of life argument basically revolves around the belief that at conception a human being comes into existence. I argue that at that point you only have the potential for the creation of a human being. I noticed that my good friend and colleague the member for Warringah had an article in yesterday’s Financial Review where he made this sort of point and used the example of tadpoles developing into frogs. I think there is quite a specific difference there. In that case tadpoles will become frogs, unless young children farm them out of local ponds to use for some sort of experiment or the local fish take them before they develop. It is different with an embryo, and particularly an excess embryo from the IVF program. As things stand, it will not develop into a human unless it is implanted and given that opportunity.

I want to refer now to the argument that says the work that is being done with adult stem cells covers what could be done using embryonic stem cells. I think the work that is being done with adult stem cells is absolutely excellent. There is some wonderful work and it has given great hope to some people. I would not want anybody to think for a second that, by supporting research using embryonic stem cells, I am saying that research using adult stem cells should stop. That is absolutely not the case.

I commend the scientists for their ground-breaking work using adult stem cells. However, there are some limitations, and we probably do not know the extent of those limitations because this research is evolving daily or monthly, and quite frequently there are new revelations. From my reading, I un-
Understand there are some limitations. Often some of the findings that have been made have not been able to be repeated. There have also been demonstrations that some of the conversions that they use have had very low frequencies, so it would make it very difficult to translate them for therapeutic use. So there are some potential problems, which is why, if there are other opportunities, I believe they should be pursued.

What are we intending? The legislation will allow the use of excess embryos from the IVF program and there are substantial limitations being put on it at this stage, with a moratorium on the period. We are talking about embryos in existence before April 2002, and that is appropriate at this stage of the development of the science.

The argument with respect to those excess embryos is a very valid one. I have asked the question of numerous people, ‘What happens now with excess embryos?’ The limited knowledge I initially had was that excess embryos were ultimately destroyed and I wondered why we have had no public debate about this. Where were those people who are now very strongly opposing this legislation over the last however many years since the IVF program commenced and excess embryos existed? As I understand it, in Victoria excess embryos could only be maintained or stored for up to five years; in South Australia, 10 years; and in Western Australia, 15 years. National Health and Medical Research Council regulations, which must be strictly adhered to by Australian IVF clinics for accreditation and licensing, require that embryos not be stored for more than 10 years. The IVF program has been in existence a lot longer than those times, so clearly excess embryos have been destroyed. In the order of 2,000 to 5,000 embryos have been destroyed every year under the present state laws and federal regulations. I was reading about the UK where, between 1991 and 2000, in the order of 230,000 embryos were discarded. I do not recall any huge debate as to why this has been allowed to occur.

People who are involved in the IVF program are regularly asked what they want to do with excess embryos, because there always are excess embryos for the program. I am told that less than 10 per cent actually agree to donate those excess embryos to other couples; in fact, it is about seven per cent. Fifty to 60 per cent, it would appear, agree to allow the donation of their excess embryos for research, and in the order of 25 to 40 per cent actually request that those excess embryos be destroyed. Information provided to me by the member for Menzies also commented on this particular aspect, saying: ‘Are not excess IVF embryos going to be discarded?’ ‘No, not necessarily,’ it says. It continues:

In a recent survey, 59 per cent of patients who initially planned to discard their embryos after three years later changed their minds. That is fine, but it still means 41 per cent were not concerned about it. You can play games with figures all day long, but, whichever figures you want to use, there is no question that there are substantial numbers that will be destroyed and would be destroyed with the concurrence of their owners. There will also always be substantial numbers that will be prepared to provide them for research.

What if we do not pass this legislation? One of the first things that will occur is that some, if not all, of the states will go it alone in legislation. Our researchers will be reliant on embryonic stem cell lines from overseas, which is what they have been using currently. There are some real questions about some of those lines, particularly their relationship to animal diseases if they are implanted in humans. That makes us beholden to overseas companies. I asked the question of one of the researchers, ‘What happens if you just continue to use stem cells from overseas? Can you still carry on your research?’ The answer is: ‘Yes, sure, but the intellectual property doesn’t remain in Australia.’ I think that is a significant thing that has to be considered. We have some of the best researchers in the world. Why should we do all that work and see that intellectual property owned offshore? What would really happen would be that the researchers would go offshore. That would be the difference. We would lose some of our best scientists. It is always a struggle to keep our best scientists in Australia no matter what discipline
we are talking about, because we are in the global market now. We do not want to do something that will actually further encourage it.

The other thing that would occur if we do pursue this research is that many people with disabilities will start to lose hope. There are a whole range of disabilities and diseases that have been talked about that could possibly be helped with stem cell research. Again, I think there are probably some overoptimistic things said, but there is hope and there is certainly a great chance for things like spinal cord injuries, Alzheimer’s disease, juvenile diabetes, Parkinson’s disease, multiple sclerosis and motor neurone disease, to name a few.

I will pick today on motor neurone disease—because of the limited time today—and I thank Dr Paul Brock, with whom I met during the last sittings, for some of this information. The incidence of motor neurone disease is something like two per 100,000 of population per year, and prevalence is about six per 100,000. In Australia there are approximately 370 deaths from motor neurone disease every year, equivalent to one person a day. At the same time, 1,200 people are suffering from its devastating effects. In New South Wales at any one time, about 270 people have been diagnosed as having motor neurone disease. Motor neurone disease is something that I have taken a bit of an interest in. A number of people in my electorate suffer from it, and I am patron of the local group, so I express a conflict of interest, if you want to call it that. It is a dreadful disease, and most people who have it do not last long. Paul Brock, who came to see us, has probably lasted much longer than the norm.

It is evident from my contribution that I will be supporting this legislation. While I respect those who oppose the use of excess embryos for further research, in all conscience I could never deny someone the opportunity, no matter how small at this stage of research, of having a cure for a debilitating disease. For many people in that situation—and there are many of them in my electorate—hope is all they have to keep them going. When hope goes, nothing is left. This is cautious legislation. I am confident that it has safeguards so that the rights it gives to scientists will not be abused. I also have great confidence in the ethics of our scientists. Please do not judge all of our highly professional and skilled scientists because of the odd ‘crazy’ that will always make it into the press ahead of the sensible ones. If amendments to this legislation are needed in the future, due to the rapidly changing situation, then so be it. But let us not allow our researchers to be hamstrung at this crucial stage of scientific development. I commend the bill to the House.

Mr ALBANESE (Grayndler) (5.39 p.m.)—I rise to support the Research Involving Embryos and Prohibition of Human Cloning Bill 2002 in the strongest terms. In 1997, I attended the Cornflower Ball. This was a fundraiser held at the Sheraton on the Park in Sydney for the Motor Neurone Disease Association of Australia. It was an extremely successful event attended by 400 people. Alan Jones donated his time to be the MC, and many other prominent Australians attended in order to raise funds to fight this debilitating, horrific disease. I attended with my friend Colin Mills, who was at the time the General Manager of Marrickville Council. Along with him were Barry Cotter, the Mayor of Marrickville; Carmel Tebbutt, who was at the time the Deputy Mayor of Marrickville; and other councillors, including Max Pearce and Rebecca Kaiser.

It was very personal for us, because Colin Mills was someone who was diagnosed with motor neurone disease. He became the General Manager of Marrickville Council in 1990. He was innovative, creative, intelligent, articulate, and incredibly hardworking at the level of government which is closest to the community—and he believed in that community. A few years later he was diagnosed with MND, just like his mother, who passed away in her early 30s, and an uncle of his. Tragically, on 24 July 1999, at age 52, he passed away. I thank his wife, Lee Mills, whom I spoke with today, for permission to personalise this debate by talking about Colin. What Lee said to me today was, ‘Please support this legislation, because Colin would have wanted you to support it.’ I watched Colin go from being a fit, intelligent...
leader of a community to gradually losing control of his feet and leg muscles as, over time, the disease gradually took over to the point where he had to use a wheelchair. It is something that is very hard for someone who is just a friend to watch, let alone for a member of the family. Gradually, bit by bit, the disease took control of his ability to use his body.

Colin and I went on a delegation to Egypt in 1996—we all paid personally—to set up a sister city arrangement between Marrickville and Damanhour. Marrickville has a very large Egyptian population. At that time, Colin also went to Madeira in Portugal. Colin had a great deal of difficulty getting around. Egypt is not the easiest place to go, and Colin showed enormous courage in getting carried up and down steps and into pyramids, because he knew that he did not have long in this life. If he could show the sort of courage that he showed, then I think the Parliament of Australia can show the courage to support this bill. I do not believe that the arguments against this bill stack up to logical analysis.

The Labor Party are allowing a conscience vote on this bill, but we do have a party position—and it is a position I support. We do not support human cloning; we only support research on embryos created for IVF purposes that would otherwise be destroyed. We only do this on the condition that the specific consent of the donor is given, and only for research where there is a real likelihood of a significant advance in knowledge. Of course, it is not just motor neurone disease that this research has the potential to find cures for but also diabetes, Parkinson’s disease, spinal cord injuries and Alzheimer’s disease. I strongly believe that we need to take action as a parliament to ensure that this research can occur. To give one example, Alzheimer’s disease currently affects 320,000 Australians, but that number is expected to increase by a staggering 254 per cent by 2041.

When we look at the arguments that have been put against this use of surplus embryos, we are essentially left with an alleged moral position. Some try to take the moral high ground and pretend that their ethics are greater than those of people who support this legislation. We have had examples of it in this chamber. We have had the member for Sturt, who said the following in the debate last night. I want to read it into the Hansard again as part of my contribution because it is exactly why I think his argument is wrong. He said:

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.

He went on to say:

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.

I am sorry, but I say to the member for Sturt that I respect Colin Mills’s life; I respect the people who need this research, not surplus embryos that can either be used for research and the betterment of humankind or be flushed down the drain, which is what happens to them. They will be destroyed anyway. So it is not a moral dilemma of either-or. It is not that, if this legislation is not carried and the surplus embryos are not used for research, they will somehow develop into human beings in a glass jar in an IVF clinic. It is a profoundly false argument that is being put forward.

Dr Michael West of the US’s Advanced Cell Technology, who holds staunch pro-life views, argues that those who oppose embryonic stem cell research are misusing information about what a life is. I want to quote from him:

Human cells are alive; we know this. To say that there is human life in a sperm cell or egg cell is correct. But these cells have not committed to becoming any cell in the body. This cell mass (used to retrieve stem cells) is not individualised … Not only are these cells not body cells of any kind, they have not even become individual. To ascribe to unindividualised cells the status of a human is a logical inconsistency.
No wonder the member for Warringah had to use the analogy of tadpoles becoming frogs in the Financial Review yesterday. You have to go to those examples because it simply does not stack up any other way.

The member for Menzies is the minister in charge of this. We are somewhat nonplussed by this on this side of the House and, as the shadow minister for ageing, I certainly am. One would have thought that this was the responsibility of the Minister for Health and Ageing. The member for Menzies took a different position from the cabinet on this legislation. In the end, he had to present this bill in the House. I want to say to the member for Menzies that—as he is the Minister for Ageing—it is unfortunate that, 10 months on, he has not introduced a single piece of legislation in his own portfolio before this House; not one. The Minister for Ageing has not started a single debate during his 10 months in office.

Whilst it is certainly a plus for everyone concerned that the member for Menzies is not Bronwyn Bishop, he needs to do more than just not be her. He needs to address the issues confronting the ageing Australian population and the crisis in aged care—the lack in aged care beds, the blow-out in waiting times, the issue of phantom beds, the shortage of in-home care services, the lack of dementia-specific services, the complex accreditation and RCS system, and the chronic shortage of nursing and aged care staff. We want to see legislative action on these issues and appropriate funding provided. But this minister is so obsessed with being a moral guardian, as he purported to be on voluntary euthanasia, that he has chosen to be obsessed by this issue rather than do his job in his portfolio. I think that is to his great detriment.

We know who opposes this bill but, when we look at who supports it, we find that 40 Nobel prize winners want to keep the technology and want to allow scientific research. We know that prominent people such as Michael Fox, Christopher Reeve and others support this research. But perhaps more importantly, we know that it is supported by people such as Alison Alderton, the mother of two-year-old Lucas, a quadriplegic. He is a quadriplegic through no fault of his own; he has a rare neurological condition called transverse myelitis. Alison Alderton said on ABC radio the other night:

He was completely normal in all respects, until at 5 and a half months, he became paralysed from the neck down. Luke stands to gain a tremendous amount from continued embryonic stem cell research. A small increase in function for Luke would mean that he could feed himself, write, care for himself, clean his own teeth, cough and breathe.

Who are we as a parliament to deny Luke that opportunity? I am not a scientist. I do not purport to have the same level of knowledge as those eminent scientific researchers who support this legislation. It may well be that out of this research there might only be one or two breakthroughs. It may well be that there are not any. But who are we to deny that opportunity before the research has been conducted?

We know that, if this bill is not carried, the scientific community will probably leave Australia to conduct this research elsewhere, because it has been legislated for in places like the UK. We know that, if we are to be the clever nation, we have to actually not dismiss scientific breakthroughs and research. We know that is the key to our economic future. We know that this legislation is the product of an agreement between the Prime Minister and all state and territory leaders, as a result of COAG. Bob Carr, the Premier of New South Wales, who has taken a leading role on this issue, has said that New South Wales will go it alone— with, I think, cross-party support in New South Wales. We do not want to create a situation whereby research is legal in one state but not in another. Surely we need to have a national approach to these issues.

I strongly believe that this legislation needs support and is deserving of support. I reject the argument that somehow there is a moral high ground or ethical high ground in saying that surplus embryos—which is all this legislation provides for—are somehow better off being wasted, thrown away or tipped down a drain than being used for research. It seems to me that there is nothing moral or ethical about that. Then there is the
hypocrisy of someone such as the member for Warringah, who does not seem to care about the impact of government policy on the quality of people’s lives in areas such as the locking up in detention centres of young children who have done nothing wrong, who by an accident of history happen to be born into a different family from someone who was born here in Australia. That does not seem to me to be an issue of high morality. I urge the parliament to support this legislation. I respect the right of people to oppose it and to have their moral and ethical positions, but I do not respect their wish to impose those positions on people such as the mother of young Lucas, Alison Alderton.

Mr CAMERON THOMPSON (Blair) (5.58 p.m.)—I rise to speak on the Research Involving Embryos and Prohibition of Human Cloning Bill 2002. I am an insulin dependent type 1 diabetic. There are many type 1 diabetics in Australia. This condition is more commonly referred to as juvenile onset diabetes. It is completely different from type 2 diabetes. Type 2 sufferers obtain their illness when the insulin receptors in their body cease to function as well as they should. To compensate, their pancreas accelerates its production of insulin. Before there is any change in the blood sugar level of a type 2 diabetic, they are suffering from elevated levels of insulin in their body. This is a serious position for type 2 diabetics to be in. Elevated levels of insulin with no accompanying change in blood sugar levels are very difficult to detect. At the same time, high insulin levels are very corrosive. They damage arteries and cause increasing health problems the longer they remain undetected.

This type of diabetic, type 2, can suffer this illness for years before, under the pressure caused by supplying excessive levels of insulin, the pancreas begins to fail and blood sugar levels start to rise. They can be type 2 diabetics for years without knowing it. There are several members of parliament who suffer this condition and who know about it. Indeed, the recent formation of a parliamentary support group underlines just how common this illness is. I take this opportunity to also state today that, in this House, there are others who have type 2 diabetes and do not know it. I hope they take the time to inform themselves about how this disease works because, in the case of type 2, early detection can make a big difference.

