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

COMMITTEES
Foreign Affairs, Defence and Trade Committee
Report
Mr JULL (Fadden) (12.31 p.m.)—On behalf of the Joint Standing Committee on Foreign Affairs, Defence and Trade, I present the committee’s report entitled Review of Foreign Affairs, Trade and Defence annual reports, 2000-2001, together with evidence received by the committee.

Ordered that the report be printed.

Mr JULL—by leave—I am pleased to present this report on behalf of the Joint Standing Committee on Foreign Affairs, Defence and Trade. Not only is it our first report in this parliament, it is also the result of the first general review by the committee of annual reports from the government agencies within its area of interest. Traditionally, Senate committees, not joint or House committees, have conducted general annual report reviews.

We decided to review the annual reports from the Department of Foreign Affairs and Trade, AusAID, Austrade and the Department of Defence for two main reasons: firstly, to make an active contribution to the processes by which the parliament holds the executive and its agencies to account; and, secondly, to seek status reports on various policy and operational issues outlined in the annual reports. At a practical level, it has allowed committee members from the House of Representatives to participate in an activity similar to that routinely available to senators.

The review involved two public hearings, one conducted by our foreign affairs subcommittee and the other by our defence subcommittee. Many of the issues raised at these hearings were also of interest to our trade and human rights subcommittees. This report contains a summary of the key issues discussed at the hearings. The foreign affairs and trade chapter of the report focuses on three themes: events in the Middle East and South America, following the committee’s reports on these regions in the last parliament; Australia’s relations with some of the countries in North and South Asia; and Australia’s relations with our near neighbours, including Burma, Cambodia, Vietnam, Indonesia, East Timor, Papua New Guinea and the developing nations of the South-West Pacific.

The scope of the defence chapter of the report is similarly broad. As well as commenting generally on Defence’s performance in resourcing, management and acquisition, we considered, in some detail, the provision of support to Defence Force personnel and their families following operational deployment and in preparation for the transition from military service to civilian life. These issues are especially relevant, given the high level of operational tempo currently being experienced and the importance of retaining experienced and skilled personnel. Considerable effort is devoted to the provision of these services in the Defence Force, and over time their breadth and quality have improved.

There is scope, however, for further improvements to be made in the availability and effectiveness of transition services. We have made a series of recommendations to this end. For example, we have called on Defence to ensure that all Defence Force personnel returning from operational deployments are required to complete two weeks adjustment, or decompression, periods at work before undertaking recreational leave; and to make job placement services available to all Defence Force personnel moving from military service to civilian life.

With the exception of our recommendations on transitional management, the one-off nature of the hearings and the general absence of supporting written evidence means that we have not sought to undertake a full analysis of every issue raised at the hearings and mentioned in the report. Nevertheless, from our perspective the review has been very useful and I expect that annual report reviews will become a regular part of the committee’s work program.
Mr BEVIS (Brisbane) (12.35 p.m.)—I join with the member for Fadden in saying a few brief words on the report. At the outset, I should say that I am representing my good friend the member for Chifley, who is unable to be here because of attendance at a funeral in Sydney that the House is aware of. I would also like to put on the record my thanks to Senator Alan Ferguson for his chairmanship of the Joint Standing Committee on Foreign Affairs, Defence and Trade and to the member for Fadden, David Jull, and the member for Maranoa, Bruce Scott, for their chairmanship of the two subcommittees that are the subject of this report. As is often the case, but seldom reported, these reports are unanimous views—that is, they are supported by all members of all parties. Sadly, when these things occur they do not always make headlines. Nonetheless, this is important business dealing with important issues. I think the constructive way in which the committee went about its affairs was a good sign for the operation of the parliament.

The committee process adopted this time was slightly different, as the member for Fadden has mentioned, and I think it has been a very useful process. In the last parliament, the committee used its annual report review powers as a way of examining issues of particular interest. For example, in the last parliament that process led to a focus on a review of military justice. I know that was an issue of great interest to the member for Chifley, who has done a considerable amount of work in that area.

On this occasion, the committee has begun a process of annual reviews which I think the committee has warmed to and would look to repeat. As has been mentioned, as part of that process it reviewed the operations of the Department of Foreign Affairs and Trade, AusAID, Austrade and the Department of Defence. For the most part, those reviews involved a single day of public hearings and, as a consequence, there was limited scope. Nonetheless, that did afford the committee the opportunity to look at a number of important aspects, some of which the member for Fadden has just touched on. I will focus very briefly on a couple of the issues that were raised in respect of the Defence Annual Report and that have led to recommendations covered in the report being tabled now. They deal with issues such as the recruitment and retention policies and outcomes; the monitoring of unacceptable behaviour; ammunition shortfalls; the progress of acquisition projects, such as the Bushranger troop transport program, the Hawk lead-in fighter and the Jindalee Operational Radar Network—JORN.

There are a series of recommendations in the report which I think are very useful. There is comment in the recommendations on the monitoring and reporting of unacceptable behaviour, and a recommendation that in future the annual report should be segmented so that behaviours of a more serious nature are separately identified. I think that will refine the work of the committee and will be of benefit for those reviewing these matters. We have indicated that we will be seeking updates on development with respect to the military justice framework. I am sure that the member for Chifley will be at the forefront of those inquiries, especially as they relate to the positions of Director of Military Prosecutions and Inspector General of the Australian Defence Force.

One of the issues that emerged at the hearings on the Defence Annual Report was the importance of providing support to Defence Force personnel and their families, following operational deployment and in the preparation for transition from military service to civilian life. It is understandable, given the large number of deployments that have occurred in recent times, that this should be the subject of scrutiny by the parliament. I am sure that the member for Chifley will be at the forefront of those inquiries, especially as they relate to the positions of Director of Military Prosecutions and Inspector General of the Australian Defence Force.

Finally, I would like to thank the secretariat. The Foreign Affairs, Defence and Trade Committee has over a long period of time been well served by very good personnel. That is the case again in this parliament and I would like to put on record my thanks to the secretariat for their support.

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

Mr JULL (Fadden) (12.40 p.m.)—Mr Speaker, I move:

That the House take note of the report.

I seek leave to continue my remarks later.

Leave granted.

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

Economics, Finance and Public Administration Committee Report

Mr HAWKER (Wannon) (12.40 p.m.)—On behalf of the House of Representatives Standing Committee on Economics, Finance and Public Administration, I present the report of the committee entitled Review of Reserve Bank of Australia annual report 2000-01, together with the minutes of proceedings.

Ordered that the report be printed.

Mr HAWKER—by leave—The report of the House of Representatives Standing Committee on Economics, Finance and Public Administration I present to you today reviews the performance of the Reserve Bank of Australia in its management of monetary policy from May 2001 to May 2002. The report is based on the committee’s public hearing with the bank, held in Sydney on 31 May this year. This hearing was a significant one for a number of reasons. In particular, it had been one year since the governor last appeared before the committee, due to the federal election; it immediately followed the first rise in interest rates for almost two years; and the bank’s proposed reforms to credit card schemes had been released. I will expand on this aspect of the bank’s regulatory role later.

Much focus at the hearing was on the outlook for interest rates and the expectations for the economy. At the hearing, the bank told us that, over the course of 2001, Australia’s economic growth was the highest amongst comparable OECD countries; that 2002 would be a year of recovery for the world economy; and furthermore that the outlook for inflation was for it to remain at the top of the target range of two per cent to three per cent. The bank identified the main risks to the Australian economy as being the uncertainty of the United States economy and the unstable political situations in the Middle East and the Indian subcontinent.

On the domestic front, there was little that the bank found risking the Australian economy. The bank’s outlook for the economy and for inflation meant that it took its first steps to returning monetary policy to a more neutral setting. The bank went on to claim that, unless unforeseen developments intruded, it should continue along this path. However, since the hearing, the unfolding of the El Nino weather effect across much of eastern Australia has raised some concerns, particularly for the agricultural sector. There is also concern about household credit continuing to grow at 15½ per cent per annum. In fact, the Australian household debt to income ratio doubled over the past decade. At the hearing, the bank recognised that the latter could cause a situation where the household sector as a whole would be overextended. We have seen that, since 5 June 2002, when interest rates hit 4.75 per cent, the bank has been cautious not to increase interest rates.

I turn to credit card reform. An important issue featured at the hearing was the bank’s reforms to credit card schemes. Since the hearing, the bank has released its final report, which announced changes to allow, firstly, a 40 per cent reduction for credit card interchange fees. Secondly, merchants may now charge cardholders the cost of accepting credit cards. Thirdly, the changes open the door to new competitors in the credit card market. The committee has been pursuing the bank on this issue for some time and welcomes these moves by the Reserve Bank. I believe they are an important win for Australian consumers. I note that Visa International and MasterCard have since begun litigation against the Reserve Bank on the credit card reforms. The committee will follow closely this process and watch its outcomes.
and other consequences. It will be an important feature at our next hearing.

The committee’s hearings with the Reserve Bank have attracted much interest from the parliament, from the financial sector and also from the financial media. The hearings have been an excellent avenue of transparency for the bank. The committee continues to strive to find ways to improve this even further, especially to the public. An important new development at this hearing was the input the committee received from the community. The committee received 40 emails, with many pertinent questions covering issues such as inflation, forecasting the Australian dollar, unemployment, interest rates, credit cards, bank fees and the structure and the role of the bank. The governor’s response to these questions are contained in this report.