On the other hand, type 1 diabetics become diabetic overnight. One day they are normal and healthy in every respect; the next, they are fully insulin dependent. Without injections of insulin—and I inject insulin four times a day—they will die. My endocrinologist tells me that a typical case that results in type 1 diabetes begins with nothing more than a cold. The person with the cold buys a cold tablet and his or her immune system sets out to combat the infection. However, in these cases the immune system makes a mistake. Instead of attacking the flu bugs, the person’s own immune system sets out to attack and destroy the small part of the pancreas that produces insulin. Without those cells, the person’s body can no longer produce any insulin at all.

Once the damage is done, that person is, in effect, doomed. They are going to die in as little as a few days. One day they are perfectly healthy; the next, they are going to die. In my case, all of this happened. I got a cold while on a visit to Cairns. The cold got worse, I got thirsty but I thought nothing of it and I just drank more—I drank more Coke, in fact. When the so-called flu got so bad that I could not see—I went to see the doctor. And that is what happens. If you are lucky, someone spots the high blood sugar level and they rush you to hospital. From that day forward, the only insulin that ever finds its way into your system is the insulin you inject. Imagine what happens when the person going through this process is a child or, worse still, a baby.

On my own behalf, and on behalf of all those people who are type 1 sufferers out there, I am angry to a degree over this debate and some of the elements of it. I am angry with the number of people, for example, who have referred to diabetes while making their speeches as if it is some kind of abstract issue. Let me tell you, Mr Deputy Speaker, it is not an abstract issue for the people who live with this illness every day. I guess I
might feel even worse if I had multiple sclerosis, a spinal injury or any one of the other serious complaints that have been mentioned during this debate. Unlike those people, I have the luxury of good health and in all respects I have physical wellbeing. There are plenty of type 1 diabetics who enjoy this great good health. The former Broncos rugby league player Steve Renouf, for example, was a type 1 diabetic throughout his career and remains so. But I achieve physical wellbeing through injections, and that is not a state of affairs that I want to continue. I would dearly love to bring that state of affairs to an end.

Insulin dependent diabetics do die as a result of their condition. At my Rotary club a couple of weeks ago, I met the father of a young man who died in his sleep because his blood sugar level fell too low in the middle of the night—who knows why—he became hypoglycaemic and he choked. That fellow had been raised from a baby by his parents. His switch to type 1 diabetes happened at about 16 months and his parents had to inject insulin into his body every day for the rest of his infancy. What a terrible job for those who cared for the poor child. The injections, of course, had to continue for the rest of his life.

Unlike most others who have spoken in this debate, I can understand what it would be like for those parents. Giving insulin is a deadly business: too little and the child will suffer the damage caused by high blood sugar levels; too much and at any time—morning, noon or in the dead of night—the child could die. It is a crushing, agonising and painful responsibility that falls on the shoulders of parents. In this case, we are talking about an infant in its crib. It is a desperate, agonising position for parents to be in and that agony, and the suspense with the potential for sudden drops in blood sugar levels, goes on and on.

I say most strongly in this House that every child that suffers that predicament and every parent that suffers that predicament has a right to ask us to proceed in seeking new treatments and investigating new avenues of treatment. They have a right to expect us to allow the undertaking of all the research possible to correct that state of affairs. That young man was an infant who proceeded from the embryos that we have been talking about here, through his birth to become a living human being in a crib, only to have visited upon him the horrors of type 1 diabetes.

Like me, every person who has type 1 diabetes has just one small problem: the small cells in their pancreas that create insulin have been destroyed. They are only very small cells, apparently: less than one per cent of the pancreas—although I am not an expert. Clearly, the only real opportunity or hope that is out there, around the corner, comes through stem cell research. I am lucky to live today in the new millennium. Fiftyodd years ago, when a fellow I know became a type 1 insulin dependent diabetic, the only type of insulin he could use was pig insulin. The only test he could take to determine his blood sugar level was by visiting a doctor, and it took a week to have that test carried out. Today, I can take my own blood sugar level in just 20 seconds. So I can monitor my blood sugar level all day, every day, and I know what is going on. Years ago, you had no such knowledge. It was purely a seat-of-the-pants affair; you would guess. You would think, ‘I’m feeling a bit thirsty, I must be a bit high—maybe. Or you might think, ‘My mouth is starting to feel a bit clammy, I must be low—maybe. I’d better have some lollies or something.’ That is not the way to run your life, I can tell you. You need to know and you need to keep those checks up, and people who are diabetics just have to do it.

At the same time, the needle that I carry around with me in my bag here, to inject insulin, contains human insulin. It does not contain pig insulin; it contains human insulin. But it is not extracted from humans; it is genetically engineered. Four times a day I inject myself with genetically engineered insulin. It is the product of science. I have heard from a friend what it is like to inject pig insulin, and I prefer the genetically-engineered alternative. In this place, I have found there are many people who still like to carry on about the dangers of that particular branch of science. Every opportunity I get, I correct them about some of the misinterpretations and some of the dangers that they are
constantly speaking about in relation to genetic engineering. I can tell you there are many people like me who are surviving today because of the benefits of genetic engineering.

I find this a bizarre debate. We know that Australians want us to find a cure for juvenile diabetes. Every year, they join the fundraising activities of Diabetes Australia. They join the Walk for a Cure and they get out there and they say, ‘We want a cure for juvenile diabetes.’ They hope that one day science will find a way to address the problem and they naturally expect us here in this House to facilitate it.

There are two types of stem cells being pursued by science—and one of these, or both, may yet play a part in finding an answer to the problem of juvenile diabetes. But, in this debate, we have politicians saying that we should close off one of those options. Why? Because some of these politicians are pedantic about the way in which unused ex-IVF embryos are to be destroyed. It is not about whether or not they are to be destroyed; it is about the way in which they are to be destroyed. These are tiny clumps of cells too small to be seen with the naked eye. We all agree they are going to be destroyed. I have just one thing to say to those opposing this bill: you can kill these cells and you can help sick people, as a result, but for God’s sake stop pretending that if you kill these cells it will make a difference if along the way you give them a nice burial.

I am very passionate about the issue because I believe there is a lot of good work that can be done. I find this debate bizarre and not very conducive to achieving the aims of a better Australian community with a greater aspiration to live in good health and to recover from serious illnesses.

Ms HOARE (Charlton) (6.10 p.m.)—I am pleased to have the opportunity to speak on the Research Involving Embryos and Prohibition of Human Cloning Bill 2002. This is the first debate since my election in 1998 where the Prime Minister and the Leader of the Opposition have allowed a conscience vote. I owe my constituents in the Charlton electorate my reasons for voting in support of this legislation. Unlike the member for Blair, and other members who have spoken in this debate, I have found myself in the very fortunate situation of not being able to speak of personal experience. I do not have an illness which may be able to be cured by using embryonic stem cell research. I do not have anybody close to me who suffers such a debilitating illness either.

Honourable members of the parliament have spoken about how they have deliberated long and hard and have taken an arduous road to their decision of either supporting or not supporting this bill before the parliament. I did not have to. When the proposal was first put—do we allow the disposal of excess embryos from IVF treatments to be destroyed with no future benefit to humanity, or do we use those excess embryos as a research tool into finding cures for life threatening debilitating illnesses?—in my mind and in my conscience there was no contest. But, like all others in this chamber, I have been contacted by many people in my electorate of Charlton asking that I oppose this bill. I have received numerous letters from local church organisations, and leaders of our community whom I regard as good friends. Many others, whom I may not have met before, have also asked me to vote against this bill. They have expressed their concerns that the sanctity of human life must be respected and cherished. The belief is that from the time of conception, during the early zygotic and embryonic stages of development, human life exists.

I want to assure the writers of the letters and the telephone callers that I took note of your views on this embryonic stem cell research and that I greatly respect the strong belief of all of you who were moved to contact me to bring your views on this matter to my attention. However, I had the decision to make, as do all honourable members in this place, between the argument that life begins at conception or that this research has the potential to save lives or to make the lives of people living with spinal injuries, living with motor neurone disease or living with a large range of other debilitating illnesses possibly better in the future. For many members of the House of Representatives, I know this decision is not one to be taken lightly. I
could not have taken this decision lightly. Following a great deal of personal reflection, I will support the passage of the bill. I am sure my constituents, even though their beliefs may not allow them to support research using embryonic stem cells, will understand my decision.

The House of Representatives Legal and Constitutional Affairs Committee in its report Human cloning: scientific, ethical and regulatory aspects of human cloning and stem cell research in 2001 was unanimous in: opposing reproductive cloning—that is, the cloning of whole human beings; opposing the cloning of human embryos for the purpose of harvesting stem cells for research and hence destroying them; requiring the use of existing stem cell lines for research, where this was appropriate, in preference to harvesting new stem cell lines from new embryos; supporting research using adult stem cells; and recommending a national legislative framework for the social and ethical regulation of stem cell research for therapeutic purposes.

The House of Representatives committee was also unanimous on the likely benefits of stem cell research. On page 117 of the report, it said:
The evidence indicates there is potentially significant benefit in the form of treatments of serious disease and illness. The Committee agrees that there is potential in this research for the cure of serious disease. It sees clear and unarguable benefits to individuals and an obvious benefit to society in the relief of suffering.

The key controversial issue for the House of Representatives committee was whether embryos that had been created for IVF treatment but were no longer required for that treatment could be used for therapeutic research purposes and, as a consequence, destroyed.

Early this year, evolving from the committee’s recommendation, we had the unusual circumstance where there was agreement between all state and territory leaders, the Prime Minister and the Leader of the Opposition on introducing nationally consistent legislation banning human cloning and establishing a national regulatory framework for the use of excess embryos from assisted reproductive technologies in research, including stem cell research. I must put on the record, though, that I did have some concerns about the minute detail of this bill. Like the member for Gellibrand, I was concerned about the cut-off date of 5 April 2002 and the fact that this legislation allows for research to be conducted only on those embryos that were excess prior to April 2002. I am satisfied that, if the supply of excess embryos declines, the three-year review provisions may provide an opportunity to review the arbitrary cut-off date. However, I do believe there should be no restriction on the use of future embryos for stem cell research if the IVF embryo donors agree to that.

I was also concerned about the section in part 2 of the bill that prohibits collecting a viable human embryo from the body of a woman. I was concerned that this section could have the effect of banning abortions. However, I am aware that, if there is some confusion in the future regarding the interpretation of the legislation, the intent of the legislation and this debate will be referred to. I am satisfied that the intent of this section is to ban the removal of viable embryos from the body of a woman for the purposes of embryonic stem cell research only.

Stem cells have unique characteristics. They have the ability to divide while maintaining their stem cell identity. In addition, in response to certain stimuli, they can differentiate to form more specialised cells. Stem cells are found at different stages of development in a wide range of tissues. Those with the greatest potential occur at the earliest stages of development, soon after the union of sperm and egg. They are either called totipotent, which means they are capable of forming a new foetus and its associated membranes, or pluripotent, which means they are capable of forming multiple tissues but not a complete organism. At the other end of the spectrum are the stem cells that occur in adult organisms and tissues such as nerve, skin and muscle. These appear to have a much more restricted range of differentiation than the pluripotent stem cells from early stages of development.
Stem cells could also be grown in vitro and used to repair tissues that have degenerated or been destroyed. Pluripotent stem cells stimulated to produce a myriad of different specialised cell types could be used to replace tissues destroyed by diabetes, heart disease, Alzheimer’s disease, Parkinson’s disease, retinal degeneration, muscular dystrophy, spinal cord injury and so on without the need for transplanted organs. Successful cell therapy could revolutionise the treatment of a wide range of injuries and degenerative diseases.

The promise is grounded in a rapidly growing view within the scientific community that human embryonic stem cells, as compared to human adult stem cells, possess a unique potential for unlimited self-renewal and differentiation into discrete cell and tissue types. This distinctive characteristic may prove crucial in therapeutic and preventative treatments, providing, for example, a limitless supply of tissues and cells suitable for transplantation. To restate: stem cells are blank cells. They have the potential to develop into any type of cell in the body—nerve cells, heart cells and kidney cells. Scientists are trying to harvest the cells before they become differentiated and then coax them into becoming certain types. If they could grow cardiac cells, for instance, scientists might one day be able to replace damaged heart tissue in someone who has had a heart attack. By growing nerve cells, they might be able to repair the brain cells damaged by Alzheimer’s or Parkinson’s or replace injured spinal cord cells in a paraplegic.

I now refer to a debate, before my election, that allowed a conscience vote in this parliament. That, of course, was the debate on euthanasia, where the parliament heard of cases where people suffering from debilitating and life threatening diseases were considering euthanasia. People with these insidious diseases are potential beneficiaries of research using embryonic stem cells. Currently there are people with these illnesses who believe their quality of life is such that they do not want to live. Currently I would support their decision. However, those opposed to euthanasia have been strong supporters of further medical advances and palliative care to prolong life. How can it then be argued that excess embryos, which are destined to be destroyed in the course of IVF programs, should not be used to improve and prolong the lives of those who are sick and living with these terrible illnesses? Clearly there is a strong link between the two issues. It may be possible to provide people who suffer from chronic painful illness—and who may consider taking their own lives—a cure so they can live the rest of their lives with some quality and some dignity.

We have all been contacted by a wide range of people with a wide range of views about a wide range of situations. I would like to mention a letter from an organisation called ACCESS, which is Australia’s national infertility network. ACCESS is a national voice and promotes the wellbeing and welfare of infertile people of all ages. As I mentioned earlier, I have been fortunate not to have experienced these diseases or to have been close to people who have experienced them. The correspondence from ACCESS talks about the position of those infertile couples who have had these excess embryos. 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 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 their welfare.

It goes on:

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. For many couples, allowing them to expire on a laboratory bench without ever having had any added value would be less respectful. 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. We ask your government to treat infertile people in Australia with the same respect that fertile people enjoy to act in their children’s best interests, by ensuring them corresponding rights to make decisions about the welfare of embryos that once had the potential to be their children.

In conclusion, I would like to quote from quite a powerful statement which was published in the Australian on 26 June, the day before the Prime Minister introduced this legislation into this parliament. The article starts off by saying:

Today the world stands on the brink of an exciting new era of medical advances, to which Australian researchers have made a significant contribution. There is the prospect that one day we might be able to overcome serious diseases afflicting hundreds of millions of people by repairing defective and damaged organs or tissues with replacement parts grown from stem cells.

But to realise this dream, leading scientific nations have to address one of the most difficult ethical questions in modern science: should early human embryos be used for research into ways of improving or saving the lives of patients who suffer from diseases such as Parkinson’s, diabetes and hepatitis?

I say yes.

Mr Pearce (Aston) (6.26 p.m.)—I rise today to speak on the Research Involving Embryos and Prohibition of Human Cloning Bill 2002 that is currently before the House. From the outset, I would like to break through much of the rhetoric that has been surrounding this issue and say that, despite some views, this is not a simple black-and-white issue. It is a complicated and a complex issue, and I have personally found it to be one of the most challenging and difficult decisions I have had to make.

Although I support the party system, it is an interesting demonstration of our democracy when all members of parliament have to decide an issue on its merits and on their conscience rather than simply voting along the party line. I am sure most people would agree that it is probably good for all of us. Indeed, it is a measure of our maturity and the maturity of our democracy that such a bill should be decided by each elected member making his or her considered and personal decision.

Although this debate is about one bill before this parliament, it mirrors similar debates taking place throughout the world. The rapid pace of science is presenting humanity with ethical problems never before seen. President George Bush of the United States has recently been placed in the same position in which we find ourselves today. Like many of us here, he had reservations about giving a free hand to the scientists. But, like the bill before us, he eventually settled on a limited opportunity for scientific research on embryos under strict and limited conditions. In announcing his decision, President Bush provided a succinct summary of this issue by saying:

At its core, this issue forces us to confront fundamental questions about the beginnings of life and the ends of science. It lies at a difficult moral intersection, juxtaposing the need to protect life in all its phases with the prospect of saving and improving life in all its stages.