It is clear that the committee’s hearings are a very important part of the ongoing accountability of the Reserve Bank of Australia to the federal parliament and to the wider community. Through this process, and the willingness of the governor and his senior staff to speak publicly more often than in the past, Australians are better informed about the pivotal role that the bank plays in our economic management. Likewise, the wide publicity given to our hearings demonstrates the value of the governor articulating current factors and the thinking behind likely future decisions. I would like to also say, very importantly, that the committee’s next hearing with the governor will be held in Warrnambool, Victoria—in my electorate—on 6 December.

In conclusion, I thank the deputy chair, the member for Chisholm, all the committee members and the Governor of the Reserve Bank, Mr Ian Macfarlane, and his staff for their cooperation and assistance. I also thank all members of the secretariat—Mr Rowe, Mr Cardell, Mr Richardson and Mr Tapley—for their invaluable contributions to the report. (Time expired)

Ms BURKE (Chisholm) (12.46 p.m.)—I also rise today to welcome the report entitled *Review of Reserve Bank of Australia annual report 2000-01*. The appearance of the Reserve Bank of Australia before the Standing Committee on Economics, Finance and Public Administration is one of the major elements of the bank’s accountability to the federal parliament. This process of open reporting ensures that the setting of monetary policy in Australia is transparent. It is a major role of the committee, and I believe it greatly enhances the committee process in this parliament.

At the outset, I wish to thank the Governor of the Reserve Bank and his staff for making themselves available to the committee. In the past I have praised the Governor of the Reserve Bank for his openness before the committee. I said:

... the governor’s accessibility to the market, analysts and the press has ensured that there has been understanding around monetary policy and, therefore, less speculation and negative impact on the Australian dollar and the Australian economy.

Whilst I still believe this statement to be true, there is concern that the governor has not been as frank with the committee about currency swaps as the committee would expect him to be. During our hearing in June, there was a vigorous exchange between the governor and the member for Werriwa about the bank’s involvement in the suspension of the 15 per cent limit on foreign currency exposure in the government liability managed by the Australian Office of Financial Management, the timing and substance of the advice that the RBA gave to the government and why the RBA did not disclose these very significant events in its annual report.

Further, at our hearing in December 2000, in answer to a direct question from the chair of our committee about the sustainability of currency swaps and the interventionist policies of the bank, the governor did not see fit to enlighten the committee about the bank’s activities. I quote from the committee transcript:

CHAIR—Mr Latham was asking about the Australian dollar and so on. With the Reserve creating liquidity by selling Australian dollars under swap agreements, are you satisfied that such arrangements can safely continue without putting some downward pressure on the dollar?

Mr Macfarlane—We do not create liquidity. We prevent a contraction occurring. We stop the system seizing up through cash being taken out of
the system—we put it back in. We are perfectly confident that that is utterly neutral.

The RBA’s concern about the Australian dollar and its exposure in the eventual decision to suspend foreign currency swaps was finally reported in its most recent annual report, which says:

The RBA became involved in the middle of 2000 when the AOFM signalled its intention to accelerate swaps repayments in order to prevent the ratio of swaps to total debt issue from rising about 15 per cent, which had some years earlier been adopted as the benchmark range.

The RBA believed that the accelerated payments at the time (which would have added substantial downward pressure on the exchange rate and would have led to the realisation that unnecessarily large losses for the Commonwealth ... So there has been substantial revelation in the most recent report that, during 2001-02, there was another significant intervention in monetary swaps just after September 11, which was motivated largely by the RBA’s concern about the extreme uncertainty in markets generally at the time. The intervention resulted in net purchase of Australian dollars of $1.1 billion. I would contend that in anyone’s estimation—even the RBA’s—a billion dollars is a significant sum of dollars to buy and I would have thought would have rated a passing mention at our most recent hearing. But the governor remained silent. Even when asked by the member for Petrie about his concerns about the exchange rate and by the member for Werriwa about recent moves involving AOFM, the governor said:

I would have thought the answer to that was bleedly obvious. I am sorry to use that term. If you are worried about your exchange rate going down, reaching new lows every month, you could not get out there in public and say, ‘I am worried. We haven’t got enough reserves. I am worried I’m going to have to do this. I’m worried about that.’ That is the last thing you would do.

All in the committee would say in response that this is quite fair and reasonable; however, the committee was questioning the governor after the event—after the action had taken place and after the massive losses experienced by the Treasury had been revealed at the Senate estimates—and in an environment where the RBA had to act because it was going to be put in a position ‘where it felt it would have had insufficient reserves’.

Given the bank’s claim of being open and accountable and its citing of its appearance before the committee as testimony to such a claim, it seems, at best, odd that the governor saw no need to inform the committee of historical events. The Governor of the Federal Reserve in the United States appears to give evidence to both Senate and House committees of Congress on a regular basis. Indeed, it seems that the accountability regime in America requires much more regular attendance before the legislature. As the Governor of the Reserve Bank of Australia appears before the committee only twice a year, I believe that we can expect a proportionally greater level of frankness and disclosure. I am not asking the governor or the bank to destabilise the economy by reporting to us on current interventions, but historical data which can have no bearing on the market would seem a reasonable thing for the governor to comment on at the time. (Time expired)

Dr SOUTHCOTT (Boothby) (12.51 p.m.)—It is a great privilege to be a member of the House of Representatives Standing Committee on Economics, Finance and Public Administration. In the last two years, we have held public hearings, firstly in Wagga and then in the parliament of Victoria for the Centenary of Federation. This most recent hearing was at the University of Sydney. As the chairman has stated, we will be going to Warrnambool to hold our second hearing in regional Australia. I put in a bid for a public hearing to be held in Adelaide during the term of this parliament, and would appreciate the committee’s consideration of that.

The committee also had briefings from Chris Richardson, from Access Economics. The public does not see the amount of work the committee does to prepare for these Reserve Bank hearings. They are very important. One of the gripes I have always had is that the media coverage always focuses very much on the Reserve Bank’s answers but very little attention is given to the committee’s questions. The questions have a lot of thought behind them. I was pleased that Allan Wood, who is a veteran Reserve Bank
and committee watcher, in an article in August focused on some of the questions the committee had asked. A pleasing aspect was the level of public input we had. Over 40 emails were received, and the Reserve Bank was able to respond to them. The email questions were quite excellent.

In the testimony to the committee the Reserve Bank governor did touch on the issue of household debt and rising household prices. This is of concern to the committee and also of concern to the Reserve Bank. The governor, Mr Macfarlane, made the point that household credit is growing at 15.5 per cent per annum. The household debt to income ratio is approximately 100 per cent at the moment and, of this, 86 per cent is housing debt and only five per cent is credit card debt. In his testimony on the issue of house prices, he did say there is a risk that house prices may overshoot as some purchasers extrapolate past movements as a guide to future capital gains. The point that the Reserve Bank governor was making was that, in moving from a high interest rate environment to a low interest rate environment, we have had a one-off rise in house prices and that people could not expect that to continue. In last weekend’s Weekend Australian there were similar articles predicting a possible decline in future house prices.

On the issue of interest rates, there had been two increases in interest rates around the time of this Reserve Bank hearing. Interest rates increased a quarter of a per cent in May, and another quarter of a per cent on 5 June. Now interest rates seem to be on hold. The current interest rate of 4.75 per cent is still one of the lowest we have had over the last 10 years and we continue to have a very low interest rate environment in Australia. The Reserve Bank governor also made the point that the expectation at the moment is for 25 basis point changes, and that is also the expectation around the world. The Reserve Bank forecasts are similar to the budget forecasts, in that they forecast growth at 3½ per cent to four per cent, which means that Australia is still one of the standout OECD economies. We are now entering the longest period of growth in our history and, while other countries are experiencing much lower levels, we continue to be a country with high growth. Inflation is forecast at between two and three per cent. The governor also predicted that if growth continues unemployment will drop below six per cent.

On the issue of currency swaps, the point to make is that any losses associated with the currency swaps were unrealised losses. They should not be judged on a short-term basis. The currency swaps began under the previous Labor government in 1988, and the operation of the currency swaps did not change from that period. Just to touch on the declining government supply of Commonwealth government securities, in my view, if you are reducing, it is much better to repay debt than to buy assets. I do not like the idea of the Commonwealth government actually getting involved in buying assets if we do wipe out government debt. In terms of what has happened in the fiscal sense, we have moved from $1.2 billion deficit to a $2.1 billion surplus. This makes the conduct of monetary policy easier.

Mr Griffin (Bruce) (12.56 p.m.)—I will confine my comments to several issues relating to this report of the House of Representatives Standing Committee on Economics, Finance and Public Administration entitled Review of Reserve Bank of Australia annual report 2000-01, given the limited time available. One of the issues preoccupying the RBA recently that was discussed at the hearing in May was the reform of the payment system, particularly with regard to credit cards. Since that time, the RBA has handed down its report which most retailers, consumer groups and both sides of politics have largely embraced. Major operators of the system—that is, Visa International and Mastercard—have been, as expected, bitterly opposed to the reforms, but more of that later. I do not propose to go through the reforms in detail, but I do believe some points need to be made. The true test of these reforms will be in their implementation. They rely on the banks fully passing on the savings of lower interchange fees to retailers, and retailers properly adjusting their pricing as a result. They also rely on banks not recovering lost revenue by increasing other fees or unfairly adjusting fee structures or...
service delivery. If this occurs, this could mean a reform process that has been estimated to produce savings of up to $400 million could be worth less than $140 million.