Many of my colleagues, in their respective speeches on this issue, have already dealt with the technical aspects of the bill, and therefore I do not propose to repeat these elements. The bill clearly has two components, and I oppose outright the human cloning component. In relation to the other component, research involving embryos, what I hope to do in my speech is to go directly to what I consider to be the core and fundamental issues of this actual debate.

I use the words ‘actual debate’ because it seems to me that many people involved in this debate have lost sight of what we are actually here to review, to consider and eventually to vote upon. The fact is that whenever you combine the issues of religion, politics and—now more than ever in the 21st century—science, you will have friction. It is this friction that creates emotion and drive within individuals to form views and take positions on important matters.

In recent times, and in particular in recent days in this place, we have heard many ar-
arguments and many positions both for and against research in this area. All of the arguments have strong merit. When you think about it, both sides of the argument are, at least to some extent, right. This is an important point that must be stressed: both sides of the argument are to some extent or another right. It is important that we support cutting edge research into the major diseases afflicting humankind, but it is also most important that we respect the sanctity of human life.

What is important, I believe, in this debate is to keep our eyes on what we are being asked to consider and not on what might be. We are not being asked to determine the fate of these embryos. Whatever we decide, their fate is to be destroyed. We are only asked to determine how they should be destroyed: as part of a research program to benefit future generations or simply as discarded waste product. I believe that those who created these cells would prefer them to be used to benefit the community, and for that matter the world, rather than be destroyed. Embryos will only be used for research where the IVF parents have given their express permission.

The philosophical argument revolves around when life begins. I am no wiser than anybody else. I do not know for certain when life begins. There are many theories in this regard but no-one knows for sure. What I do know is that it is now not the destiny of the embryos in question, which have already been declared surplus, to ever become life in the sense of living, breathing human beings. By passing this legislation, we are not depriving them of that destiny.

It is possible that future scientific discoveries will render this whole debate academic and that the scientists will indeed be able to do their research with adult stem cells or in some other way. It is also possible that, as the opponents of the Research Involving Embryos and Prohibition of Human Cloning Bill 2002 claim, this will prove to be the thin end of the wedge and will be followed by requests for more wide reaching legislation in the future. As legislators, we cannot be concerned with what might happen in a hypothetical future. As legislators, we have to be concerned with what this specific legislation permits or indeed does not permit. It is important to keep our eye on what we are dealing with today in relation to this particular bill.

There have been two major factors influencing my decision on this matter. The first is my own conscience; the second is the will of the people I represent, the people of Aston. In the case of my own conscience, as a Christian I cannot believe that God would wish the means of improving the health of future generations to be withheld from the scientific community when the alternative is the destruction of the embryos involved. There are many other potential uses of human cells which I would oppose and my support for this bill should not be seen as signalling any likelihood that I would support other legislation on which the church and the scientists are at variance. I want to stress that point: my support for this bill as it stands does not signal that I would support other legislation on which the church and the scientists disagree. But on this occasion it seems to me that the arguments, both philosophical and practical, are, in the end, in favour of the bill.

In terms of the will of my constituents, it is obviously impossible to please everybody. I have spent a great deal of time consulting widely in Aston on this issue. As with all other members, I have received many representations and submissions on both sides of the argument. I have to say that I honestly respect the honesty and integrity of those on both sides. They are all pressing for what they individually believe is the right course of action. I also have to say that it is clear to me that far more people support this legislation than oppose it. Simple numbers do not necessarily make a wrong argument right, but on this occasion I believe that the clear majority of my constituents would wish me to support the bill as it stands, and that is what I propose to do.

I apologise to all who feel that this is the wrong path, but there is no middle ground on this issue. I can only say that I have seriously considered the arguments on both sides and have not come to my decision quickly or lightly. I believe that in this sensitive area we should move forward with great care and
with great concern. I do not believe that supporting this bill would be offensive to God. I believe that it is what the majority of my constituents would expect me to support and I believe that it is the right decision in the long-term interests of the wider community.

One of the wonders of human existence has been our ability to use science to conquer disease. In my lifetime we have eliminated smallpox and polio, and in this country almost eliminated tuberculosis. Thousands of lives have been saved through this and similar research. Today the forefront of research is in genetics. It is a new, and in many ways a very frightening, sphere. But if it holds the promise of less disease and disability for our children and for their children, surely it is our duty to them and all future generations to give our considered support to those who seek to unravel the mysteries of the illnesses which so adversely affect our society. These stem cells may in the end—and I stress ‘may in the end’—play a key role in the prevention or cure of many diseases. Even if one of these diseases were to be cured or prevented by our decision, I believe that this would be a positive outcome. Furthermore, I believe the structure of this bill provides us with a framework that allows some investigation to occur in what will be a controlled and regulated environment.

I am also conscious that if we restrict this type of research it will take place anyway. It will take place in other countries, using stem cell lines already available elsewhere, and all that we will have achieved is driving our best scientists offshore so that we lose all of the potential benefits to our homeland, Australia. Furthermore, many of the state governments throughout Australia have already clearly indicated that, if necessary—that is, if federal parliament rejects research—they will individually legislate. This is a scenario that I am sure most people would want to avoid wherever possible in order to ensure consistency and control.

On balance, I am convinced that the widest community interest lies in this parliament providing this limited support for this important research. I do not know what life or the future holds for me. What I do know is that I care—I care for all people and I care for the future of our country. My decision to support this bill continues to challenge me. I hope that those whose views differ from mine will accept that my decision is not intended to reflect adversely on their beliefs; it is just that, on balance, after a great deal of personal reflection, I believe the greatest good for the community will come from supporting this legislation. I hope and pray that the position I have taken is acceptable to God.

Ms VAMYAKINOU (Calwell) (6.40 p.m.)—Might I just say that the speech of the member for Aston was very moving. I feel privileged to be able to speak to the Research Involving Embryos and Prohibition of Human Cloning Bill 2002, because, like most other speakers, I believe that it is probably one of the most important pieces of legislation to be considered by this parliament in a long time. Of course, we have seen that from the passionate and heartfelt way in which the debate has proceeded since the introduction of the bill last night.

The bill deals with an area of medical and scientific research that will have a profound impact on the way doctors and scientists approach the treatment of and research into many life threatening and debilitating diseases and conditions that have to date eluded cures and therapeutic treatments. We are dealing with probably the most significant medical breakthrough since the discovery of penicillin, which will define the nature of medical advancement and technology in the 21st century.

The bill is designed to allow stem cell research to take place within an environment that is regulated and monitored. No matter what our view might be on this vexed issue, the reality is that we need to face the fact that the technology is here, and scientists and doctors have for some time now been unlocking the mysteries of life, so to speak, through gene technology. That is the reality and there is no turning back. I have been mindful of that when I have considered my position in relation to this bill. We cannot, and I cannot, ignore scientific breakthrough. We cannot ignore the ramifications and the promise of benefits to humanity. It would be somewhat naive, I believe, to think that our
moral or religious reservations alone would be sufficient for us to shelve the discoveries or the technology until some future time, because we know that this is not how our greatest achievements have been recorded throughout history.

Stem cell research will continue to be developed in some form or another, with or without the consent of this parliament—or any other, for that matter. It is better to craft a framework in which such research is regulated. That is what is required at this time. The research is here, the technology is here, and we need to decide on the best manner to regulate how this research is conducted in this country.

I believe that the bill provides an adequate framework by outlining a series of prohibitions and stipulations, including a monitoring process, licensing and review. The legislation has been framed to cover all foreseeable circumstances and gives this parliament—and the people of Australia, through this parliament—the opportunity to regulate and exercise control over the manner in which research of this kind is conducted in this country. More importantly, it also imposes a ban on human cloning. Today we have reached a point in our scientific and medical evolution where the cloning of human beings is possible. The cloning of animals, and in particular the recent story of Dolly the sheep, has fuelled the debate about the future cloning of human beings. The notion is abhorrent to many—including me—because it stretches the human capacity to push the boundaries of experimentation and scientific advancement into uncharted waters.

I believe we must always keep in perspective what we take from scientific advancement in order to benefit humanity and what we reject because we determine it to be harmful to human progress. There is no evidence that cloning of human beings is medically or scientifically necessary. I am therefore pleased and reassured that this bill seeks to ban human cloning. As law makers, we need to grasp the opportunity that medical technology presents us with by making sure that today’s generation, and those to come, benefit from the technology available. We have to strive for the greater good, and I believe that by supporting this legislation I and those I represent will be striving for the greater good.

The debate over stem cell research is a complex medical issue and revolves around a highly delicate procedure that has strong implications for the advancement of cure and prevention of disease. It is here that the potentially vast medical advancements begin to become increasingly apparent. Medical experts and researchers across not only the nation but the world have provided evidence of how the application of embryonic stem cell technology could assist with research into human development and disorders such as birth defects and certain types of childhood embryonic tumours.

Many groups and individuals were and still are opposed to embryonic stem cell research—and I would like to take this opportunity to thank the many people and organisations who have written to me and my colleagues expressing their views, many putting forward some very cogent and powerful arguments for or against this bill. The arguments have been many and varied. They range from outright opposition to stem cell research to support for restricted research into adult stem cells only, with a ban on embryonic stem cell research, to those who, like me and others in my electorate of Calwell, support the research and, therefore, the passage of this bill.

Because of the nature of these issues, the Australian Labor Party—and also the government—has accommodated these sensitivities by permitting a conscience vote, which does add to the democratic process of this parliament. It is a heavy burden when, as an individual, you are asked to vote on such a bill; it has such broad ramifications for the public and there is such diversity of opinion that it is often difficult to make a decision. The decision for me personally—as was indicated also by my colleague the member for Charlton—was not as difficult. I have always supported anything that has to do with addressing difficulties, especially where disease is concerned.

Some of the arguments against the use of embryonic stem cells claim that the benefits to be gained from adult stem cell research
indicate that there is no need for embryonic research. While it has been conceded that adult stem cell research has its own benefits, the advantages that are offered by embryonic stem cell research appear to be superior. I know there is a difference of opinion on that, but certainly all indicators are that that is the case. There are studies that show promise with adult stem cells and others that indicate greater promise with embryonic stem cells. There are also doctors and scientists to whom I have spoken who suggest a path towards further medical advancements that can utilise both procedures. Nevertheless, as hopeful as that development into adult stem cell research may seem, the potential benefits in regard to embryonic stem cell research are phenomenal.

Putting the various scientific opinions aside, the reality is that, as a community, we face the very real prospect of being able to pursue clinical trials for potential cures or preventive measures for chronic diseases like Parkinson’s, diabetes, Alzheimer’s and multiple sclerosis, just to name a few. There is even hope that nerve cell therapies could be developed to treat victims of stroke or even restore function to people who have been made paraplegic or quadriplegic in accidents. A fundamental benefit is that cells can be grown to produce scientifically altered cell lines tailored for specific disease in specific people. To a lot of people this sounds a bit like science fiction. The reality is that we are not very far away from making advances in this area. The potential benefits, as I have said, include a total adjustment in the manner in which chronic diseases can be treated, especially diabetes, which is one of the greatest health problems in this country. I for one cannot see how this cannot be of benefit to our community.

Over the past six months I have spoken to a lot of people. I have also visited the Murdoch Institute at the Royal Children’s Hospital and the Juvenile Diabetes Institute; both are leaders in their fields. I have listened to the doctors there who are legitimately excited about the prospects they feel are only a few years away. Conditions like thalassemia—a very difficult and debilitating condition affecting many Australians of Southern European descent—now appear to have a cure in sight. Those with family members who suffer from thalassemia will understand how difficult this particular condition is. I have also received numerous communications from members of my local community, and they are pleading for this parliament’s support. These people hope that, with our support, their own lives and often those of their suffering children—and children in general—can be enhanced and, in many cases, prolonged.

Australian medical researchers, doctors, scientists and biochemists have placed our biomedical industry at the forefront. With the potential benefits appearing to be so close and advancements seemingly being made every day, it is our responsibility to ensure that we give ourselves and our children, in addition to future generations, the best possible chance. The benefits are not only isolated to medical advancement and the improvement of quality of life; the pursuit of embryonic stem cell research also ensures that we maintain our position at the global forefront of medical and biomedical technology. From the discovery of penicillin by Howard Florey to the development of the bionic ear by Professor Graeme Clarke and the more recent breakthroughs in the development of an AIDS vaccine, Australia has always been seen as a leader in regard to medical advancement. We must continue this tradition and maintain Australia’s important role on the global stage.

There is also potential economic benefit that such research could bring to Australia. By passing this legislation, we would not only ensure that, as a nation, we take advantage of the technological advancements that present themselves but also eliminate the risk—and this is very important—of losing some of our most gifted scientists and researchers abroad. When you look at similar progress that is being made overseas, you realise that we need to move quickly. The UK government has already extended the purposes for which a licence to derive embryonic stem cells and form embryos for cloning research and therapeutic technologies can be obtained. Some of the amazing advancements that have already come out of
the United Kingdom include the injection of stem cells into the brains of stroke patients. If successful, this technique will be used to treat sufferers of Parkinson’s disease and Alzheimer’s. In the United States, the size of the medical research industry, both private and public, allows hundreds of laboratories to work virtually en masse. Scientists in the US have also been able to reverse the symptoms of Parkinson’s disease in rats, using stem cells from mouse embryos. This provides further evidence that now is indeed the time to act.

While the benefits of stem cell research have been illustrated, we also need to appreciate the fact that, as research and technology currently stands, embryonic stem cells still have some disadvantages. This is always going to be the case with research and experimentation. Some disadvantages include the fact that transplanted cells sometimes grow into tumours and those human embryonic stem cells that are available for research could be rejected by a patient’s immune system. However, these should not be reasons that prevent us from moving forward.

The establishment of a national licensing body, which is provided for in the legislation, would ensure that the research is at all times transparent and easily understood by all. Furthermore, it would make certain that community values are at all times being protected. I am confident that the legislation will do that. Such measures would ensure that, while at times our fundamental values in human sanctity are not brought into question, that occurs at no cost to potential medical benefit. The opportunities that this bill presents could only have been dreamt of even only a decade ago. Now that we have these opportunities before us, we need to ensure that we make the most of them, and that we continue to move through the new millennium living longer, healthier lives and giving hope to those who today have none.

This debate challenges conventional thinking—this is probably what makes it so difficult. It pits the virtue of pursuing controversial and groundbreaking methods of curing disease against religious doctrine. It is sensitive because it questions the value and mystique of life, as we understand it. It challenges the right of human beings to tamper with the sacredness of life and asks whether, for the sake of preserving the life of others, we should sacrifice life—if in fact that is what we are doing.

We have a responsibility as law-makers to face these challenging and difficult issues and to make decisions based on what we believe is the common good. I believe that despite the concerns expressed this research has the potential to be in the interests of humanity. The fact that stem cell research is at an early stage and some aspects of it cannot be proven to be of benefit or deliver results is no reason to shut down or terminate the research. For every person who thinks that this is an abomination because it tampers with the laws of nature or the universe, there is another who suffers and hopes that a cure for their particular condition can be found through stem cell research. I will vote for this legislation because I believe that it is the right thing to do and will provide for the greatest good. And like the member for Aston, I also believe that it is not inconsistent or contrary to my own religious background, which is the Greek Orthodox faith.
I have been moved by the way that so many members have spoken from the heart in this debate. This is a very important issue of great significance and moment. I can respect those who stand up in the parliament and who take a different point of view from that which I intend to espouse. The speech made by the honourable member for Aston was one of the most moving speeches I have ever heard. He clearly, like so many others, has agonised over the terms of this legislation and he has come to an on-balance decision.