While the banks would argue that they have a right to adjust services provided in response to the RBA’s methodology, it is important to note a number of facts relating to the current state of play in banking in Australia: facts like the record level of fees now being taken from Australian consumers—last year almost $7.1 million; facts like the record levels of credit card debt that continue to set records on a monthly basis; and facts like the above average profitability of the credit card component of our major banks’ business. The Treasurer suggested the RBA is responsible for monitoring implementation of these reforms. Any examination of the RBA report shows clearly that this is not the case. One of the principal dangers here is of price exploitation, and I believe it is therefore clear that the ACCC should be given clear responsibility for monitoring and reviewing the results of this reform.

However, recently the status of these reforms has been placed in some doubt. Last week, in response to the RBA’s reforms, Visa International commenced legal proceedings to invalidate them. Later in the week, Mastercard also announced that they would take the matter to the Federal Court. Although both companies are entitled to pursue this matter in the manner they have sought, it is, nonetheless, disappointing that they have chosen to do so. Labor is firmly of the view that the reforms, as announced and if properly implemented, will create a competitive credit card market and deliver substantial cost savings to small business and consumers. While these reforms remain under legal challenge, the potential for these savings to be realised will be seen to be in some jeopardy. That is, in my view, very unfortunate, and I am certainly hopeful that this matter will be dealt with by the courts expeditiously in order to ensure that the uncertainty being currently suggested is resolved. However, legal action of the type flagged by Visa is unlikely to be concluded quickly. I note that the RBA has announced that they will vigorously defend the reforms, and I wish them luck.

Another matter I would like to refer to briefly relates to the provision of information by the RBA to the committee and the need to balance this disclosure with the potential impact publicly of statements being made. This matter came to the fore while discussing the issue of currency swaps at the May hearing, and is referred to in the body of the report. I will merely say this: although I appreciate the governor’s dilemma regarding public statements potentially causing unrest in the community and the markets, it is not acceptable for a parliamentary committee, part of whose role is to provide some oversight and scrutiny of the bank, to be misled.

The committee is prepared and willing to be flexible to ensure that appropriate means of communication are established so that the legitimate concerns of the bank are satisfied, while accurate information is provided to the committee. It is essential that this occurs. I would like to end by thanking the other members of the committee and the secretariat for the work that they have done to prepare this report. I commend it to the House.

The SPEAKER—And I commend the member for Bruce for his accommodation in terms of the time allotted for the debate, which has just expired. Does the member for Wannon wish to move a motion in connection with the report to enable it to be debated on a future occasion?

Mr HAWKER (Wannon) (1.00 p.m.)—I move:

That the House take note of the report.

I seek leave to continue my remarks later.

Leave granted.

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

BUSINESS

Rearrangement

FRAN BAILEY (McEwen—Parliamentary Secretary to the Minister for Defence) (1.00 p.m.)—by leave—I move:
That so much of the standing and sessional orders be suspended as would prevent:

(1) notice No. 1, private Members’ business, given by the Leader of the Opposition, to be presented at 1.40 p.m.; and

(2) notice No. 5, private Members’ business, given by the Member for Reid, to be moved in his absence by the Member for Calwell.

Mr LATHAM (Werriwa) (1.01 p.m.)—I thank the government for accommodating the opposition, given the fact that both the member for Reid and the Leader of the Opposition are attending Jack Ferguson’s funeral in Sydney.

Question agreed to.

TRADE PRACTICES AMENDMENT (PUBLIC LIABILITY INSURANCE) BILL 2002
First Reading

Bill presented by Mr McMullan.

Mr McMULLAN (Fraser) (1.02 p.m.)—I present the Trade Practices Amendment (Public Liability Insurance) Bill 2002. Over the last 12 months, there has been a crisis in public liability insurance. What was once a routine procedure for most groups in the community has almost literally become a nightmare. Insurance cover has become much more difficult to obtain and the price has jumped dramatically. The effect of September 11 on the insurance market and the collapse of HIH have been significant factors in the crisis, but so is the increasingly litigious trend in our society, the growing culture of finding someone with deep pockets to blame, even in unreasonable circumstances. The crisis in public liability insurance has impacted most severely on the community sector and some areas of small business. Those groups are struggling to obtain public liability insurance at affordable prices, and the crisis has threatened the continuation of the activities Australians have traditionally enjoyed.

The Howard government has failed to show leadership on this issue. Fortunately, the state governments have taken steps to reform the common law. The main focus of those reforms is to rebalance the law so that personal responsibility is restored. Labor believe that appropriate rights for the victims of negligence are essential in our society. The community has an expectation that those who suffer an injury as a result of someone else’s culpability will be compensated for that injury, but there must be balance in any system. The law must appropriately reflect the community’s expectations regarding realistic standards of responsibility, culpability and informed voluntary assumption of risk.

The objective of the reforms being put in place by state Labor governments is to ensure that our volunteer community groups can continue to function to enhance the quality of Australian life and to provide many essential services to the Australian community. Such reforms should lead to lower insurance premiums, and this bill is designed to ensure that that happens. Price-waterhouseCoopers estimated that the first stage of reforms introduced by Premier Carr would reduce the cost of public liability claims by 17.5 per cent and personal injury cases by 14 per cent. If the cost of the claims decreases, so must the premiums. We can only ensure that the benefit of these reforms is delivered if we provide a mechanism to ensure the savings are passed on. The insurance industry has warned that reform of public liability may not lead to cheaper premiums. This means that without proper supervision, the benefits of the well-considered law reforms will end up in the pockets of the insurance companies and the public liability insurance crisis will continue unabated. The Howard government has consistently refused to act on this issue, even though it is its clear constitutional responsibility.

Furthermore, the Australian Competition and Consumer Commission has said on the public record that it does not have the power to ensure that savings from the law reforms are passed on by insurance companies to consumers. Commonwealth legislation is required to ensure that that is the case. Legislation passed by this parliament is required. The states cannot do it. The states can reform the tort law but they cannot empower the Australian Competition and Consumer Commission to ensure that the savings from the law reforms are passed on.

This legislation grants to the Australian Competition and Consumer Commission the
necessary powers to protect consumers and ensure the savings are passed on. It allows the ACCC to take action against insurance companies which exploit the savings from the law reforms and do not charge premiums for public liability insurance which reflect the impact of the law reform. This legislation is necessary to realise the benefits of the law reforms undertaken by the states. I commend the bill to the House.

Bill read a first time.

The DEPUTY SPEAKER (Hon. I.R. Causley)—In accordance with standing order 104A, the second reading will be made an order of the day for the next sitting.

TRADE PRACTICES AMENDMENT (CREDIT CARD REFORM) BILL 2002

First Reading

Bill presented by Mr Griffin.

Mr GRIFFIN (Bruce) (1.07 p.m.)—Labor is introducing the Trade Practices Amendment (Credit Card Reform) Bill 2002 to protect the interests of consumers and small business. The Reserve Bank of Australia announced reforms to the operation of credit card schemes on 27 August 2002. Some of the key aspects of the reform are: interchange fees will be reduced, which has the potential to generate cost savings of up to $400 million per year; consumers who choose not to use their credit cards will no longer have to subsidise those who do; and companies who meet strict prudential standards will be able to issue their own credit cards. If properly implemented, the reforms will create a competitive credit card market and deliver substantial cost savings to small business and consumers. Labor has been pursuing this issue for years and strongly supports the Reserve Bank’s reforms. There is, however, a very real prospect that the cost savings resulting from the reduction in interchange fees will never reach customers. This is because no agency has the power to ensure that the savings are passed on to consumers and small business.

This bill gives the ACCC the power to deal with any price exploitation arising from reforms to the operation of credit card schemes. Small business involved in credit card schemes pay a merchant service fee to the financial institution that provides them with the credit card service. Part of this merchant service fee is the interchange fee. The interchange fee is the fee that financial institutions charge each other for providing credit card services. The Reserve Bank of Australia reforms relate to reducing this fee so that it is more closely aligned with the costs incurred. However, despite the Reserve Bank of Australia’s reforms reducing the interchange fees, there is nothing to stop the banks increasing the cost of other components of the merchant service fee to protect their profits. This means that no savings are guaranteed to consumers from the RBA reforms. Further, there is nothing to stop banks from seeking to recoup the revenue loss resulting from the cuts in the interchange fee by increasing other fees and charges.

Anecdotal evidence from bank spokespeople and analysts indicates that only a portion of the projected savings will be passed on to Australian consumers. One bank has already publicly acknowledged that its customers will only ever see one-third of the savings. So with a reform that could be worth as much as $400 million, that could bring it down across the system to something more like only $140 million. This bank has openly admitted that it will increase other fees and charges and cut services to make up for the loss in revenue as a result of the RBA reforms. The Treasurer claims that it is the responsibility of the Reserve Bank to ensure that cost savings reach customers. In answer to a question from Labor, he said:

The RBA has put that methodology in place, and the RBA will be expected to monitor compliance with it.

If the Treasurer had read as far as page 2 of the Reserve Bank’s report, he would know that this is not true. The Reserve Bank states explicitly:

The measures do not deal with the relationships between individual scheme members and their customers which are not covered by scheme regulations. Hence, they do not cover the setting of credit card fees and charges to cardholders and merchants ...