Much of the debate has centred on the benefits of adult stem cell research compared with embryonic stem cell research—which adult stem cell research is as useful as embryonic stem cell research could be in the curing of diseases—and on finding answers to questions in relation to so many medical puzzles which have confronted mankind for a very long period of time.

I am going to oppose this legislation, and I am opposing it for a number of reasons. Firstly, I remain unconvinced that it is necessary to have destructive research involving human embryos to unlock those great medical questions. The evidence coming forward, including that from the University of Minnesota recently, indicates that adult stem cell research is very beneficial and should be able to achieve what people suggest could be attained from research using human embryos. Secondly, I believe that human life commences at conception. All human beings whether they be young, whether they be old, whether they be strong or whether they be weak have a right to life. They deserve the protection of the law and that undoubtedly includes those very small and vulnerable human beings—embryos.

I am opposed to abortion and I am opposed to euthanasia. By logical extension, I believe I have to be opposed to embryonic stem cell research. However desirable it would be to attain cures to so many perplexing medical questions, as a nation I believe we would have a very substantial ethical dilemma if we were to say that we have to kill some human beings to save others. This is a very difficult, tortuous question for our community as a whole.

There are people who say that, because excess embryos are going to die anyway—some actually say ‘be destroyed’, but I think that the better way of putting it is ‘allowed to die’—that they should be allowed to die in a good cause. I believe that it is better for excess embryos to be allowed to die with dignity. I see the analogy as being similar to turning off a life-support system where a person’s situation is hopeless and terminal and in many cases people are brain-dead. You allow nature to take its course. People pass on. It is a world of difference in my mind from turning off a life-support system to actively intervening to terminate life. I see that difference extending to the situation of excess embryos. If you allow them to die naturally, you allow them to die with dignity, whereas using embryos for research is tantamount to actually killing them in the interests of that research.

A number of people have said that embryonic stem cell research in some way unlocks medical answers in a way that adult stem cell research does not. I think it is time that we had a reality check with respect to the matter of embryonic stem cell research. Some people suggest it is a panacea, but as yet there is no concrete evidence that embryonic stem cell research in fact does anything for humanity.

I am indebted to Senator Guy Barnett, who has been one of the campaigners opposing this legislation, for some material which he has kindly provided to me. He has done an amazing amount of research, and members of the parliament, regardless of their position on this bill, ought to recognise the wonderful work that Senator Barnett has carried out. From the material he has provided to me I would like to make just a couple of quotes. These quotes come from a workshop sponsored by the National Academy of Sciences’ Institute of Medicine in Washington DC—Stem Cells and the Future of Regenerative Medicine—which took place on 22 June last year. Dr Marcus Grompe said:

There is no evidence of therapeutic benefit from embryonic stem cells.
He is at the Department of Molecular and Medical Genetics, Oregon Health Sciences University. He is an expert in cell transplantation to repair damaged livers. The second quote comes from Professor Bert Vogelstein, Professor of Oncology and Pathology at John Hopkins University and Chairman of the Institute of Medicine’s committee studying stem cell research. Professor Vogelstein says:

There is no experience with embryonic stem cells in humans, and very little in mice ... all claims of therapeutic benefit from embryonic stem cells are conjectural.

There have also been substantial volumes of evidence that the use of adult stem cells will in fact improve the medical condition of people suffering from a range of medical problems. There is no evidence that anyone has ever been assisted by the use of embryonic stem cells to date.

So when you look at the evidence which currently confronts us—evidence which, on the one hand, shows that the use of embryonic stem cells is not necessary and evidence which seems to indicate that adult stem cells can benefit in a way that embryonic stem cells cannot—you have got to ask yourself: why is it that, as a community, we want to experiment on defenceless human beings? There are incredible resources being poured into stem cell research and, in particular, into adult stem cell research. I suppose in a practical sense, if you siphoned off some of that research using adult stem cells into embryonic stem cell research, then that could actually hold back the process of the many advances which are being made in relation to the area of adult stem cells.

All of us want to do whatever we can to solve the medical mysteries which have confronted us for generations, but I do think that, given the evidence which now indicates that embryonic stem cell research is not necessary, there is no merit in proceeding to a situation where we say that human beings must, in effect, lose their lives in the pursuit of research to solve the medical problems of other human beings.

In a society which has values and standards, it is important to draw a line in the sand. Science has incredible opportunities. Nobody knows what the extent of the boundaries of scientific research could be. No-one knows where this research could lead us. I think it is important to take into account ethical considerations—and I know everyone in this House agrees that there ought to be ethical considerations. The dispute relates to just where you ought to draw the line in relation to those ethical considerations. As a community we ought not be carried away by what can be achieved in relation to scientific research. Scientific research, in my view, is valueless if it comes at the cost of a community’s standards.

The Deputy Prime Minister referred in his speech to the slippery slope argument. He alluded to the situation which could develop from the implementation of this legislation. I agree with the Deputy Prime Minister. I am all in favour of using the talents that we have as individuals, using the God-given gifts that we have to unlock those questions that have eluded us; however, we must do so in an ethical way. As a community, we will not be able to stand up and be proud of ourselves if we are prepared to subjugate our standards, values, ethics and principles in the pursuit of untrammeled scientific advances. Advances that might be made, if they are made in the absence of those values, are advances not worth having.

Many members want to speak in this debate, and I would encourage members on both sides of the House—of all views—to express their attitudes, opinions and feelings concerning this legislation. We have heard moving stories from people who have cited the individual circumstances of individual Australians. We all feel for the people whose names and circumstances have been outlined in the House of Representatives; however, I am not at all convinced that embryonic stem cell research would help those people in the way that adult stem cell research does. I am a strong supporter of using adult stem cells—and it is interesting to look at the range of diseases which have actually been treated in a positive way using adult stem cells to help human patients. I refer to multiple sclerosis, lupus, juvenile and other rheumatoid arthritis, stroke, immunodeficiencies, anaemia, Epstein-Barr virus infection, corneal dam-
age, blood and liver diseases, osteogenesis imperfecta, brain tumours, retinoblastoma, ovarian cancer, solid tumours, testicular cancer, multiple myeloma, leukemias, breast cancer, neuroblastoma, non-Hodgkin’s lymphoma, renal cell carcinoma, cardiac repair after heart attack, type 1 diabetes, cartilage and bone damage, and so on.

What we as a society first have to do is to establish whether adult stem cells will achieve what we want them to achieve. I believe that all the evidence coming forward now renders the use of embryonic stem cell research unnecessary. But even if the evidence is that adult stem cell research does not unlock all of the questions that embryonic stem cell research would, it is my view that to use destructive research on embryos is a price too high for this nation to pay.

In concluding, I would just like to quote Dr Michael Cook, who is editor of the email newsletter Australasian Bioethics Information, a person opposed to embryonic research. He believes that the battle to protect embryos is a battle worth fighting. I agree with him. He says:

“It’s worth fighting because we’re defending human rights and human dignity—for unborn, defenceless human beings, and for ourselves. If embryos can be killed because they don’t look as athletic as Lleyton Hewitt or as attractive as Kylie Minogue, then some day all of us here may be at risk.

I oppose the bill before the chamber as it relates to research in embryos.

Mr Kerr (Denison) (7.12 p.m.)—I rise to make a contribution in this debate on the Research Involving Embryos and Prohibition of Human Cloning Bill 2002, but not out of any sense that my views need be made known to members of this chamber. A very detailed and comprehensive exposition of my views and those of a number of other members of this House are set out in the report of the House of Representatives Standing Committee on Legal and Constitutional Affairs, of which I was a member. For those who wish to ascertain in detail the reasoning, rationale and thought processes that went into the views that I am expressing tonight, I commend to them the very thoughtful report that was produced by that committee.

I say at the outset that I commend the chair of the committee, Mr Andrews, who—notwithstanding that he and I reached different conclusions in relation to the matters that are subject of the present legislation—chaired that committee with considerable dignity and with great respect for the views that were contrary to his. I also commend, very importantly, the work of Nicola Roxon, the Deputy Chair. As the leader of the opposition, so to speak—although in her case the opposition was in the majority—she led a group of members, including me, who worked constructively with the chair and with other members. The committee produced an extraordinarily well balanced report which addresses most of the issues that were brought before the committee. Notwithstanding the differences that existed between us on points that we addressed, we did agree that there ought to be a regulatory framework and that that framework ought to be in detailed form.

The committee agreed that there are serious issues that we need to take into account lest these procedures be abused, and we agreed on certain baselines; for example, that we should not proceed to human cloning and we would not allow therapeutic cloning without first having a moratorium to look at the issues involved in somatic cell transfers and to allow greater knowledge to be gained from the medical and scientific communities before we take any steps in that direction. In that sense, I think the committee provided a formidably worthwhile store of information and recommendations to this House.

I indicate that my views can be found in substantial detail in the committee report, where all 10 members of the committee found themselves on common ground, save on some small but passionate points of difference. My views in relation to those matters are also set out in detail in the report. I think I should try to express to the House—and, in particular, to my constituents—why I will vote in a particular way. First, I do not believe that either the hyperventilated claims of those opposing this legislation or the extravagant claims of those proposing it are sound. I think that both suffer from the normal defect of great public debate: those who
propose to make their case push it to the extremes. I do not believe that this is a matter so momentous in its ethical concern that it ought trouble the consciences of members of this House—and I will turn to my reasons for that. But, even for those it ought trouble because of their religious concerns, I think it is at the very modest end of the level of concerns they would normally articulate.

The second point I would make relates to those who advance the case that medical research will be enhanced by the utility of the processes we will approve if we pass this legislation. I agree that some of the claims being made about likely outcomes are hypothetical at the moment; I suppose they are conjectural, as the member who spoke previously suggested. But they are put forward on conjectures based on scientific premises that appear, at least at this stage, to be plausible. In that sense, I think they are possibilities—and they are possibilities worth pursuing. But I do not think it is correct or sound in a debate of this nature for somebody in my position—who has gone through the process of taking advantage of expert opinion and hearing the wide range of different views that have been expressed in the hearings—to come before this parliament and express extreme views on either point of that spectrum in relation to these matters. In the end, I think this is a time for commonsense judgment on an issue which, although inflated and heated in public terms, ultimately turns on small moment.

The small moment is this: what ethical constraint do we face if we deal in this way with embryonic tissue, surplus to an IVF program, that will otherwise be destroyed? I think it is a useful fundamental starting point to recognise that we are speaking of an embryo—a small multiplication of cells that is in no way properly describable in any sense as a viable human life. Notwithstanding that some members of this community and this parliament come from a religious framework which regards any interference with that material as abhorrent, we do essentially live in a secular society. Our constitutional foundation requires us to accept that, within our ranks, there are people who hold profoundly different views on issues of ethical importance. I suppose the starting point for any parliamentarian ought to be section 116 of our Constitution, which is a foundational element because it prescribes that this parliament cannot:

… make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.

So our constitutional framework—our foundational legal framework—is posited on the idea that we are a society in which people are free to hold religious views and to promulgate and advocate them. But the polity that we belong to will not, by virtue of its obligation, impose any religious adherence to hold office and it will not impose any tests of a civil nature.

Of necessity, this kind of society requires some of its members to tolerate the kinds of acts they find ethically beyond the framework they regard as appropriate within their adherence to their faith. I take a simple example: those amongst us who are Islamic by religion must passively, peacefully and tolerantly suffer the blasphemy of a man such as Salman Rushdie—if it is blasphemy—for the views that he holds. Those books are sold here. A person who belongs to the Hindu religion must daily pass streets where the sacred cow is sold for beef. We do not allow the view that somebody might hold that the frameworks within those ethical and religious constraints should overflow into a capacity to restrain the civil conduct of others within our society.

So, too, with those of the Catholic persuasion—and, indeed, many who are High Anglican—who hold the view that there is something sacred, from the moment of conception, in tissue of this kind. Yet they have had to survive in and endure a society which has, at different jurisdictional levels, agreed to facilitate and allow as lawful the termination by way of abortion of human life that is, in their terms, much more advanced than the material we are speaking of now. As citizens of this society, they have also had to accept that the IVF program exists. Of course, the IVF program is posited on the production of a large number of embryos created outside
the body, some of which will be transplanted into a woman to allow her to become fertile; once that occurs the balance of the embryos will be discarded.

I know that one of the proponents in the public debate became greatly chastised for drawing attention to the fact that, notwithstanding the high tone that is being adopted in this debate, not once had he or any of his researchers ever been approached to put in place any processes of remembrance or celebration—a funeral service or the like—for the disposal of such cells. I think that is because, although people might hold at one level a principle that this is objectionable in their faith, in practice they recognise that it is a natural and logical consequence of the fact that we do allow IVF programs.

Even on these issues where religions take certain views about the origins and beginnings of human life, opinion within our community is not uniform. As members of the committee, we heard thoughtful evidence from members of the Jewish community. I am given to understand that, in the Jewish faith, the soul is not thought to be brought into the being that is being generated until a process called the quickening, which I understand is some weeks after the insemination of the egg by the sperm. So we do not have a situation where even those in our community who actively practice religious beliefs hold common views about these issues. But even if we did, we live in a secular society where, in a sense, people have to stand back from their own sets of moral codes. They are quite free to advocate their moral codes and persuade others in relation to them, but they are not free to impose those constraints and restraints on others—and so it be in this instance.

The majority of the committee took the view that there are, on balance, good reasons to facilitate the kind of research that will be allowed by the bill that has been introduced and is supported by both the Prime Minister and the Leader of the Opposition. We argued that the quest to treat and cure serious illnesses places a duty on us to support, or at least not prohibit, research with such enormous long-term potential to relieve suffering. That is an ethical constraint that we recognised.

I began with the foundational element that we are a society which is built around a constitutional framework which prohibits the establishment of a state religion. There are many of us who hold no fixed religious adherence at all; yet that does not mean that there ought not be a sound moral basis for our behaviour in life. I have always taken the view that it has been a great failure of those who follow the humanist tradition that they have not articulated sufficiently the moral foundations upon which they would act. I do not have time in this speech—nor would I be likely to do so in the time available—to set out my argument that it is not necessary to have a foundational belief in God to conceptualise, act and live within a moral framework. The idea of the good, the right, the proper and the dutiful does not flow necessarily from an order from a divine being but can flow from a relationship that comes simply by your obligation to other humans.

I commend to those who may read the Hansard the writings of people such as Rawls—in *A theory of justice*—and others who quite thoughtfully argue that the absence of a religious foundation does not mean a man can live without a moral set of obligations and constraints. One of the moral obligations and constraints that I accept as part of my responsibilities is to do those things which will generate a better future for those who live in my community. I have given myself to the service of that over the years I have served in the parliament. I believe that that duty would be failed if I were to say that the prospect of the health benefits and the treatments that could be given to those potentially the subject of the medical advances that are plausible with the research that will be conducted in the future would be prohibited by this parliament and certainly by my vote.

Whatever the view that we as parliamentarians hold here, the larger debate in the community about the way in which we deal with medical and scientific advances is not going to stop—nor should it. There are very serious issues about scientific developments. We must not simply leave those issues to the
scientific community and say they are not of our interest. That is why we put in a regulatory framework. In not just this area but also many different areas of scientific and medical experimentation, we are living on the edge of great change. It is possible that human life spans may be expanded enormously. We are now looking at situations where artificial blood can be produced. We already have artificial organs such as hearts, and limbs that are being replaced. We experiment with animals and transfer their parts to humans. We have a whole range of things that are complex and difficult and which we need to continually review as a society. On this issue, I think the balance of commonsense, without extremity in the debate, falls in favour of the legislation. But that is not to say that I think that we ought to pass away from this area and simply say we need not return to it. As parliamentarians, the whole area of biological research and its implications for us as a society and as humans will remain critical to us.