The government has ignored Labor’s call to give the ACCC price exploitation powers to
ensure that the projected savings of $400 million are passed on to customers. The Treasurer has accepted bank assurances that they will be, despite one bank already saying that they will not and the banks’ track record on hiking fees.

The Australian banking sector is the most profitable in the country, yet it has consistently taken record fees from consumers. Last year, almost $7.1 billion was charged in bank fees, while credit card interest rates remain at levels well above the cash rate. While ASIC has been charged with a consumer education role, protection is needed in the form of the price monitoring powers contained in this bill. The government has demonstrated that it will not act to protect the interests of small business and consumers. This bill shows that Labor will. Small business and consumer groups have also publicly stated their support for ACCC involvement. These groups include the Motor Trades Association of Australia, the Council of Small Business Organisations of Australia, the Australian Consumers Association and the Financial Services Consumer Policy Centre. I commend this bill to the House.

Bill read a first time.

The DEPUTY SPEAKER (Hon. I.R. Causley)—In accordance with standing order 104A, the second reading will be made an order of the day for the next sitting.

PRIVATE MEMBERS’ BUSINESS

Drought

Mr JOHN COBB (Parkes) (1.12 p.m.)—I move:

That this House:
(1) notes the serious state of drought across the south eastern part of Australia; and
(2) recognises the variability of weather patterns across Australia;
(3) recognises the serious economic and social impact being felt by rural communities;
(4) acknowledges the need to maintain the long term viability of agriculture in the drought affected regions; and
(5) calls on State Governments to provide a more substantial financial contribution to drought relief.

In my lifetime, I have never seen two such droughts hit south-eastern Australia. This is the second time in a decade that we have had a drought of absolutely major proportions, such as you might expect to see only once in a lifetime. Eighty-six per cent of New South Wales is now drought declared. The western regions in particular are seriously affected. Much of Queensland and Victoria are drought affected, particularly the south-west of Queensland and the north-west of Victoria. Australia is a very dry continent, and Australian farmers do not want to have to ask for assistance to deal with that. However, the fact remains that far and away the greatest proportion of Australian broadacre commodities is produced on dry land, not with irrigation. Without doubt, mother nature is far and away the best manager. This is the second time in a decade that we have had a drought of extraordinarily major proportions. Farmers cannot be expected to deal with this in a continent which is showing such a high degree of variability. Farmers want to be self-reliant; they want to look at it themselves. However, not only are we hitting for the second time in 10 or 12 years an extraordinarily bad drought situation but also we have just been through the worst decade, in my lifetime, for farmers.

In the years 1990 to 1999, wool was at its worst price cycle. This was combined with a drought which was, certainly around 1994-95, similar to the one we are approaching now. Beef has been extraordinarily variable. During that same period it hit some of its worst lows, and it has been extraordinarily inconsistent. In terms of wheat and cereal crops, in 1990-91 we had the lowest price for wheat in living memory. In the years 2000-01, people wrote off their crops because of flooding and too much rain. In the mid-1990s we had a drought. It is not, economically, something that farmers can deal with.

The farming communities and the towns that service them are tough, but they are not indestructible. In many cases they have had no opportunity to put money aside so that they can finance themselves through hard times. Quite often they have had no opportunity to physically provide enough fodder to tide themselves over. It all comes down to
that big issue: money. As I said, this is the second such drought in less than a decade. The social implications include suicide and family break-ups. When drought occurs with the regularity that it has over the last 10 years, those implications are exacerbated.

The effect on the viability of farming when you have drought on such a wide scale, with much of south-eastern Australia involved—and certainly the breadbasket of south-eastern Australia involved—is enormous. I greatly thank the Deputy Prime Minister and the Minister for Agriculture, Fisheries and Forestry for coming out two weeks ago to look at the situation in the west of my electorate. I also thank the Minister for Agriculture, Fisheries and Forestry, the Deputy Prime Minister, the Prime Minister and the cabinet for doing what they can to make exceptional circumstances funding—or that part of it totally funded by the Commonwealth and controlled by the Commonwealth—much more accessible for farmers. This was commented on last Thursday in this House by the Minister for Agriculture, Fisheries and Forestry.

But the state governments are refusing to come to the party to make the business side of drought relief more accessible for farmers. The Minister for Agriculture, Fisheries and Forestry has stated that if just one state will come to him to sit down and deal with it, he will deal with one state. At the moment some of them refuse to even acknowledge that drought exists. Queensland does have a drought policy. New South Wales has rediscovered one—under political pressure—in the last couple of months. If just New South Wales would sit down with the Commonwealth government and work out how to make not only family payments more accessible but business payments more accessible to farmers then we would accept that. (Time expired)
responsible to find some middle ground. People in his electorate and in mine do not want to hear about bickering between levels of government on this issue; they want a solution. No progress has been made since May on reaching agreement on a new exceptional circumstances policy framework. The minister must show leadership on this issue and negotiate a solution with the states.

Emergency relief measures such as the exceptional circumstances program are band-aid measures when things go wrong; they do nothing to address the factors that contribute to drought. The current drought conditions do have a direct link to climate change. Where is the coalition on climate change? Nowhere. We have heard the Minister for the Environment and Heritage proudly telling us each question time that the government does not think it is in Australia’s national interest to sign the Kyoto protocol. Labor knows that, if we are to address climate change in Australia and benefit from new energy sector technology and jobs, we must ratify the Kyoto protocol or get left behind.

The government has failed to address the issues of salinity and water wastage. It has been estimated that over 93,000 megalitres per year is lost through evaporation and seepage from the channels that cross the Wimmera-Mallee alone. That is 93,000 megalitres of water that is not available to farmers, not available to the environment and not available to promote economic growth. In my electorate and the member for Mallee’s electorate, the coalition had a perfect opportunity to show its environment policy credentials by funding the Wimmera-Mallee pipeline.

The Victorian state Labor government took up the challenge and committed over $70 million to the project. What did we see in the federal budget for the Wimmera-Mallee pipeline? Nothing. The member for Parkes has the gall to argue that the states are doing nothing for drought relief. The Wimmera-Mallee project is off this government’s agenda, and all members of the National Party in this House should be supporting their colleague the member for Mallee and demanding that the government fund it. The issue of drought relief is of serious concern and it requires a constructive solution. The Leader of the Opposition negotiated drought relief assistance with non-Labor states in 1992. Why can’t this government show some leadership and do the same?

Mr NEVILLE (Hinkler) (1.22 p.m.)—I rise today to support this motion from the member for Parkes. It resonates very much in my electorate. It is timely that this motion comes before the House at this time of year, as August and September are traditionally the driest months in Queensland. This is a time in which there is little hope that the situation will change. Based on the recent pattern of the southern oscillation index, the probability of receiving above average long-term rainfall between August and October remains relatively low, at between 30 and 50 per cent for the whole of Queensland. Although my home town of Bundaberg was offered a little relief by falls of around 145 millimetres in June and 65 millimetres in August, it has had less than 40 per cent of its average long-term rainfall this year. Approximately 21 per cent of the land area of Queensland is now officially drought declared—that is 42 shires. In addition, one shire is partly drought declared and there are 431 drought declared individual properties in a further 34 shires. This situation has huge ramifications for the families, businesses and communities which are the backbone of rural and regional Queensland. It is vital that emergency aid is extended to drought affected farmers. The Commonwealth has played a leading role in this process, providing home support as well as the recent sugar assistance package and the two sugar packages before that and making its exceptional circumstances arrangements.

Sadly, it seems the Queensland government is not so genuine in its efforts to help farmers during these tough times. A national plan to overhaul the exceptional circumstances scheme, to which the member for Ballarat just referred, and to provide more assistance quickly has been indefinitely delayed because the Queensland government has refused to provide funding to support it. The member for Ballarat said the states have been generous. What, with four percent! You
have got to be kidding. In fact, the member for Ballarat is completely wrong. All states have provided drought assistance in the past, and Queensland is a good example of what is happening. Under the current arrangements, Queensland has been putting $1.3 million into economic assistance to farmers and taking out $1.2 million in administrative charges. I wonder what members of the opposition think about that. There is a case on the Darling Downs where, of all the exceptional circumstances grants that have been put out, the state has put in $400,000 and taken out $500,000 in administration. You can see that it is a pretty hopeless situation.

Last year’s state budget—the budget of a Labor government—offered $10 million to cane farmers, but the conditions were so tough that only $60,000 could ever be accessed. Now the state government has come out, after great trumpeting and publicity, with another $20 million as a loan assistance program. If it follows the pattern of the previous one, the assistance to farmers will be infinitesimal.

These matters have particular relevance to the southern end of the Hinkler electorate, to towns such as Childers and Bundaberg that have grown and prospered on the back of agricultural industries such as sugar and small crops. When I addressed the Main Committee on this matter on 16 May, I pointed out that the four Bundaberg and Childers sugar mills could be expected to crush 5.1 million tonnes of sugar cane this year. The 2002 estimate was down to 3.2 million tonnes but, as of today, it is down to 2.87 million tonnes. You can see that that is only half a reasonable crop. The economic effects of the downturn should be quite obvious to members of this place, especially as we come into the fourth quarter of this year. While harvesting is now in full swing, final tonnage will depend on how much of the crop is rejected, ploughed in or left standing, on whether the yield of the crop continues to be maintained and on what the commercial content of the sugar might be in that particular crop. This is a very difficult time for Queensland, as it is for New South Wales, and I call on the state governments not to perpetuate this cruel hoax and to assist properly with emergency assistance to farmers of all types throughout this country.