The last point I will make, for those who are interested in my views, is that, whatever decision is reached by our community in Australia, we are unlikely to turn our backs on the products of medical research generated through these technologies. If we do not conduct that research here in Australia, it will be conducted in Britain or in other countries that facilitate and allow it. Our moral queasiness will not suddenly allow us to ban the importation of new products with health benefits that are generated. That would be absurd. All we will do is ban our researchers from pursuing a course that will be facilitated and allowed in other jurisdictions. It is cutting off the nose to spite the face.

The SPEAKER—Order! The member for Denison will be aware that it is 7.30 p.m.

Mr KERR—I did not finish with the flourish I intended, Mr Speaker, but I will content myself with that.

Debate interrupted.

ADJOURNMENT

The SPEAKER—Order! It being 7.30 p.m., I propose the question:

That the House do now adjourn.

Taxation: Family Payments

Mr SIDEBOTTOM (Braddon) (7.30 p.m.)—I would like to raise a very serious issue that has occurred in my electorate—and in most electorates throughout Australia, I suspect—and that is the family tax benefit debt fiasco which has occurred. Thousands of families have been hit by this throughout Australia. I have had a number of representations from families, such as Tanya Hamill from Strahan, Kathleen Guthrie of Devonport, Sonya Buer of West Ulverstone, Karen Rose of Latrobe, Lyn Siely of Devonport, Karen Bakes of Burnie, Peter and Sally Hyland of Devonport, Greg and Lyn Diprose of Ulverstone and Kerri-Anne and Jamie Cobbing of Penguin—just to name a few. What seems to emerge from this fiasco is that these people have done the right thing by the system, but the system does not seem to be able to cope with them doing the right thing.

What really galls in this situation is that the minister representing the minister responsible for this issue in this House, and even the Treasurer, have impugned these honest people by saying that, in actual fact, they are dishonest. And by raising the issue of the problems associated with what I believe is a flawed system of assessing changing circumstances, I and others—and no doubt those on the other side, I hope, in their own caucus—have been labelled as supporters of dishonest people in the welfare system. That is the type of claptrap that I was subjected to by the Special Minister of State in my local newspaper when I took up these issues—as I should do as a representative, and as you on the other side would do as well. I quote from the Advocate of Wednesday, 7 August 2002:

Tasmanian Liberal Senator Eric Abetz said he was disappointed Mr Sidebottom did not support
a welfare system that relied on the honesty of recipients.

It went on:

“Tasmanians will be very concerned to learn the Labor Party plans to allow people to over-claim what they are entitled to…”

That is absolute poppycock of the first order and demonstrates the level of politics that the Special Minister of State stoops to not only on this issue but also in my state of Tasmania. He is aligned with the debacle that occurred in the state election in Tasmania, and there has been criticism nationwide levelled at his influence. That type of response is an insult to anybody who raises legitimate concerns about a government system, and I know people on the other side are as concerned as I am.

Some people receiving the family tax benefit who change their circumstances and inform Centrelink are not being told that their tax returns will be raided, no matter what the minister said yesterday in this House in response to a question about whether people had been informed that their tax returns would be raided to pay back these debts. These people recognise that they need to pay back the money but they do not understand the system or the formula that is applied. It is not made clear; we all know that. Who honestly can say that they have checked this system and can understand the formula? These people honestly give their changes in circumstances. We know that changes take place and then they are hit with a debt. In this case in particular, I know accountancy firms who were given assurances by the Taxation Office and by the Office of Family Assistance that tax returns would not be raided. These accountancy firms carried out the reconciliation of these people’s tax returns and they expected to get something back, but they did not: they got a debt.

How in the hell can that system continue? And we have a minister who says: ‘Look, the system’s fine. Okay, don’t make any claim and if we need to top you up later, we’ll do that.’ These people rely on this money, week in and week out. They deserve it and they are the first to say, ‘If we don’t deserve it, we’ll pay it back.’ But you cannot have them paying it back months later when they do not even understand the system itself. For people who bring up these concerns to be labelled as supporters of dishonest people in the welfare system is an insult. Many of the people who wrote to me were offended by Senator Abetz’s comments, and it is time he learned to take his head out of the sand and understand what happens to families. The system is flawed, it needs to change and I hope people on the other side are making that clear in their own caucus. (Time expired)

Health: Child Obesity

Mrs MAY (McPherson) (7.36 p.m.)—The prevalence of overweight and obese children is on the rise worldwide and Australia, unfortunately, is part of that rise. Aussie kids are no longer Weetbix kids; they are, in fact, following in the footsteps of their American counterparts. It could be said we are building a nation of fatties, and our children in particular are the problem. Statistics show that the number of overweight children in Australia has doubled to 16 per cent over the 15-year period to 1997. Research indicates that one in five children in Australia aged between two and 16 spends less than five hours of their recreational time involved in outdoor activities. These statistics clearly indicate that we have a real problem with obesity in children. Per capita, Australia has one of the highest populations of obese children in the world. The rising trend of obesity among children of primary school age is alarming, and it is time we did something about it. Another alarming statistic is that more than 80 per cent of overweight children have at least one parent who is obese.

We need to get kids away from their Nintendos, the TV remotes and computers and back into the great outdoors. Leading child psychologist Dr John Irvine has suggested that children will become more alert and creative in all their skills by pursuing outdoor physical activities. Outdoor play has many benefits, including development of better coordination, heightened imagination, creative lateral thinking and better problem-solving skills. Overweight children are at greater risk of having low self-esteem, reduced school performance and being teased by their peers. Outdoor activity also helps build confidence by teaching children how to
interact with each other and increases their self-esteem and self-confidence. A lack of outdoor play can have serious implications, such as causing children to become introverted or more prone to anger, leading to greater levels of friction within the family unit, and they can also become lazy and irritable.

Unfortunately, the habits children learn tend to stay with them for life. But there are more problems associated with child obesity with the increased risk of serious medical consequences in adulthood. It needs to be understood that children who are overweight at primary school will not necessarily grow out of it. This means they are more at risk of suffering from the serious health flow-on effects of obesity, including the early onset of non insulin dependent diabetes, high blood pressure and cholesterol levels which are linked to heart disease. These diseases, in turn, place an enormous strain on the public purse.

Poor dietary habits also lead to obesity. Studies have shown that parents’ eating behaviours and parenting practices strongly influence the development of children’s behaviour. Medical professionals have called on parents to take a closer look at their child’s food intake, in particular the school lunch box and the frequency of canteen lunches. Parents need to encourage their children to eat more fruit and vegetables, cutting down on high fat and high salt snacks such as chips and replacing soft drinks with low sugar alternatives, preferably water. It is not surprising that children model their parents’ behaviour in many areas. Therefore, it is important when looking at prevention or treatment of childhood weight problems that a family based approach is adopted.

I believe there are three essential areas to focus on if we are to tackle the problem of childhood obesity: encouraging healthy food choices; promoting physical activity; and using positive parenting strategies to increase motivation and manage difficult behaviour. We need a coordinated and integrated national program across government, parents and schools. We all need to play a part.

On the Gold Coast we are attempting to do something about obesity in children. Former Australian iron man champion Guy Andrews and Michael Georgalli, an international nutritionist, are working on a dietary and exercise program with a number of young Gold Coast overweight kids. Guy’s experience as a top athlete and Michael’s experience with nutrition will be put to good use working with these young people. They have personally taken on a young man who is experiencing huge problems with being overweight and they have developed a personal behaviour program for him that is being closely followed by the local Gold Coast community. I am pleased to say the young man involved is making great headway with his weight loss and is becoming somewhat of a star on the Gold Coast media circuit.

They have my personal support to spearhead a national campaign, and I hope through our schools and sporting associations we can find the will, the funding and the determination to attack what I believe will continue to be a very serious problem for this country, if we do not take some positive action now.

**Burke Electorate: Child-care Places**

Mr BRENDAN O’CONNOR (Burke)  
(7.40 p.m.)—During question time today the Minister for Children’s Services, answering a dorothy dix question from his side, boasted about the government’s record of providing sufficient child-care places in the country. If you had listened to the minister, you would have been forgiven for thinking that child-care centres provided Australian parents with sufficient places in order to properly undertake the care of their children. In fact, if the minister were to be believed, you would conclude that all families in need of child-care services would have no difficulty in providing a place for their children in a child-care centre. Sadly, this is not the case. The government’s own child-care planning committee advised the government over 12 months ago of the need for over 30,000 extra places. Despite these shortages, the government failed to allocate a single extra place in this year’s budget. The government’s failure places many parents in a dilemma, that being either to give up work or to leave their kids unattended.
In my own electorate, the Family and Community Services Planning Advisory Committee, the government’s own committee, recommended the following needs for the municipalities within my electorate. It concluded that Hume City Council was in need of at least 180 long day care places. Further, Melton City Council was also in need of at least an extra 180 long day care places and the Shire of Mooroolbark was also short by at least 60 long day care centre places.

Only last week, a Sunbury mother, Jacqui Oddy, contacted my office informing me of the great difficulty she was experiencing in finding a place in a day care centre for her four-year-old son Liam. Ms Oddy had tried almost every day care centre in the township of Sunbury but could not find one that would accommodate her child. Having personally spoken to Ms Oddy yesterday about this matter, I am happy to say that she has found a family day care place but it was certainly not the place that she would have preferred. She had a preference to have Liam placed in a long day care centre. She had only recently been employed. She is a single parent and without placing her child she would have had to forfeit that job, thereby forfeiting the income that she requires to look after both of her children, the other of whom attends the local primary school.

It seems to me, notwithstanding the rhetoric of the minister this afternoon, that there are deficiencies in the government’s policy with respect to child-care places and, in particular, in respect of child-care places in long day care centres. The Macedon Telegraph, the local newspaper, reported the story with the heading ‘No place for Liam’. Ms Oddy indicated that she had contacted all of the long day care centres and not only were they full but it would take at least six months for her to actually have her child placed in any centre locally. This is a dilemma that she confronts as a mother. It would be true to say that at least 30,000 parents, if not more, are facing the immediate problem of the shortage of long day care places, which have not been properly funded by the Commonwealth.

In discussing these matters with the communities in Sunbury and other places within the electorate—indeed, in talking to most of the municipalities that oversee much of the long day care centres—it would seem to be the case that there are not sufficient places. The Commonwealth must address this problem immediately; otherwise, we will have more and more examples where our children—the future of this nation—are put at risk. If that happens, I will constantly raise this issue in this place until it is resolved.

Papua New Guinea: Sir Rabbie Namaliu

Mr JULL (Fadden) (7.45 p.m.)—The House will be well aware that there has recently been a change of government in Papua New Guinea, our closest neighbour. Members may not be aware, however, that a very good friend of Australia’s has been appointed to the important foreign affairs and immigration ministry in the Somare government. I refer to Sir Rabbie Namaliu, the distinguished former Prime Minister and former Speaker of the Papua New Guinea national parliament who is well known to a great number of members on both sides of the House.

It was during Sir Rabbie’s term as Prime Minister that the decision to phase out budget support and shift to project based aid was made—a decision which I know enjoys bipartisan support here. It was also during his term that the Australian funded scholarship scheme was begun, which enabled many hundreds of young Papua New Guineans to attend high school in Australia. Many believe it is regrettable that this scheme has now ended.

I got to know Sir Rabbie during his term as Speaker of the national parliament, where his wisdom and genuine interest in our system of parliamentary democracy and its expansion into the developing world stood out. During that period, the links between our respective parliaments and officials were developed to our mutual advantage. I remember on one occasion some years ago, at an APEC parliamentary conference, working with Sir Rabbie on a motion on global warming and its effect on the Pacific Island states. It was a pleasure to work with him. He was certainly a man of some very great vision in those days, and I was pleased to see that we got that particular motion through
that conference. In his first statement as foreign minister last week, Sir Rabbie spoke of the Papua New Guinea-Australia relationship in these terms. He said:

Our relations with Australia are at their best when they are conducted in a robust, equal partnership between neighbours with a shared history, important aid, trade and investment links and a growing people to people association.

He went on to say:

I also want to see the people to people links developed through projects such as the Kokoda Track development, and a wider community appreciation of the enormous benefits the project based aid programs, funded by Australia, bring to Papua New Guinea.

These are sentiments I endorse, and I am sure the whole House will endorse. In these very troubled times in Papua New Guinea, there is obviously a role for this parliament to play. We have established our international parliamentary friendship groups, and I hope there will be a great interchange between the Australia-New Guinea parliamentary group and vice versa, because there is nothing better than people to people contact.

While I would never tell Sir Rabbie what to do, I think one of the great advantages that parliamentarians have is parliamentarian to parliamentarian contact. One of the great committees we have in this place is the Joint Standing Committee on Foreign Affairs, Defence and Trade, with its subcommittee on human rights. I am not sure just how well developed the parliamentary committee system is in New Guinea, but if there were any way we could get an interchange between committees in the two countries, it would be very much to our mutual advantage.

In congratulating Sir Rabbie on his appointment, I would like to extend to him my own best wishes and those of the many Australians who retain a strong interest in our closest neighbour and who have very important historic links with it and its people. These are troubled times for Papua New Guinea. The new government deserves all the goodwill and support we can offer. In these troubled times, it will be well served by a widely respected foreign minister with an unblemished record of service and integrity over the 20 years he has held elected public office. I am sure we all wish him well.

Kokoda Trail: Isurava

Mr DANBY (Melbourne Ports) (7.49 p.m.)—Isurava is a name that should be known by most Australians. Former Prime Minister Paul Keating brought it into modern Australian memory by paying homage when he visited Papua New Guinea and kissed the ground at Isurava. In the last few days—on the 60th anniversary of the end of the battle of the Kokoda Trail, when the Japanese were finally stopped from coming across the Owen Stanleys—Prime Minister Howard and Prime Minister Somare attended a very moving ceremony to unveil the new memorial for the Australian soldiers who fought successfully in that very important battle to save Australia.

The 39th Battalion, which was principally involved in that fighting withdrawal across the Owen Stanleys, is a Victorian battalion that meets in my electorate at Caulfield-Elsternwick RSL. They too held a very important celebration in my electorate to commemorate the 60th anniversary. What a group of heroes those 500 barely trained boys of the 39th Battalion who were sent up there. This is very keenly brought to my mind by a very coincidental and moving dinner I had last Friday with a very dear family friend, Mr Ben Sherr. Ben was a very young man who was in a protected war industry in 1942. Suddenly, after a week’s training, he found himself in the 39th Battalion. Within a week of non-training, he was shipped up to Papua New Guinea to hold back the Japanese. The Australian regular armed forces were still in the Middle East and were returning from fighting in the desert.

Ben was shipped on the Aquitania with many young fellows who were taken virtually straight out of the Australian population and rushed up to Papua New Guinea with hardly any training. He described to me how supplies were dumped on a sporting ground without any system at all because they were in such a panic to unload their supplies. He described to me how he went on patrol the first night as a corporal in his platoon, not even aware of how to load his weapon. In fact, when he returned from that patrol that
night, someone asked him whether he had a bullet up the chute. He had not thought of that and neither had the rest of the members of the patrol.

The 39th Battalion was a group of heroes in holding off the Japanese until the regular Australian forces, the 2/14th and others, were able to join them. Col Blume recalled in the *Age* how the very famous Private Bruce Kingsbury was able to save the 2/14th at Isurava by making a charge down the hill where he killed 30 Japanese and then was killed himself. He won the Victoria Cross for that. The four black marble obelisks that stand there have the words ‘courage’, ‘endurance’, ‘mateship’ and ‘sacrifice’ on them, and that is what symbolised the 39th Battalion from Victoria and the 2/14th, which saved Australia by their brave deeds there.