Mr MARTYN EVANS (Bonython) (1.27 p.m.)—Agriculture is vital to Australia. Despite the diversification of our economy over the last century, agriculture remains particularly significant. That is especially true in my own state of South Australia. South Australian exports are worth several billion dollars to the global economy—we have some $4.5 billion of exports each year. Some 50 per cent of that total figure comes from agriculture, with the key products being cereals, wine, wool, meat, fish, fruit and dairy products. There are some 15,000 farms in South Australia covering 57 million hectares in a variety of environments. Many of those environments are now drought affected, and many of our farms, as the Premier has recently pointed out to the South Australian parliament, are affected by drought. In the past six months, rainfall in South Australia has been 60 to 80 per cent below the 30-year average across a large area of the state. The state authorities and Premier Rann and Minister Holloway are working with their federal colleagues to see what can be done by way of exceptional circumstance assistance. I am sure that will be a cooperative process.

In some respects, the arguments which we have heard here today about exceptional circumstances assistance—the responsibility for it and the disagreements which emerge about the responsibility for those financial commitments—are, to some degree, irrelevant in the longer term. These are vitally important matters for the farmers of today. Exceptional circumstances assistance will be of great significance to the farms that are able to receive it. I am sure that it will mean the difference between being able to continue in these harsh conditions and not being able to continue. But, in the longer term, governments must address the important conditions which affect the viability of our farms and agricultural production across the board.

Many of those things are increasingly obvious to us. They are matters of salinity, they are matters of water management and, in the decade by decade processes, they are issues like climate change. But they will only have an impact in a 50-year time horizon. Of
course, on a drought by drought basis, it is very difficult to attribute something immediately to the impact of climate change, but right now you can see the impact of things like salinity. You can go out to our farms—to our agricultural production areas—today and see the reduction in productivity due to salinity. Today you can see the wastage and the loss due to the failure of water management processes in this country, and you can see the loss to our productivity through a failure to properly grapple with the issues and the science behind water management technology.

The real tragedy of this is that we have it within our command. We have it within our science, our technology and our management skills, because Australia is at the forefront of global technology in agriculture. Australian agricultural education, Australian farm management skills, Australian farm management personnel—the farmers of Australia—are at the forefront of the science of these issues. Sadly, the states and the Commonwealth, our farming organisations—and sometimes, indeed, the farmers themselves—have failed to come to grips with the overall necessity for organisational and cultural change in these areas. Often, opportunities we should grasp are lost at the local, regional, state and national levels. Hundreds of millions of dollars are spent on salinity programs in this country, but often, for want of proper management programs, for want of proper national mapping programs and for want of proper research into the way these issues may be best addressed—and the most serious issue here is the want of proper research—we fail to spend that money in the way that would best address the salinity issue. Often, for want of proper implementation of water management techniques, many thousands of megalitres of water that could better be used in this country go to waste.

These are the issues that we might better address, rather than worrying about the technicalities of some of the financial grant processes. Although the grants are vital to the farmers of today, the farmers of tomorrow may be spared the necessity for them if in the decade to come we better manage our long-term programs to ensure the delivery of water and viable programs on the ground. That would indeed be a bonus and a gift that we could leave to the current generation of farmers and, better yet, to the generations of farmers who will support Australian and global agriculture in this country for many decades to come. I commend that to the House.

Ms LEY (Farrer) (1.32 p.m.)—I am pleased to be able to support this motion moved by my colleague the member for Parkes and supported by the member for Hinkler. They have just demonstrated what excellent understanding they have of the difficulties we are facing in rural Australia as a result of the present drought. Even in a drought it rains. It would be a mistake to think that the falls of rain we have had in the last few days have in any way let us off the hook. They have merely bought some farmers a little more time. For some they have been too little and for some they have been too late.

Travis Dalton is a young farmer near Balranald in western New South Wales. He and his wife and their two children aged three and five have recently started out on their own in a broadacre cropping enterprise. I met Travis on a recent tour through the drought affected areas of my electorate. He wondered whether governments cared about his plight. He is still wondering. Concerned about the rising cost of grain, he bought out of his wheat contract when the drought looked to be on for sure. That basically means paying the company the difference between the cost of your contract and the additional cost to the company to reinstate it elsewhere at today’s prices. The price of wheat is rising steeply. Today, to wash out of your contract, the price might be $80 a tonne. In theory it could cost someone $200,000 to buy out of their wheat contract. Imagine having these sorts of liabilities and trying to offset them. Farmers out that way are saying that they are looking at harvesting possibly two bags to the acre today. It will not be long until that becomes no bags to the acre—no income. Imagine what that does to rural communities. Imagine the flow-on effect that has in businesses dependent on farmers for their ongoing profitability.
I am not sure what Travis Dalton’s precise circumstances are, but I asked him to give me a call every couple of weeks so that I can see how he is getting on. He has just approached his bank for help; he needs an extension of his overdraft. He has to deal with some pretty big numbers. Next year, along with other wheat growers, he has to put a new crop in the ground. This will cost upwards of $100,000. Without help from the bank, at a rate that will not cripple him, he is going out the door backwards. The point is this: if we lose our young farmers, if we let those young men and women who are just starting out and have laid it all on the line—and whose parents in many cases have laid it all on the line for them as well—go out of the industry, who have we got left? The point is this: if we lose our young farmers, if we let those young men and women who are just starting out and have laid it all on the line—

Minister Truss’s new EC model, which he took to the states in May, met with their approval. But so far they have refused to contribute, because they do not want to make the necessary financial contribution. The Commonwealth’s contribution will not fall, so we are not shifting costs onto the states—that is not cost shifting—and now we have introduced significant new measures by providing welfare assistance under the EC program for six months as soon as the National Rural Advisory Council is asked to examine an application. This means that, where we can be satisfied that EC income loss criteria are going to be met in the months ahead, the Commonwealth is prepared to trigger EC assistance. We have had to step in after the states have failed again to look after their rural constituency.

Premier Carr speaks often of his concern about overcrowding in the Sydney basin and the environmental stresses and strains on the coastal ecosystems. I suggest that a strong and positive rural policy, one which shows farmers that the New South Wales government actually wants them to be in business for the long term, would be a good start to addressing some of these population issues. You see, it is not just that the New South Wales government do nothing; they do plenty, but their measures are against farmers’ interests. Examples are the draft native vegetation plans, which restrict farmers’ rights, and the water sharing plans, which give farmers a 10-year horizon for already-reduced access to water. The New South Wales government have responded to the drought with a package of measures, for which I am grateful, but I urge them to continue to monitor the situation closely. It is without doubt the role of the states to manage all but the most exceptional of drought circumstances. (Time expired)

Mr GIBBONS (Bendigo) (1.37 p.m.)—It is a pity that something as important as the impact of drought on farmers has turned into a political debate. What a great pity we have a minister for agriculture who is well known for not letting the truth get in the way of making a political point, however feeble it may be. We have a situation where the states are contributing to drought relief, as they should. I welcome the announcement by the minister last week that welfare payments are going to be made in some areas. That is quite welcome, but there needs to be a lot more done. For example, it might be a bit of a surprise to the minister that drought knows no state boundaries. If a location like Moama in south-eastern New South Wales is experiencing dry conditions, it is a fair bet that Echuca will be experiencing the same conditions. The minister obviously does not understand that. Drought is a national responsibility, and there ought to be a proper national response to it.

There has been a lot of criticism about the contribution made by the states. As we all know, the Victorian state government announced $2.6 million of measures just last week, and these are the initial measures.
There will be more to come. Some of those measures are going to be very beneficial to a lot of farmers in central Victoria. For example, the $2.6 million package includes $1.17 million of assistance to increase regional water. I understand I have about 30 seconds left. I will conclude by saying that at least under the previous Hawke and Keating governments we did have some rain occasionally.

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

CORPORATIONS AMENDMENT (IMPROVING CORPORATE GOVERNANCE) BILL 2002
First Reading
Bill presented by Mr Crean.

Mr CREAN (Hotham—Leader of the Opposition) (1.40 p.m.)—There is no greater threat to world finance markets than investors losing faith in the integrity of company accounts. With over 90 per cent of people now in superannuation funds, just about every employee owns shares indirectly. Labor are determined to ensure that people’s investments are safe; hence this Corporations Amendment (Improving Corporate Governance) Bill 2002. By contrast, the government continue to do nothing. We call for action, and they wait for months and simply issue a discussion paper. HIH collapsed, with Minister Hockey knowing about the situation, but the government did nothing. The Treasurer now wants to wait for the outcome of the royal commission. This is just another excuse for doing nothing.

The government has waited 20 months to move on just one aspect of corporate governance—the clawback of executives’ salaries—and the draft legislation circulated last Friday is still deficient. By contrast, Labor’s plan is comprehensive. The time for action is now. Labor is prepared to legislate to improve corporate governance standards now. People who breach corporate laws should be penalised, and the penalties have to reflect the serious damage that can be done to companies, to shareholders, to super funds and to the economy as a whole. This bill doubles the current penalties for serious breaches of the Corporations Act, from five years to 10 years, and increases to five years the penalties for many offences that now carry only two-year penalties. At the same time, the bill protects whistleblowers who provide information in good faith about corporate malpractice to the industry regulator, ASIC. This groundbreaking legislation will improve the culture of honesty inside our listed corporations.