There has been a spate of international films recently about the Second World War, including *Saving Private Ryan*, *The Thin Red Line* and even a television series, which is about to screen here and that has been very popular in the United States, called *Band of Brothers*. I would suggest that the deeds of the 39th Battalion, the 2/14th and others who saved Australia by their deeds at Isurava are worthy of similar attention by the Australian film industry. After all, there is a marvellous documentary already made for them by Mr Chris Masters of *Four Corners*, about the heroic men who saved Australia. They are, I believe, very much like the *Age* editorial described them, comparing them to Leonidas and the 300 Spartans who held the great Persian army at Thermopylae. These are the men who saved Australia. They deserve a memorial like *Saving Private Ryan*, *The Thin Red Line* or *Band of Brothers*. They deserve to have their deeds turned into something that will go into perpetual memory via the Australian film industry.

**New South Wales: Drought**

Mr JOHN COBB (Parkes) (7.54 p.m.)—I rise this evening to draw the House and the government’s attention to the most serious problem facing New South Wales at the moment, the ever increasing drought which, in the time since this House last sat, has reached disastrous proportions. While 82 per cent of New South Wales is now officially in drought, the figures hide the fact that New South Wales has a different way of assessing drought and has probably had this sort of figure for quite some time.

There is no agistment left in New South Wales, and grain and hay are extraordinarily expensive. This is the first drought that I can remember where both stockfeed and water are disappearing at the same time, and I have had a lifetime on the land—a lifetime of dealing with droughts. We have probably 50 per cent of the state’s wheat crop that either has not been or should not have been sown. The effect of this harvest on country New South Wales is going to be disastrous in both economic and community terms. If we do not get rain in western New South Wales by the end of October, then this drought has no chance of breaking until autumn—next March. By that time, virtually the whole of the western division and large parts of the central division would be destocked, I would say. It is an extraordinarily black outlook. The New South Wales government, which until recently ignored the drought, has now followed the lead that Queensland has always shown in providing support for farmers for the transportation of water and fodder, but as I previously stated there is very little agistment and fodder has become extremely dear.

This drought has spread from Queensland. It is also starting to head into Victoria. It is of major proportions in both an economic and a social sense. We as a government have a very real responsibility to all those farmers, especially those in the far west, who have not—I stress the words ‘have not’—had the benefit of wheat crops in recent years. In the western division, in the shires of Cobar, in the unincorporated area, the central Darling, in Burke and in Brewarrina, the people who depend mainly upon stock husbandry have not had the crops to get them out of trouble. They are sinking into trouble that only the federal government can help them get through—those that will be viable in the long term.

This government can proudly say that exceptional circumstances assistance has made a huge difference to a lot of farmers. There are going to be applications coming through
in the near future. It is incumbent upon this government to make sure those applications are processed quickly, because speed will be of the essence. By the time we get to the end of this year, with the effect of very little crop money coming through to western New South Wales and compounded by the fact that beef sales will have halved and that wool sales will have shrunk because of the drought, we will have an enormous social problem.

As I said previously, western New South Wales farmers have not had the opportunity to make money in recent times because of the drought and because wool prices have not matched beef and crop prices. The federal government has a duty to help those who are financial in the long term through exceptional circumstances assistance. One of the most important benefits that exceptional circumstances assistance can give to people in the region is the social aspect. Youth and family payments becoming available to people in the region of western New South Wales have a simply enormous social effect and an effect on morale. I certainly hope that, as it has in the past, this government will support the people who are really going to need it very soon.

Question agreed to.

House adjourned at 7.59 p.m.

REQUEST FOR DETAILED INFORMATION

Members’ Entitlements

Mr Martin Ferguson asked the Speaker, upon notice, on 17 June 2002:

(1) For each of the last ten financial years, what has been the average sum spent by Members on personalised stationery and newsletters.

(2) Was he or his staff consulted by the Minister for Finance and Administration on the decision to create an upper limit of $125,000 per Member for personalised stationery and newsletters.

(3) For the (a) calendar year 2001 and (b) six months ended 31 December 2001, what was the average sum spent by Members on personalised stationery and newsletters and for each period, what was the average sum spent by (i) members of the Government and (ii) members of the Opposition.

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

(1) The Department of the House of Representatives provided a capped allowance for personalised stationery for Members. The amount of the capped allowance for each of the last ten financial years is as follows:

<table>
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<tr>
<th>Financial year</th>
<th>Allowance for Members for personalised stationery by the Department of the House of Representatives</th>
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<tr>
<td>1991-1992</td>
<td>$3,750</td>
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<td>1992-1993</td>
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<td>2000-2001</td>
<td>$3,850</td>
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</tbody>
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Minor variations in the allowance were due to paper prices at the time, and budget allocation to the department.

As Members were required to exhaust their allowance from the Department of the House of Representatives prior to utilising the personalised stationery allowance from the Department of Finance and Administration, it is expected that most, if not all, Members will have expended the allowance and the average sum would be the capped amount. Figures for the usage of the allowance by all Members would bear this out.

(2) No.

To streamline the process of administering the allowances for personalised stationery and avoid duplication of effort, the Department of the House of Representatives handed over the responsibility to administer this allowance to the Department of Finance and Administration in January 2002.

(3) As described in answer (1) above, the average sum spent by Members on personalised stationery and newsletters would be approximately the size of the allowance for any given financial year. For the calendar year 2001, the average sum spent would be approximately $3,850. For the six months ended 31 December 2001, the average sum spent would have been $3,850, as the allowance from DHR was utilised early in the financial year.
The average sum is the same for members of the Government and members of the Opposition.

NOTICES

The following notices were given:

Mr Entsch: To present a bill for an act to amend the ACIS Administration Act 1999, and for related purposes.

Mr Abbott to move:
That the following changes to the standing orders be made with effect from 16 September 2002:

(1) That standing orders 81, 274, 274A and 275 be amended to read as follows:

Debate confined to present question—Exceptions

81 No Member may digress from the subject matter of any question under discussion:

Provided that—

(a) on the question for the adjournment of the House or the Main Committee to terminate the sitting, matters irrelevant thereto may be debated, and

(b) on the motion for the second reading of an Appropriation or Supply Bill, except an Appropriation or Supply Bill for expenditure that is not expenditure for the ordinary annual services of the Government, matters relating to public affairs may be debated.

Sittings and adjournment

274 The Main Committee may meet at any time during a sitting of the House and the following provisions shall apply:

(a) the Committee need not adjourn between items of business;

(b) proceedings in the Committee shall be suspended by the Chair to enable Members to attend any division in the House;

(c) a sitting of the Committee may be adjourned on motion moved by any Member without notice;

(d) upon the adjournment of the House the Chair shall interrupt the business before the Committee and forthwith adjourn the Committee; and

(e) upon the completion of consideration of all matters referred to the Committee by the House the Chair shall propose the question—that the Committee do now adjourn.

Adjournment debates

274A The question—that the Committee do now adjourn—shall be open to debate but no amendment may be moved to the question:

Provided that if, on the question—that the Committee do now adjourn—being proposed, a Member requires the question to be put forthwith without debate, the Chair shall forthwith put the question.

Provided further that, at the conclusion of the debate on the question—that the Committee do now adjourn—a Minister may require that the debate be extended for 10 minutes to enable Ministers to speak in reply to matters raised in the preceding adjournment debate: on the expiry of 10 minutes, or upon the earlier cessation of the debate, the Chair shall forthwith adjourn the Committee.

Committee to consider only matters referred

275 The Main Committee shall consider only such matters as have been referred to it by the House or as specified in the standing orders.

(2) That standing order 282 be amended to read as follows:

Chair to suspend sitting when disorder arises

282 If any sudden disorder arises in the Main Committee the Chair may, or on motion without notice by any Member shall, forthwith suspend or adjourn the sitting and shall report the disorder to the House. If the sitting is adjourned, any business under discussion and not disposed of at the time of the adjournment shall be set down on the Notice Paper for the next sitting.

(3) Omit “(on a Thursday)” from the item concerning Question for the adjournment of House or Main Committee in standing order 91.

Mr Abbott to move:
That the following sessional order be adopted for the remainder of the sittings in 2002 with effect from 16 September 2002:

Interventions in the Main Committee

84A During consideration of any order of the day in the Main Committee a Member may rise and, if given the call, ask the Chair whether the Member speaking is willing to give way. The Member speaking will either indicate his or her:
(a) refusal and continue speaking, or
(b) acceptance and allow the other Member
to ask a short question immediately rele-
vant to the Member’s speech—
Provided that, if, in the opinion of the
Chair, it is an abuse of the orders or
forms of the House, the intervention may
be denied or curtailed.

Ms George to move:
That this House:
(1) acknowledges the pain and suffering
of Australians living with the disease - Adhesive
Arachnoiditis;
(2) accepts that many current sufferers were
at some time involved in a spinal x-ray pro-
cedure known as a myelogram;
(3) believes that an independent inquiry is
necessary to investigate:
(a) the effects of exposure to the chemical
Iophendylate (marketed under the name
Pantopaque and Myodil);
(b) the basis on which Iophendylate was
licensed, marketed and used in Australia; and
(c) the social and economic costs arising
from the disease;
(4) acknowledges the important work un-
dertaken by the support group – Chemically
Induced Adhesive Arachnoiditis Sufferers of
Australia and its founder Derek Morrison; and
(5) requests the Government to provide some
resources and assistance to the Committee to
enable it to carry on its worthwhile work
which up until now has been done on a vol-
untary basis.

Ms Gambaro to move:
That—
(1) this House calls on the Government to
fund a national co-ordinated study into
Parkinson’s disease due to the increase in the
number of sufferers estimated to be 80,000 at
present and the lack of comprehensive data
on Parkinson’s disease for more than 40
years;
(2) the study determine:
(a) the number of sufferers;
(b) how the disease affects sufferers and
their carers; and
(c) how much the disease costs the Austra-
lian community; and
(3) the Government continues to place
healthy ageing as a priority and that a na-
tional prevalence study of Parkinson’s dis-
est will aid in better treatment of the disease
and assist in understanding the impact on
future health budgets.
The DEPUTY SPEAKER (Hon. I.R. Causley) took the chair at 9.40 a.m.

STATEMENTS BY MEMBERS

Education: Patrician Brothers College, Blacktown

Mr MOSSFIELD (Greenway) (9.40 a.m.)—I rise today to congratulate a great local school on reaching its golden jubilee. Patrician Brothers College, Blacktown, opened its doors in 1952 and has strived for excellence ever since. It is a school dedicated to achieving the best outcome for its students academically, culturally and creatively. As the school writes in A reflection on 50 years:

Staff strive to provide a solid, comprehensive educational foundation enabling each student to explore his own particular gifts in spiritual, academic, technical, cultural, social and creative fields.

This is a school that believes in more than just the syllabus. It encourages extracurricular activities, such as making sure that each year 9 student obtains at least their resuscitation certificate—and most get their bronze medallion. Public speaking, debating, the Tournament of Minds and the Duke of Edinburgh Award are all activities encouraged by the school. The outdoor education program generally challenges the students to work with the tough Australian environment and with each other. The school also has an impressive trophy cabinet for its sporting achievements. The students at Patrician Brothers consistently score higher than the state average for the HSC, allowing a greater number of options for tertiary entrance. There is one phrase in A reflection on 50 years that I think sums the school up, and that is ‘real growth towards maturity’.

Schools are not simply childminding services; they are places where the future leaders of our community are moulded and where they are given the opportunities to become who they can be. Patrician Brothers College at Blacktown understand this, and they have put it into practice every day over the last 50 years. My wife, Jan, and I have had a long relationship with the school. Our own sons, Tony, Steve and Vincent, are among the thousands of students who have attended the Brothers school since they began operating 50 years ago. Brother Patrick Lovegrove, the current principal, and all the staff, both past and present, need to be congratulated for the efforts they have put in and the results they have achieved. I wish them all the best for the next 50 years.

Health Services: Weipa

Mr ENTSCH (Leichhardt—Parliamentary Secretary to the Minister for Industry, Tourism and Resources) (9.43 a.m.)—I rise to offer my very strong support for the Weipa town committee chairman, Michael Rowland, and the Weipa community generally in their endeavours to have an appropriate health service—in particular, a new hospital—in the Weipa town area. We have an absolutely disgraceful situation up there at the moment in that the hospital is half-a-dozen demountables, serving a population in the Weipa-Western Cape area of some 10,442 people. There are two other health regions in the area that are very similar that you can draw comparisons with: the Torres Strait and the northern peninsula area of Bamaga.

For a population of 10,442 people in Weipa, covering an area of 14,000 square kilometres, there are 16 beds located among these demountables, one permanent doctor, no specialist services, no visiting specialist services, no primary health care, no aged care and no dentist. In the Torres Strait, with a population of only 8,306 and an area of 908 square kilometres, there are 38 beds, seven permanent doctors, a whole range of specialist services, a whole range of...
visiting specialists, a primary health care centre, aged care facilities and two public dentists.
In the NPA, with a population of 1,745 people and an area of 171 square kilometres, there are
15 beds in a brand-new facility, three doctors, a range of specialist services including visiting
specialists, a primary health care centre, an aged care facility and a public dentist. So you can
understand that the community of Weipa feels extremely deprived.

I know that health professionals in the Weipa community are working very hard to deliver
what they can, but it is not enough. Recently, the community offered 50 acres of a greenfield
site in Weipa as their contribution towards a new facility. The state Minister for Health,
Wendy Edmond, said that it was not necessary, that the community had had enough. I think
that is an absolute disgrace, and I am calling on the state Minister for Health, Wendy Edmond,
to engage with the community, offer support and talk to the community about getting an ap-
propriate facility in the Weipa area. It is a disgrace that the community has to endure what
limited facilities are there, and I would hope that she would listen to Michael Rowland
and the Weipa community and start a process so that we can deliver appropriate health services in
that region.

Insurance: Medical Indemnity

Mr Murphy (Lowe) (9.46 a.m.)—I would like to bring to the attention of the parliament
this morning the impact that the medical indemnity insurance crisis has had on the medical
practitioners and patients in my electorate of Lowe. In my electorate of Lowe, I have had
many doctors, both specialists and those in general practice, contact me expressing grave con-
cerns about the collapse of United Medical Protection. The common theme expressed is that
there must be bipartisan support by the federal and state governments to solve this crisis.

I agree with the doctors who have contacted me that the way the Howard government has
handled the UMP medical indemnity insurance crisis has been disgraceful. The government
has turned lazy, last minute responses into an art form at the cost of doctors and patients
across Australia. The government failed to act on the long-term issues until much too late. It
belatedly called a summit on 19 December last year and then failed to progress the issue until
it finally convened on 23 April this year. On 28 March this year, the government gave UMP a
$35 million guarantee without apparently knowing the state of the budget and without starting
any work to deal with the looming short-term crisis. The government then allowed the per-
ception to build in the industry that, whatever happened, it would stand behind UMP, only to
decide the contrary on the eve of the summit. The guarantee that medical services would con-
tinue as normal was hollow and without a plan.

When UMP announced it was seeking provisional liquidation, the government conceded it
had no plan and could not bind future governments. This sent shock waves through the 32,000
general practitioners and specialists insured by UMP. Is it any wonder that many in the medi-
cal profession, particularly those in the high-risk specialty areas, have no confidence in the
government’s attitude and position on this matter? What is the result of the government’s in-
dolence on this matter? I will tell you: (1), doctors faced with impossible medical indemnity
insurance costs, leading to doctors not being able to afford to offer bulk-billing; (2), patients
paying for increases in doctors’ medical indemnity costs through increased consultation and
service charges or, in some cases, no longer having convenient access to the medical services
they need; and, (3), an increased burden on the public hospital system as a direct result of the
declining levels of bulk-billing.