Shareholders and the public have the right to know how much executives are paying themselves. In 1998, Labor—without the support of the government—forced an amendment to the Corporations Act to have details of executive remuneration revealed in companies’ annual reports. But half of all companies have flouted this law, with the tacit approval of the Howard government. This bill will make them comply.

The bill also implements major recommendations of the Ramsay report into auditor independence, but we go further than Professor Ramsay. The bill follows the United States reforms and prohibits auditors from providing non-audit services to their clients in a range of inappropriate areas. It also requires auditors to specifically report on instances of aggressive accounting and to disclose the implications of an alternative treatment being used. This will clean up many shonky accounting practices.

The bill also assists investors by attempting to ensure that financial analysts always act in the interests of the users of their reports and not in the interests of their firms. Disclosure standards covering all research reports will be introduced. Ordinary investors will also gain a statutory right of access to the information provided by listed companies during briefings to analysts. Some firms have already provided this information on their web sites, and they are to be commended for that. This standard needs to be available generally. Similarly, the bill proposes a revolutionary reform of election processes for directors. Shareholders who elect directors will have a right to know what the relationships are between the candidates and the company, what the relationships are be-
between the candidates and the existing directors and what other directorships are held by the candidate. A mandatory disclosure will need to be made by all candidates to ensure shareholders can make informed decisions on these questions.

These are sensible reforms. They respond to the inadequacies of the system, and they protect the investments of all Australians. They build trust in the market. If we do these things, we will increase the level of national investment. We will boost industry, we will increase returns for shareholders and we will create more jobs. Accordingly, I commend the bill to the House.

Bill read a first time.

The SPEAKER—In accordance with standing order 104A, the second reading will be made an order of the day for the next sitting.

Order! It being 1.45 p.m., the debate on private members’ business is interrupted in accordance with standing order 101. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting.

STATEMENTS BY MEMBERS
Transport: Bass Strait Passenger Equalisation Scheme

Mr SIDEBOTTOM (Braddon) (1.45 p.m.)—Just recently a campaign was launched for the federal government to equalise the Tasmanian passenger vehicle equalisation scheme for our two ferries going across Bass Strait. I thank the federal government for that equalisation scheme. Unfortunately, there are still anomalies in the scheme, most notably for motorcyclists who have a trailer or a sidecar. At the moment we have an anomaly where you can come across in a motorcycle, a motor car, a motorhome and a campervan, yet if you have a motorcycle with a trailer you have to pay more in both the peak season and the off season. That is the one anomaly left in the jigsaw of the passenger vehicle equalisation scheme. I am asking the federal government to make that equal and fair by creating an equity in the structure for fares for passengers and vehicles on the Bass Strait service.

I was accused of political opportunism when I tried to get a change for motorcycles, motorhomes, cyclists and campervans. If I can get it for motorcycles with trailers and sidecars, I would love to be called a political opportunist of the first order. There should be equity and equality across Bass Strait. The federal government must finish the jigsaw by putting in the last piece to make it fair and equitable—and bring those thousands of cyclists with thousands of sidecars over to Tasmania.

Australian Labor Party: Preselections

Mr BAIRD (Cook) (1.47 p.m.)—I rise today to draw the attention of the House to yet another example of Labor’s born to rule mentality in the attempts by some in this place to fashion a dynasty at the expense of strong local representation for our communities. I have had the opportunity to observe the games played by the New South Wales Right for many years, moving union officials, like pawns on a chessboard, from preselection to preselection. But never before have I seen such contempt for a community as I have seen in the New South Wales state electorate of Heathcote, where none other than the member for Watson and the New South Wales Right are thrusting hereditary peerage on the people.

Since the member for Watson was so unceremoniously stripped of any role of significance by the Leader of the Opposition he has turned his hand to enforcing the born to rule mentality that runs through the New South Wales Right by manipulating the head office machine to axe the sitting member Ian McManus and install his son Paul McLeay. Last week the member for Watson and head office achieved their ongoing designs on Heathcote when Mr McManus, a 16-year veteran in the New South Wales parliament, fell on his sword and announced his retirement. It was also the same week that Paul McLeay launched his campaign brochure, claiming to be ‘your voice in the Carr government’.

Finally, Mr Speaker, I would like to wish Mr McManus well. He is an outstanding local representative, well liked in the community, and a Vietnam veteran. Certainly the
machinations by the ALP should be seen for what they are. (Time expired)

**Family and Community Services: Custody and Child Support**

Ms JACKSON (Hasluck) (1.48 p.m.)—I would like to take this opportunity to draw the attention of the House to an anomaly facing low-income sole parents in Australia involved in shared custody arrangements with ex-partners residing in New Zealand. I have become aware of this discrepancy through one of my constituents, who, despite having full custody of his son in Australia, is required to pay child support to his ex-partner in New Zealand, who has full custody of their daughter. Although both parents are on the minimum income level under the child support agreement between Australia and New Zealand, only the custodial parent residing in Australia is required to pay child support maintenance. The parent living in New Zealand is not required to pay any child support.

When parents live in different countries the payer of child support has their payments determined under the laws of the country in which the payee resides. Under New Zealand legislation, the minimum level of child support payable for low-income parents is $663 per annum, regardless of shared care arrangements. Under Australian law, low-income parents who have full-time custody of one child have their child support payments waived. So my constituent’s ex-partner is not required to pay him any child maintenance, yet he is required to pay her $663 per annum. If both parents were residing in Australia the minimum child support payments would be waived. If both parents were living in New Zealand each would be required to pay the other the minimum amount of $663 per annum.

After this matter was raised with the Minister for Children and Youth Affairs, these existing discrepancies were confirmed, but the minister failed to commit to any action on the issue. I ask the minister that these discrepancies be addressed to stop disadvantaging low-income single parents in Australia. (Time expired)

**Drought**

Mr NEVILLE (Hinkler) (1.50 p.m.)—In the debate just finished in the House on the tragic drought striking this country, the opposition seemed to have no grip at all on just how serious the matter is. They talked about organised and social issues, they talked about salinity, they talked about the greenhouse agenda, they talked about a national approach and they talked about the Rural Youth Information Service, but they said nothing much about drought. Let me deal with those last two things.

On the national approach to drought, how is it that all Labor states are putting in only four per cent? How can you say you are serious about drought? In Queensland, of the $1.3 million that the Commonwealth is paying for the administration of drought, the Queensland government puts in $1.2 million. In other words, after they take their administrative charge out, they actually make a profit.

Finally, on the Rural Youth Information Service: how could you have the gall to criticise that when you cut out the JPET program in the budget of 1995 and left those kids in rural Australia without any service whatsoever?

The SPEAKER—I remind the member for Hinkler of his obligation to address his remarks through the chair. The use of ‘you’ made the chair feel a shade uncomfortable.

**Telecommunications: Services**

Ms HOARE (Charlton) (1.51 p.m.)—I present a petition of certain citizens of Australia drawing to the attention of the House the poor television reception in the Martinsville area of New South Wales. The petitioners are asking the House to restore the Television Black Spots Program and provide assistance in improving television reception in the Martinsville area. The petitioners are asking the House to restore the Television Black Spots Program and provide assistance in improving television reception in the Martinsville area. The Television Black Spots Program was established to eradicate between 200 and 250 black spot television reception areas nationally.

The Howard government has since axed this program. This decision has affected the community of Martinsville in my electorate. Martinsville sits at the base of the beautiful Watagan Mountains, and residents have al-
ways experienced very poor television reception. Few people can watch channels 7, 10 or SBS, and many have missed out on seeing the Olympics or the recent Commonwealth Games coverage. The community attempted to access funding under the program. Applications had to be made through the local council, and the Lake Macquarie City Council endorsed the application. However, residents have raised with me concerns that council failed to address some of the technical criteria in the application, and it was deemed ineligible by the department. The minister’s office has confirmed this. I call on the minister, Senator Alston, to allow the application for assistance under the Television Black Spots Program to be resubmitted and reconsidered. The government claims to be committed to ensuring that Australians have access to free-to-air radio and television services. My constituents in Martinsville have been waiting a long time to get a clear picture on their television sets.

The petition read as follows—

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

The petition of certain citizens of Australia draws to the attention the poor television reception in the Martinsville area of New South Wales. Television interference has a negative impact on the quality of television viewing for residents of Martinsville. Petitioners are aware the Television Black Spots Program is not to be continued.

Your petitioners therefore ask the House to restore the Television Black Spots Program and provide assistance in improving television reception in the Martinsville area.

from 89 citizens

Small Business

Mr BILLSON (Dunkley) (1.53 p.m.)—Last week I briefed the House on M:Te, an initiative of the South-East Development Area Consultative Committee to present to young people the exciting career opportunities that are available in the manufacturing sector. Today I would like to highlight some of the work of South-East Development and, in particular, the small business assistance officer Lynette Saloumi. She has recently, with the support of South-East Development, compiled a CD-ROM of over 150 useful and helpful small business and micro business support sites. The idea is, with this CD-ROM loaded into your computer, you will have all the links you will need to find your way around the vast number of Commonwealth government sponsored support, advice and assistance sites as well as a number of others provided by the respective state governments and other small business organisations.