The government refuses to recognise there is a bulk-billing problem. The latest Medicare
figures show that the rate of bulk-billing throughout Australia is in serious decline and risks
going into free-fall. Since 1996, it has become harder to see a bulk-billing doctor and more
expensive for Australians to see a doctor who does not bulk-bill. As a result, there is now greater pressure on the emergency rooms of our public hospitals. Unless confidence in medical indemnity is restored, premiums are held at realistic levels and restoring bulk-billing is made a priority by the government, there is a real danger that bulk-billing practices will disappear. Doctors and patients in my electorate of Lowe deserve a lot more than the shameful, inadequate response offered by the government to date.

Environment: Kurnell Peninsula Sandmining

Mr BAIRD (Cook) (9.48 a.m.)—Today I wish to record in this place my reserved and emphatic opposition to the development application lodged by Rocla to further expand their sandmining operations on the Kurnell Peninsula and to take their mining operations five metres below the surface. I speak on behalf of people not only in the electorate of Cook but in the wider area of Sydney with respect to the devastation to this peninsula. Kurnell Peninsula is the birthplace of our great nation. It is where Captain James Cook first landed and the place where Europeans and Aboriginals first met. Today, the Kurnell Peninsula is characterised by land that has been raped and pillaged, land that has experienced extremes of environmental vandalism. What once stood as towering mountains of sand have been reduced to a series of pools of toxic waste and landfill. The site is dominated by Sydney’s largest oil refinery and overhead flies 55 per cent of the air traffic movements in and out of Sydney airport. The importance of the birthplace of our nation has been totally ignored.

Firstly, it has a long history of neglect. Despite its historical and environmental significance, the original beauty of the Kurnell Peninsula has been decimated by years of neglect. Sandmining activity at the site in question has reduced what was previously a large collection of impressive sand dunes to a series of pools and ugly landfill areas. The enormous dunes at Kurnell were an attraction to people from around Sydney and further abroad, due to their beauty and uniqueness. There is now almost nothing left of them, despite two very significant films.

Secondly, the significance of Kurnell as the birthplace of modern Australia has been neglected. The crew of the HMS Endeavour, led by Captain James Cook, came into this area and, since that time, very little significance has been paid to it. In the USA, Plymouth Rock is a revered site; in this country, Kurnell is a neglected site. As a community, we now have an excellent opportunity to begin redressing some of our past mistakes. We can achieve this by allowing the existing sandmining site to recover and regenerate and by preventing the continued exploitation of the natural environment as proposed in the development application.

Thirdly, there is strong opposition in the community to this proposal. All my consultations with the local community have resoundingly indicated to me that they are concerned about the environmental degradation that has occurred on the peninsula to date and are strongly opposed to any extension of sandmining activity there. A postcard petition organised by Sutherland Shire Council entitled ‘Save our Sandhills’ received the largest response ever recorded locally for any such initiative. Some 7,000 cards were received. The two final matters are the significance of the area in question for the local Aboriginal community and its proximity to three areas of environmental significance: Towra Point wetlands, a Ramsar site for migratory birds and Botany Bay National Park. (Time expired)

Roads: Princes Highway

Ms GEORGE (Throsby) (9.51 a.m.)—I would like to raise the concerns of my constituents in relation to the Princes Highway or, as some have named it, the highway from hell. The Princes Highway is the major arterial road and the only transport link for Australia’s south-
east coast from Sydney to Melbourne. Between Yallah in my electorate and Sale in Victoria, only five per cent of this highway is dual carriageway. A recent report by the Bureau of Transport and Communication Economics suggests that roads which carry 10,000 to 11,000 people a day justify being divided into dual carriageways. On average, 58,758 people choose the highway each day. This represents an increase of some 37 per cent since 1990. At peak times, such as on public holidays and in the vacation period, traffic is known to increase by 75 per cent and delays of 2½ hours are very common and regular—let alone the delays one experiences in the event of a motor accident on the single lane highway.

Recently, the NRMA completed an audit of the highway and reviewed the performance from a motorist’s perspective. The report found that significant advances had been made over the past decade. However, improvements had failed to keep pace with the higher demands placed on the road. Through surging urban growth in the neighbouring electorates of Cunningham and Gilmore and within my own electorate, the pressures on the highway are greater than ever before. The fact that the performance of the highway is reported as among the worst roads of south-east New South Wales comes as no surprise to the residents of Throsby. The NRMA identified 141 accident black spots in the New South Wales sector alone. Crash rates continue to rise. Since 1997, there has been a 17 per cent increase in the number of crashes on that road. More than 4,000 people have been killed or injured since the NRMA conducted a similar survey in 1990. I repeat: 4,000 people have been injured or killed on that road since 1990.

Recently, the former member for Cunningham and I conducted an economic forum, which involved a lot of stakeholders in the region of Illawarra. They identified the upgrade of the highway as a matter of primary importance. It is true that the highway is a state road; however, we require a cooperative approach to the problems faced by those who use it, rather than the buck-passing between the state and federal governments that we are now witnessing. Upgrading the Princes Highway is essential to the future growth of the Illawarra region.

Mr DUTTON (Dickson) (9.54 a.m.)—I would like to briefly inform the parliament of some ways that the community in Dickson, of whom I am very proud, is getting involved and making a positive contribution to our way of life. On Tuesday, 6 August, I launched the Dickson Young Leaders Forum, with the federal Minister for Education, Science and Training, the Hon. Dr Brendan Nelson.

An invitation was extended to all secondary schools in Dickson. The forum subsequently provided school leaders from six of the local high schools, and their principals, with the opportunity to discuss youth and education issues in a full and frank manner with Dr Nelson and me, with the purpose being the creation of a direct channel of communication with young Australians so that their views can be taken into account in the policy making process. I commend the students who participated, including Jonah Hanlon and Chris Sparks from Mt Maria Senior College; Craig Hynd, Emily Absolon, Lisa Rosta and Ian Farina from Albany Creek State High School; Adam Napier, Angela Stonier, Adrian Crawford and Kim Garozzo from Ferny Grove State High School; Chris Clark and Amanda Boyd from Dakabin State High School; Robert Carey, Jennifer Tummon, Dan Booshand and Angela Christie from Pine Rivers State High School; Stephen Reibelt, Sigrid Sawdon, Chantal Baker and Marco Israel from Kolbe College.

The Dickson Young Leaders Forum was a success and will be held many more times. It gave me great satisfaction to hear the positive comments made by many of the attendees and, in particular, by Emily Absolon, the captain of Albany Creek High School, who was quoted in
the local Northern Times as saying, ‘It was a good initiative as it gave all involved an insight into schools in the area.’ The value of open communication with the youth of today cannot be underestimated. As a government, and as a parliament, we owe it to the future leaders of this country to give them the chance to influence the decisions made today that will decide their futures tomorrow. The school leaders in Dickson appreciated the respect that was given to them, and in return they made a positive contribution to relevant issues of youth and education in Australia today.

The principals and students who attended the inaugural Dickson Young Leaders Forum should be commended for taking the opportunity to speak directly with the federal education minister. The minister spoke about many issues, including fresh opportunities both in and out of the tertiary system for young school leavers. He spoke about great apprenticeship schemes benefitting young Dickson residents, like those offered by East Coast Training and by BIGA Training. He also spoke about the incredible success story of the Jobs Pathway Program operating out of Dakabin State High School. The young leaders forums in the future should involve young people from a broad cross-section and should cover issues including not just education but also broader issues affecting youth and our society generally.

While our youth are our future, it is important that we recognise the ever-increasing age of our population as well. That is why I also recently held the inaugural forum for seniors in Dickson—the Dickson Seniors Council. This group has been formed to allow me to further understand the everyday differences that can be made by good policy to the lives of our elderly citizens. I thank those who attended, including Keith Madden, Keith and June Thompson, Jane Lord, Jean Green, Joyce Wills and Bob Appleton, for their interest in the program. In the same way young people enjoy being able to make a positive contribution, so do seniors. It is critical for me, in achieving my goal to be a good representative, to hear what these people are saying and to make a difference for them. As an elected member of this parliament, I can best do this by knowing what my constituents think about issues in the broader community. By providing these two avenues of communication in Dickson, I can demonstrate to them that I am here to listen and to act on their concerns. (Time expired)

PLANT HEALTH AUSTRALIA (PLANT INDUSTRIES) FUNDING BILL 2002

Second Reading

Debate resumed from 26 June, on motion by Mr Truss:

That this bill be now read a second time.

Mr FITZGIBBON (Hunter) (9.58 a.m.)—The Plant Health Australia (Plant Industries) Funding Bill 2002 will enable new levies and charges to be paid to Plant Health Australia Ltd through the normal appropriation from consolidated revenue. The bill also provides a mechanism for moneys collected in excess of a plant industry’s liability to PHA to be appropriated for research and development activities. PHA was established in April 2000 as a Corporations Law company responsible for coordinating national plant health matters. The Commonwealth, all states and territories and a number of plant industries make up its membership.

In 1996 Professor Malcolm Nairn reported, following a review of quarantine in Australia. That review was commissioned by the last Labor government. The concept of a national coordinating body to deal with plant health flowed from the Nairn review. I for one am pleased that the incoming Howard government followed up on this Labor initiated strategy. In early 1998, the industry and government, through a ministerial council senior officers group, began working on the concept of a national coordinating body to address plant health issues. That process eventually led to the registration of Plant Health Australia Ltd in April 2000.

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REPRESENTATIVES MAIN COMMITTEE
The role of this organisation has four key elements: (1) it is an adviser to both industry and governments on plant health issues; (2) it is a promoter of international and domestic confidence in Australia’s plant health status; (3) it is charged with the responsibility to develop effective, consultative, transparent and auditable plant health management systems; and (4) it is charged with the responsibility to develop and manage plant health programs. It is an important organisation that has a key role to play in the future of some of our major export industries. Industry members of PHA cover the grains, cotton, vegetable, potato, sugar, wine grape, nursery, apple and pear, rice, banana, fresh stone fruit, nut, honey and strawberry industries.

The purpose of the bill is to help plant industries fund their share of PHA’s costs. PHA’s running costs of approximately $1.5 million per annum are shared between its members. The plant industry’s share of PHA’s costs is approximately $500,000 each year. As the minister pointed out in his second reading speech, there has been an interim measure in place pending the development of these new arrangements. Industry members of PHA have been funding their share of PHA’s costs, either directly from the industry association moneys or through their industry’s research and development corporation. Under PHA’s constitution, these costs are shared between its plant industry members, based in part on the value of production of the various crops.

The minister has advised that the legislative mechanism was developed in consultation with PHA plant industry members. It is designed to limit the appropriation made to PHA to exactly that of each plant industry member’s share of PHA’s annual costs. Once an industry’s share of its annual contribution to PHA has been met, the bill provides for moneys collected in excess of this amount to be redirected to that industry’s R&D corporation and be deemed to be an R&D levy or charge. This R&D component will be matched by the Commonwealth, as is currently the case. The new PHA levies and charges component will not be matched. Clearly, the benefit of returning any excess levy contributions to research activities is that the industries will benefit from the government’s matching dollar for dollar research and development funding.

The bill also contains measures that will enable a plant industry member to raise additional funds for special projects that the member wishes to be undertaken by PHA on its behalf. In accordance with PHA’s constitution, PHA’s members have to agree to these before the start of the year. While the plant industries have sought to pay for their yearly contribution to PHA from a new PHA levy and charge, there will be no increase in the overall levy and charge burden on industry members, and we welcome that. The minister advised in his second reading speech that this is because the proposed operative rate of PHA levy or charge for initial participants will be exactly offset by a corresponding decrease in that industry’s existing R&D levy and charge rate. In addition, the impact on business will be minimised, as existing levy and charge collection arrangements are to be used with no change to the paperwork required for businesses or producers already paying levies and charges. The minister has also advised that the legislation has the full support of industry groups and producers. It establishes arrangements for the long-term funding of PHA’s plant health activities. The opposition, through Plant Health Australia, have confirmed that to be the case. I am pleased to say, in the minister’s presence, that the opposition support the bill wholeheartedly.

Mr TRUSS (Wide Bay—Minister for Agriculture, Fisheries and Forestry) (10.04 a.m.)—in reply—I thank the honourable member and the opposition for their support of the Plant Health Australia (Plant Industries) Funding Bill 2002. It is, of course, uncontroversial, and it is receiving the support of the industries, but it is significant legislation and it does put in place the
mechanisms for plant industries to contribute towards a range of pest and disease eradication initiatives in a way that has not been possible in the past. I think it is an important step forward, therefore, in Australia’s ongoing campaign to maintain our clean and green image and to ensure that our industries are protected from pests and diseases that we do not want in this country. The bill provides a mechanism to enable plant industry members of Plant Health Australia Ltd to pay their share of PHA’s costs by diverting a portion of existing levies and charges to PHA. The legislative changes proposed give effect to plant industries’ requests not to increase the overall levy and charge burden on producers.

PHA was established in April 2000 as a Corporations Law company responsible for coordinating national plant health matters. Its members consist of plant industries in all state, territory and Commonwealth governments. The industry members of PHA cover the grains, cotton, vegetable and potato, sugar, wine, grape, nursery, apple and pear, rice, banana, fresh stone fruit, nut, honey and strawberry industries, so it is a comprehensive group and there is hope that its membership may extend even further as years go by. The legislative mechanism was developed in consultation with PHA and its members and has the full support of the industry. It is designed to limit the appropriation made to PHA to exactly that of each plant industry member’s share of PHA’s annual costs. The existing levy and charge collection arrangements, as I indicated in my previous remarks on this bill, are to be used.

The bill also contains measures that will enable a plant industry member to raise additional funds for special projects that the member wishes to undertake on behalf of PHA. In accordance with PHA’s constitution, PHA’s members have to agree to these before the start of the year. It is difficult to set a levy rate that will collect a precise amount of money and no more. Those plant industry members expected to use these arrangements are intending to seek the imposition of operative levy and charge rates at a level that will comfortably collect funds in excess of their liability to PHA. The bill makes provision for these excess funds to be redirected to fund research and development activities. There will be a slight reduction in Commonwealth contribution to research and development because of the diversion of some industry funds to PHA. As the intention of the bill is to facilitate the disbursement of levies and charges to PHA, there are no other financial implications to the Commonwealth. I commend the bill to the Committee.

Question agreed to.
Bill read a second time.
Ordered that the bill be reported to the House without amendment.

CUSTOMS LEGISLATION AMENDMENT BILL (No. 1) 2002

Cognate bill:
IMPORT PROCESSING CHARGES (AMENDMENT AND REPEAL) BILL 2002

Second Reading

Debate resumed from 19 June, on motion by Mr Slipper:

That this bill be now read a second time.

Mr MELHAM (Banks) (10.08 a.m.)—The provisions of the Customs Legislation Amendment Bill (No. 1) 2002 are to amend customs offences to ensure consistency with the Criminal Code and consistency of financial penalties, to amend the valuation provisions in the Customs Act to ensure that the legislation is consistent with the agreement on the implementation of article 7 of the General Agreement on Tariffs and Trade 1994, to allow the seizure without warrant of special forfeited goods in the protected zone in certain circumstances, to
make some minor amendments to the trade modernisation act and to the provisions which will be introduced by that act, to create a system under which remail reporters may be registered and may provide less information in respect of remail in their cargo reports and to clarify existing circumstances in which the passenger movement charge is not payable and include a new group of people who do not have to pay that charge. The opposition has no wish to impede this process. The purpose of the Import Processing Charges (Amendment and Repeal) Bill 2002 will ensure that the Import Processing Charges Act 1997 continues to apply after it is repealed.

One of the key purposes of this customs bill is to ensure that the various acts to which it refers are consistent with the Criminal Code. It is designed to ensure that financial penalties are consistent within the Customs Act. Section 1 deals with the issue of consistency of language in determining financial penalties. Current dollar amounts will be altered to reflect equivalent amounts in penalty units. Schedule 1 also deals with offences which are not explicitly expressed as strict liability offences but which are, however, regarded as strict liability. This will ensure that the principle of strict liability will apply, and that is appropriate.

There are also a number of offences that this bill will make strict liability offences and that deal primarily with reporting requirements or failure to comply with conditions. The penalties involved do not have imprisonment as a penalty, and almost all have a low pecuniary penalty. This schedule replaces the phrases ‘knowingly’ or ‘recklessly’ by ‘intentionally’ to clarify the intent of the offences identified by the legislation and to ensure consistency with the Criminal Code. I am a great believer in consistency in the law and agree that these changes make the law simpler to implement from a judicial perspective.

Schedule 2 of the bill deals with what has become known colloquially as the Toyota case. Specifically, it deals with value unrelated matter. Item 3, subsection 154(1) of the Customs Act 1901 repeals the definition of ‘value unrelated matter’ and replaces the words in the definition of ‘price’ in the Customs Act with the word ‘rebates’. Under the valuation provisions in the Customs Act, components of the price of imported goods cannot be deducted from the customs value for duty purposes which are contrary to the Agreement on the Implementation of Article 7 of the General Agreement on Tariffs and Trade 1994. The opposition accepts the position taken by the Australian Customs Service that Australia, as a member of the World Trade Organisation, is obliged to ensure that its customs valuation legislation is consistent with the valuation agreement.

The genesis of this part of the bill lies in a decision by the full Federal Court in 2000. In CEO of Customs v. AMI Toyota Limited 2000, the court found that the warranty component of the price paid for imported motor vehicles should be deducted from the price paid and the customs value for duty purposes. The valuation agreement requires that the customs value of imported goods to be the total of payments made for the goods, with certain allowed adjustments such as rebates. It does not allow the deduction of warranty costs from the customs value. This part of the legislation will ensure that Australia conforms to its obligations, and it is appropriate that it does so. The bill will delete the whole definition of ‘value unrelated matter’ to end the uncertainty on the valuation of goods imported with a price inclusive of warranty. Given the potential application of the valuation to a wide variety of goods, this step is entirely necessary. The government’s failure to act on this sooner is costing Australian taxpayers an estimated $300,000 per month.

Schedule 3 provides amendments to the Customs Act 1901 dealing with provisions as they will be introduced or amended by the Trade Modernisation Act. It will repeal the Import
Processing Charges Act 1997, which will be replaced by the Import Processing Charges Act 2001. Most of the amendments have not yet commenced.

Schedule 4 deals with matters relating to the rights and privileges of Torres Strait Islanders operating in the protected zone. Under the Customs Act, officers can only seize special forfeited goods without a warrant if those goods are at or in a container at a Customs place. Certain vessels operating in the protected zone are exempt from these provisions; these are the traditional inhabitants undertaking traditional activities. Thus the traditional inhabitants are able to move freely within the protected zone, which is the relevant part of the Torres Strait, Papua New Guinea and Australia. These vessels are not required to enter at an appointed port and are not required to have a certificate of clearance or be brought to a boarding station prior to departure. Customs officers are not able to search these types of vessels in an appointed port and thus are not able to seize special forfeited goods without a warrant, other than narcotics. Given the nature of these special forfeited goods, there is a belief that Customs officers’ safety is at risk while they spend time telephoning for a warrant. The process of obtaining a warrant can, particularly in adverse weather conditions, take several hours. I am advised that the desire to ensure personal safety of both the Customs officers and the traditional inhabitants underpins this section of the bill.

These amendments will allow Customs officers to seize without a warrant special forfeited goods and evidential material on board exempt ships and in limited circumstances on land in the protected zone. The Attorney-General in his second reading speech noted that—and I quote:

"Customs has consulted with and received support from the Torres Strait Regional Authority for this proposal."

I am pleased that consultation has occurred. The Torres Strait Regional Authority indicated that they also are concerned about the impact of the importation of special forfeited goods on the welfare of the people of the Torres Strait. It is vital that the government continue to consult with Indigenous people on such matters.

Schedule 5 of the customs bill deals with the issue of remail. Couriers or freight forwarders will import mail and then place it into the domestic mail system in Australia or deliver the mail articles themselves. Due to the nature of remail items, Customs considers it less likely that they will be imported in contravention of Commonwealth laws. The proposed amendments will allow registered remail reporters to provide Customs with less details in respect of remail items. The effect of clause 5 of the second bill, the Import Processing Charges (Amendment and Repeal) Bill 2002, is to continue the operation of the Import Processing Charges Act 1997 beyond the date on which it is repealed by the trade modernisation act. The continuation will be triggered if not all the import reporting and entry processes detailed in schedule 3 of the modernisation act have commenced, and will continue until all the import reporting entry processes amendments have commenced.

Clause 6 of the bill has the effect of continuing the operation of the Import Processing Charges Act 1997 for the purposes of charging the cargo report processing charge during the moratorium periods of up to two years after the new integrated cargo system is required. During this time, cargo reporters may continue to submit documentary cargo reports. Clause 7 imposes charges for clauses 5 and 6 of this bill. It was intended that the Import Processing Charges Act 1997 would be repealed at the same time that the trade modernisation act made substantial amendments to the import reporting and entry processes. It was also intended that the repeal of the new processes would commence on a day to be fixed by proclamation, and if the provisions were not proclaimed then they would commence automatically two years after
the trade modernisation act received royal assent. The trade modernisation act received royal assent on 20 July 2001, so all provisions must commence by 21 July 2003.

According to the government, it has recently become apparent that the industry may not be ready to use the integrated cargo system by July 2003. As a result, and using the Customs Legislation Amendment Bill (No. 1) 2002, this date is to be extended until 21 July 2004. Many of the provisions of the trade modernisation act depend directly or indirectly on the introduction of Customs’ new integrated cargo management system. It should be noted that the very fact that these bills are currently before the House could be seen to indicate that there has been insufficient planning for the implementation of a new computer system. This has implications not only internally for the Customs Service but for industry as a whole.

The timetable was questioned by industry in both the Senate committee hearing into the original legislation and a later Senate inquiry into the outsourcing of the Australian Customs Service’s information technology. For example, Mr John Begley from Tradegate gave evidence to the Senate Legal and Constitutional References Committee inquiry into the outsourcing of the Australian Customs Service’s information technology. Mr Begley said:

The other thing that has to be taken into consideration is that this industry—the Customs broking-freight hauling industry—is made up, to a great extent, of a lot of SMEs. To some extent, the viability of these SMEs is at risk if sufficient time is not given to incorporate a lot of the changes that have to take place. Customs have been extremely active and have generated interest in computer activities, and our industry has been fully supportive of that. The thing is, though, that the industry itself needs time to know about the changes. We have to work with our software providers, we have to integrate the changes within our systems and we have to train our own individual staff. That is not going to happen in five minutes. It will take some considerable time, and we also do not know the costs associated with doing all that extra activity. So that is a concern for industry out there.

The government and the Australian Customs Service indicate that the change to the timetable enacted by this bill is to assist industry. Mr Paul Zalai, of the Customs Brokers Council of Australia, is quoted in the Financial Review of April 30 2002 as saying:

The extension provides Customs and industry with a more realistic ability to adequately develop, test and implement the software and communication changes associated with the cargo management re-engineering initiatives.

This comment was made in the context of welcoming the new timetable and seems to imply that the initial time frame was not realistic. Ms Jenny Peachey from Customs is reported in the same Financial Review article on 30 April 2002 as saying that the extension has been sought to give industry more time to comply with the new cargo systems and not because of fears that Customs’ system development would not be finished in time. Whichever explanation is the reality, it amazes me that appropriate consideration was not given to the extent and ramifications of a project of such magnitude, particularly in its implementation schedule. How is it that such a major change affecting a large government department and all the businesses which import and export into Australia cannot have been more thoroughly examined?

In his second reading speech, the Attorney-General stated that ‘industry would not be in a position to implement its computer system changes by July 2003’. While I applaud the concern for industry, it seems logical that industry could not be in a position to implement systems directly linked to Customs’ computer system until the Customs system is up and running. As I intimated earlier, the opposition will support these bills.

Mr SLIPPER (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (10.21 a.m.)—in reply—At the outset, I would like to thank the honourable member for Banks for his contribution. It is good to see him back playing a more substantial role on
behalf of the opposition. I also commend the amendments contained in both bills to the chamber. We are debating cognately the **Customs Legislation Amendment Bill (No. 1) 2002** and the **Import Processing Charges (Amendment and Repeal) Bill 2002**. The amendments to the Customs Legislation Amendment Bill (No. 1) 2002 continue the harmonisation of Customs offences with the Criminal Code to ensure that where a fault element is not required these offences are described as strict liability. The amendments also ensure that there is consistency in the way that financial penalties are expressed in the Customs Act.

Another set of amendments to this bill will ensure that the way in which imported goods are valued is consistent with Australia’s international obligations under the World Trade Organisation agreement on the implementation of article 7 of the General Agreement on Tariffs and Trade 1994. The WTO agreement requires the customs value of imported goods to be the total of payments made for the goods with specific exceptions. These exceptions do not cover payments for warranty costs. The amendments in this bill clarify that the warranty component of the price paid for goods imported into Australia is included in the customs value.

Another set of amendments improves border security in the Torres Strait by allowing Customs to seize, without a warrant, prohibited imports and exports found on a vessel in the Torres Strait protected zone. As the member for Banks indicated in his speech, these amendments have received support from the Torres Strait Regional Authority. There has been consultation and the government places very great importance on such consultation. The bill provides a registration scheme for the reporting of remail cargo as the potential for this type of cargo, as defined, to harbour prohibited goods is low. A person who registers as a remail reporter will be required to provide fewer details about this type of cargo when reporting to Customs. The Customs Legislation Amendment Bill (No. 1) 2002 also clarifies the existing exemption to the passenger movement charge for persons who make more than one departure from Australia during a journey incorporating both air and sea legs and extends the exemption from this charge to persons covered by the Overseas Missions (Privileges and Immunities) Act 1995.

Finally, amendments in both the **Customs Legislation Amendment Bill (No. 1) 2002** and the **Import Processing Charges (Amendment and Repeal) Bill 2002** continue the process of modernising Australia’s cargo management systems. This process began with the passage of the **Customs Legislation Amendment and Repeal (International Trade Modernisation) Bill 2001**. The amendments in these bills allow for an extension of the proclamation period for the trade modernisation act from two years to three years until 20 July 2004 and ensure that the import processing charges imposed by the Import Processing Charges Act 1997 will continue to apply during that extended period of time.

I am pleased to assure the honourable member for Banks that the extension of the proclamation period will allow sufficient time for the trading community to be in a position to use Customs’ new cargo management computer system, the integrated cargo system. Since the trade modernisation act was enacted it has become apparent that, due to the scale of change involved in the replacement of Customs’ current cargo management computer systems, a phased approach to implementation is preferred. The trade modernisation act currently requires all provisions to be repealed on the same day and these amendments allow for the repeal of provisions that govern the operations of the current system to commence on different days. By repealing provisions on different days a phased implementation of the new cargo management computer system can be undertaken in consultation with industry.

Customs has had particular regard for the concerns of small and medium enterprises. I am pleased to also point that matter out to the member for Banks, who mentioned in his speech the situation of those very important enterprises which play such a vital role in the Australian
economy. I thank members of the House for their support and commend both of these bills to the chamber.

Question agreed to.

Bill read a second time.

Ordered that the bill be reported to the House without amendment.

IMPORT PROCESSING CHARGES (AMENDMENT AND REPEAL) BILL 2002

Second Reading

Debate resumed from 19 June, on motion by Mr Slipper:

That this bill be now read a second time.

Question agreed to.

Bill read a second time.

Ordered that the bill be reported to the House without amendment.

Main Committee adjourned at 10.28 a.m.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Indigenous Affairs: Native Title
(Question No. 458)

Mr Bevis asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 3 June 2002:

(1) What Government assistance is being provided to native title corporations in managing native title lands post determinations.

(2) Has funding been allocated specifically for training of registered native title bodies corporate to ensure that native title lands can be managed sustainably so as to generate a viable income; if so, what sum; if not, will funds be provided through the Aboriginal and Torres Strait Islander Commission and the Indigenous Land Corporation.

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

(1) The Government provides direct funding to native title representative bodies via the Aboriginal and Torres Strait Islander Commission (ATSIC) for those bodies to perform their statutory functions. Those statutory functions include the provision of facilitation and assistance, dispute resolution, notification, internal review and other functions in respect of registered native title bodies corporate (RNTBCs).

In 2001-02, the Government provided $43.66 million to ATSIC for that purpose and will provide a similar amount in 2002-03. ATSIC will also receive an additional $4.7 million from the Government in the 2002-03 financial year for the specific purpose of improving the capacity of representative bodies to deal with native title matters and for strategic litigation.

ATSIC has initiated a research project into the issue of RNTBC funding. The project includes consideration of matters such as the operational and establishment costs to RNTBCs of performing their functions under the NTA and complying with other regulatory requirements.

(2) No funding has been allocated specifically for training of registered native title bodies corporate (RNTBCs) and the Government has not yet considered the issue of whether to provide such funding through ATSIC and the Indigenous Land Corporation.

Isaacs Electorate: Nursing Home Beds
(Question No. 477)

Ms Corcoran asked the Minister for Ageing, upon notice, on 5 June 2002:

(1) On most recent data, how many nursing home beds are there in the electoral division of Isaacs.

(2) On most recent data, how many of these beds are in use.

(3) On most recent data, how many beds have been allocated in the electoral division of Isaacs which are yet to be occupied.

(4) Of the beds that are yet to be occupied, when were these bed licences allocated.

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

(1) The electorate of Isaacs is part of the Southern Metropolitan Aged Care Planning Region.

In December 2001 there were 10 008 residential aged care places (4 615 high care and 5 393 low care) allocated in the Southern Metropolitan Planning Region. These figures include 364 residential aged care places (94 high care and 270 low care) allocated through the 2001 Aged Care Approvals Round.

(2) In December 2001, taking into account places that have been provisionally allocated and places that are temporarily not available due to the restructuring of services, etc., there were 7 787 residential aged care places (3 846 high care and 3 941 low care) in use in the Southern Metropolitan Planning Region.

Under the Aged Care Act 1997, providers have a period of two years to bring places provisionally allocated on line.
(3) Including the places allocated in the 2001 Aged Care Approvals Round in December 2001, there were 1,323 provisionally allocated residential aged care places (151 high care and 1,172 low care) in the Southern Metropolitan Planning Region.

Provisional Allocations in the Southern Metropolitan Region as at December 2001 by Year of Allocation.

<table>
<thead>
<tr>
<th>Year of Allocation</th>
<th>High Care Places</th>
<th>Low Care Places</th>
<th>Total Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001</td>
<td>94</td>
<td>270</td>
<td>364</td>
</tr>
<tr>
<td>2000</td>
<td>45</td>
<td>637</td>
<td>682</td>
</tr>
<tr>
<td>1999</td>
<td>12</td>
<td>205</td>
<td>217</td>
</tr>
<tr>
<td>1998</td>
<td>0</td>
<td>60</td>
<td>60</td>
</tr>
<tr>
<td>Total</td>
<td>151</td>
<td>1,172</td>
<td>1,323</td>
</tr>
</tbody>
</table>