I could commend this CD-ROM initiative of the South-East Development to all members of the House. I know the organisation has already labelled the same product for another area consultative committee in Melbourne. It is an excellent model worthy of having a look at. It also complements some of the work she is doing in the area of training, helping small and micro businesses make the best presentations they can, involving NIDA and other people who make performance part of their living. So that is a number of very worthwhile things the small business assistance officer is carrying out in the South-East Development region. I would encourage South-East Development to continue with that program to help build on the momentum that Lynette has achieved in our region.

Oxley Electorate: Vietnamese Children’s Festival

Mr RIPOLL (Oxley) (1.55 p.m.)—Over the weekend I had the great honour and pleasure of attending the Vietnamese Children’s Festival in my electorate. This is something that the Vietnamese community in Australia—I know particularly in Queensland—do every year. It is a fantastic festival, and it is something that I really want to put on the record and thank them for doing. It is truly a multicultural festival. Not only do the Vietnamese people celebrate their own culture and this time of the year, but they also invite the whole community along. This year we saw the Spanish community coming along and dancing and participating. We saw demonstrations from a range of community groups and all the local schools participated. It was an absolutely fantastic event. But what is truly special about this particular festival is that it is about children. The children have an incredibly wonderful time. I took my own three kids along and on
our way there they said, ‘Dad, is this the children’s festival again?’ I said that it was because they know that they all get a present at the end of the festival; they remember that. They might only be young, but they certainly remember getting a little pressie. I have to thank the organising committee for doing such a good job. They put together a couple of thousand gift bags for the kids. We had an attendance of about 4,000 people, both adults and children. It is a wonderful event. I want to congratulate them for doing such a great job and acknowledge the great contribution that the Vietnamese people have made to this country.

First Home Owners Scheme

Mr LLOYD (Robertson) (1.56 p.m.)—One of the most successful initiatives from the federal government has been the $7,000 first home buyers grant. It has helped many thousands of particularly young people into their first homes over the last 12 months or so. But today I want to highlight and congratulate Mrs Margaret Cole from Wyong on the Central Coast of New South Wales, who, at 92 years old, has just secured her first home loan, using the federal government’s first home owners grant. The Central Coast Express Advocate—a very successful and excellent local newspaper on the Central Coast—says that Mrs Cole, like most Australians, had dreamed of one day owning her own home. It became a reality when she took advantage of the federal government’s ‘$7,000 first homebuyers grant’. Mrs Cole said:

I have always wanted to own my own home but could never afford it. I can say this is mine and nobody can tell me to get out.

This is after a lifetime of renting. It is a wonderful initiative that allows Mrs Cole, along with thousands of other Australians, to own her first home—low interest rates and the first home owners grant of $7,000, which is a very significant contribution when you are trying to raise a deposit. It is not so much in the total cost of the home, but that $7,000 is a wonderful initiative to many people, both young and old alike.

New South Wales Liberal Party: Free Car Registration

Mrs IRWIN (Fowler) (1.57 p.m.)—We have seen the generous treatment that the Howard government has given to wealthy self-funded retirees. Now the New South Wales Liberals want to get in on the act and give away more taxpayers’ money to the rich. The Leader of the Opposition, John Brogden, has announced that a New South Wales Liberal government would give self-funded retirees free car registration. We would have a situation where a millionaire over the age of 65 could register the Mercedes Benz or Rolls Royce for free while a struggling working family would have to pay more than $200 a year to register the family car. Struggling pensioners will still have to pay high fares on private buses in Western Sydney. This is nothing more than a handout for the rich. John Brogden cannot see past the greed of his North Shore party supporters. He thinks it is more important to line their pockets than to address the genuine needs of pensioners and working families. John Brogden is out of touch with the needs of ordinary people and he will not become the Premier of New South Wales in March of next year.

Environment: Water Management

Mr FORREST (Mallee) (1.59 p.m.)—An issue of paramount importance to the nation that I would like to talk about is water. Since 1975, there has been a distinct change in the climatic conditions in Australia that it bringing us to a crisis point. The southern oscillation index showed a distinct, dramatic change in 1975 and, while this has been happening, water storages around the nation have, each year, had their yields successively reduced. From Perth in Western Australia, where the average yield inflow into those reservoirs over there is half of what it was prior to 1975, across the southern part of the continent through South Australia, Victoria, New South Wales and all the way up to south-west Victoria, there is not a storage that has more than 60 per cent of capacity in it—and it is continuing to get worse. This is an issue that is beyond the silly game of politics that this place often plays. I would like to see a national approach to the resolu-
tion of the issue of water, which constitutionally is an awkward issue for this parliament. But the states need to cooperate with the Commonwealth so we can address this situation because the CSIRO have made it quite clear it is not going to change. (Time expired)

MINISTERIAL ARRANGEMENTS

Mr ANDERSON (Gwydir—Deputy Prime Minister) (2.00 p.m.)—I inform the House that the Prime Minister will be absent from question time today and for the remainder of the week. As Chairman in Office of the Commonwealth, the Prime Minister, as I think all members are aware, is in Nigeria to chair the second meeting of the Commonwealth leaders troika on Zimbabwe. Following his visit to Nigeria, the Prime Minister will travel to the United Kingdom to discuss key international security issues with the British Prime Minister and the British foreign minister. I will answer questions on his behalf.

I also inform the House that the Treasurer and the Minister for Ageing will be absent from question time today and for the remainder of this week. The Treasurer is attending the Commonwealth Finance Ministers Meeting in London. He will travel from there to Washington to attend the annual meetings of the International Monetary Fund and the World Bank. The Minister for Foreign Affairs will answer questions on his behalf. The Minister for Ageing is attending the United Nations Economic and Social Commission for Asia and the Pacific Conference on Ageing in China. The Minister for Education, Science and Training will answer questions on his behalf.

QUESTIONS WITHOUT NOTICE

Foreign Affairs: Middle East

Mr CREAN (2.01 p.m.)—My question is to the Minister for Foreign Affairs. Given the heightened tensions in the Middle East region and the importance of international efforts to secure the early return of UN weapons inspectors to Iraq, what representations have you made to the Israeli government and the Palestinian Authority, and what discussions have you had with the US government, to seek an immediate end to the current stand-off at Chairman Arafat’s compound at Ramallah?

Mr DOWNER—First of all, the government has, on many occasions, spoken with the United States administration, the Israeli government and various personalities within the Palestinian Authority about the situation in the Middle East. While I was in New York the other day, I met with the Israeli foreign minister, Mr Peres. I was able to discuss these broad issues very extensively with him. There have been many occasions on which I and, importantly, officials from the government have discussed the question of the Middle East with the United States administration, and there is also constant communication between our officials and the various personalities within the Palestinian Authority.

In relation to the current stand-off, it is—as I said on a television program yesterday—very much the view of the government that, on the one hand, we continue the position that we have had for some time, which is to urge the Israelis to ensure that they are not too heavy-handed in the way they deal with terrorism, which is a very significant issue for the people of Israel; and, on the other hand, it is the Australian government’s view that Chairman Arafat and the Palestinian Authority should do everything within their power to endeavour to stop the practice of suicide/homicide bombers. For any liberal democracy—and that is what Israel is—the fact that people are being killed at bus stops, in shopping centres, in university faculties and in restaurants and cafes is entirely unsatisfactory and unacceptable. It is the government’s view that the Palestinian Authority needs to do more in order to address that question.

Foreign Affairs: Iraq

Mr SOMLYAY (2.04 p.m.)—I also address my question to the Minister for Foreign Affairs. Would the minister inform the House of the government’s response to Iraq’s stated refusal to accept the new UN Security Council resolution relating to Iraq’s non-compliance with previous security resolutions?

Mr DOWNER—I thank the honourable member for Fairfax for his question and ap-
preciate the interest he has shown in this extraordinarily important issue. I think honourable members will be aware that President Saddam Hussein announced during the weekend that he would not accept any new Security Council resolutions other than those already agreed by the United Nations Security Council. It is the view of the Australian government that this is an unwise and provocative statement on the part of President Saddam Hussein. Again, it signals Iraq’s intention to ignore the will of the international community. It is unfortunately part of a pattern of behaviour that we have come to expect from Iraq: Saddam Hussein feigns acquiescence one day and then says that he will thumb his nose at the international community the next.

The government was right last week to be very cautious about the Iraqi foreign minister’s offer to accept United Nations weapons inspectors without conditions. As I noted last week in the House, Iraq does have a history of deceiving, frustrating and avoiding United Nations inspections and has been doing that for over a decade. So it is important that we are not naive in relation to this matter. Australia is very supportive of United Nations Security Council efforts to strengthen and set out clearly Iraq’s obligations, and to do so in a new resolution. I note the opposition leader nodding and I appreciate his support on this question.

We are closely monitoring the progress of the new draft resolution through the Security Council. Our ambassador in New York has been reporting frequently on conversations he has been having with various players there, and he has been providing extensive input into those discussions. So have our ambassadors and staff in key capitals—in particular, London and Washington, but not only there. We understand a draft resolution will be circulated this week for consideration by the wider membership of the Security Council—not just the five permanent members but also the 10 elected members of the Security Council. It is important that any resolution sets out clear and decisive measures which pave the way for timely and unfettered inspections which would allow for the elimination of Iraq’s weapons of mass destruction programs. The resolution must send an unequivocal message to Iraq from the international community that it is time that Iraq complies fully and properly with the United Nations Security Council and, therefore, with international law.

Foreign Affairs: Iraq

Mr RUDD (2.07 p.m.)—My question is addressed to the Minister for Foreign Affairs. Does the minister recall being asked yesterday whether Australia had been consulted by the United States over Pentagon war plans detailing options for a possible attack on Iraq? Does the minister recall his response to that question, when he said:

We have had some consultations with the Americans at the military-to-military level on the issue of how this question could be handled. And further:

... the United States have been very forthcoming in their consultations with us.

Minister, without elaborating on the detail of these consultations, could you advise the House whether these consultations between the Australian and US military occurred on the basis of a multilateral action under article 42 of the UN charter or a unilateral article 51 action against Iraq?

Mr DOWNER—I thank the honourable member for his question, and welcome him back to Canberra.

Opposition members interjecting—

Mr DOWNER—I know it is painful to hear somebody being polite.

The SPEAKER—The minister will come to the question.

Mr DOWNER—As a close ally of the United States, Australia inevitably has consulted with the Americans on military issues and will be kept in the loop as their thinking develops on any military plans, including of course any military plans against Iraq. I remind the honourable member what the Prime Minister said in the House of Representatives a few days ago:

We do have an opportunity, because of our alliance with the United States, to have an understanding of American thinking, particularly the military. We have personnel placed within the US command structure and we have had them there
since the start of the war against terrorism. One of the advantages of that is that we are able to have a knowledge of the thoughts of the American military not only in relation to existing contributions but also in relation to future contributions that the American military might make to the pursuit of American foreign policy objectives.

The United States has made no decision about military action against Iraq, as honourable members know only too well. Let me reiterate what the Prime Minister, Senator Hill and I have said on many occasions, and that is: Australia has not been approached about making any contribution to such military action and nor has Australia made any commitment to do so. Australia would consider a request, should it be made, for a contribution to military action, taking into account Australia’s national interests and the circumstance of the time.

The honourable member for Griffith asked specifically about articles of the United Nations charter. I would say in response to that that work is currently under way in the United Nations to secure a diplomatic resolution of the issue through the return of United Nations weapons inspectors to Iraq. That is the current focus of the diplomatic community, it is the current focus of the international community, and no decision has been made by anybody to take military action under any article.

Mr Rudd—Mr Speaker, I rise on a point of order under standing order 145. My question went to the international legal basis under which these military to military consultations under way now—

The SPEAKER—The member for Griffith will resume his seat. I understand that the Minister for Foreign Affairs has concluded his answer.

Drought

Mr HAWKER (2.11 p.m.)—My question is addressed to the Acting Prime Minister and Minister for Transport and Regional Services. Would the Acting Prime Minister advise the House on the present situation with the drought now occurring in much of Australia? What is the likely effect on primary production and farm incomes? Is the Acting Prime Minister aware of any alternative policies?

Mr ANDERSON—I thank the honourable member for his question. At the outset, I would have to say that this, in many ways, for tens of thousands of farmers and the communities that depend on them, is the cruellest drought of all. We have, over the last couple of years, seen one of the strongest recoveries in rural fortunes of the last few decades. Prices have been very strong. Costs have been down. The government’s economic reforms have put them in a stronger general position. Even transport costs are at their lowest real levels ever in this nation, across all four forms of transport. But now we have hit this very unfortunate brick wall in most of Australia, where seasonal conditions are really putting that recovery at risk to the point where it is very likely to show up in national economic performance terms. I had a look around last week in the Western Division of New South Wales, which covers some 40 per cent of New South Wales, although there are only around 1,500 farm units out there. In one Rural Lands Protection Board area, for example, the farm units are so big that there are only 58 farmers in the entire board area. They certainly are facing a very serious situation. ABARE estimates that the net value of farm production will fall by around 63 per cent, largely because of a disastrous winter wheat crop. They are talking about it having declined to maybe 22 million tonnes. Personally, I think even that may be optimistic. In contrast, we were expecting a near record crop of some 40 million tonnes just six months ago.

While farm export earnings will decline markedly, it is true that mineral and energy exports will increase. That will offset the downturn in some ways, but the farm sector is clearly hurting badly. I say to those who ask what the Commonwealth has done, the answer is: a great deal, apart from the economic reforms that have brought interest rates way down. How would farmers be placed if they were still facing an interest rate regime of the sort that Labor ran? But beyond that, we have the Farm Management Deposit Scheme picking up where the Labor Party gutted the old IEDs and, under that, we have the capacity for farmers to put aside a financial haystack. Some 24,000 Australian farmers have salted away money in the Farm
MANAGEMENT DEPOSIT SCHEME so that they have something to draw on in tough times. Indeed, the amount of money in that scheme last year doubled. It is true that not all farmers have been able to access or use the scheme—for example, wool growers, who have had a very tough time right through the nineties, and those who have had two or three years of drought. Sugar farmers of course are also experiencing terrible times in terms of price. In addition to the Farm Management Deposit Scheme, there has also been the Farm Help program. Over $100 million has been paid out through that. When we have tripped exceptional circumstances in the years since we have been in government, some $450 million has gone to nearly 6,000 farmers, many of whom said they would not have survived without it.

In the context of the current drought, as the Minister for Agriculture, Fisheries and Forestry announced last week, we have moved to respond to concerns about the EC process as much as we can, given that—and this is what the state premiers have not acknowledged—the Exceptional Circumstances Program is a state and Commonwealth agreed program. Within the limits of the agreement, we have sought to make it more flexible, to accelerate the process so that income support can be made available as soon as EC applications are lodged. That will include the Burke and Brewarrina areas, where applications have been lodged by New South Wales.

This has been widely welcomed. It reflects our real commitment to helping farmers through the current very serious circumstances. I repeat this very clear injunction: the Commonwealth is prepared to make EC more effective for farmers, and our offer to make it more effective lies on the table for any state Premier. Here is the challenge for any state Premier brave enough to break Labor ranks and demonstrate real concern for their drought-hit communities.

TAXATION: TOBACCO

Mr STEPHEN SMITH (2.15 p.m.)—My question is to the Acting Prime Minister. I refer the Acting Prime Minister to the press release issued by the Assistant Treasurer, Senator Coonan, this morning, which claims:

The responsibility of pursuing ... moneys ... already collected by tobacco companies [lies] with the states and territories.

Given that the High Court has held that the states and territories do not have the constitutional power to collect these taxes, how does the government now propose as a matter of policy that the states and territories recover these moneys? In any event, given that the Commonwealth clearly does have the capacity to recover these moneys, why does the government want to leave this $250 million windfall profit in the hands of tobacco wholesalers and retailers rather than use the funds for health measures?

Mr ANDERSON—I thank the honourable member for his question. We need to go back to the High Court and its finding in 1997 that state tobacco franchise fees were unconstitutional. At that time, the Commonwealth—which is not always given proper credit for this—entered into a safety net agreement with the states. That allowed the Commonwealth to collect this revenue and to return it to the states, a measure that was strongly supported at the time. As part of that agreement, the states agreed that the recovery of fees before 5 August 1997 but which were not paid would be the responsibility of the states. I am not aware that any states or territories have tried to recover these funds. I do not see why they should now turn around and say that it is the Commonwealth’s responsibility. It is up to them.

AUSTRALIAN LABOR PARTY

Mrs BRONWYN BISHOP (2.18 p.m.)—My question is to the Minister for Employment and Workplace Relations, representing the Special Minister of State. Given the Howard government’s proven commitment to the prudent expenditure of taxpayers’ money, are there any financial arrangements that do not meet the high financial standards set by this government?

Mr ABBOTT—I thank the member for Mackellar for her question, and I appreciate the deep concern she has always had to ensure that taxpayers’ money is expended wisely. I very much regret to inform the House that today is the ninth anniversary of the notorious Centenary House deal negotiated by the former Labor government and the
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Australian Labor Party. There were two unusual features of this deal. The first was that the term of the lease was for 15 years compared with the Commonwealth's standard term of just five years. The second was the presence in the deal of a nine per cent rent escalation clause. That means that taxpayers are renting the Australian Labor Party's building for more than double the cost of comparable CBD space in Canberra and more than the cost of comparable CBD space in Sydney and Melbourne.

Thanks to the latest rent escalation, taxpayers are now paying the Australian Labor Party more than $5 million a year, which is nearly $3 million a year more than this building is worth. Without renegotiation, the Centenary House deal constitutes nothing but a $36 million taxpayer gift to the Australian Labor Party. This morning, and again just before question time, the Leader of the Opposition came into this parliament and railed against corporate excess and threatened retrospective clawback of excessive corporate remuneration. If the Leader of the Opposition is to have any credibility at all on corporate rorts, he must end this rort now.

This is a rolled gold rip-off, and it is solely in the hands of the Leader of the Opposition to end it. We know that the Leader of the Opposition has given in to the factional warlords on the question of party reform. The very least he can do is to insist that the Labor Party stops ripping off taxpayers in this way.

Mr Swan—Mr Speaker, I rise on a point of order. I ask you to bring the minister to order. Behaving like Rocky 5 is totally irrelevant.

The SPEAKER—Order! The member for Lilley will resume his seat. Has the minister concluded his answer?

Mr ABBOTT—Yes, Mr Speaker.

Telstra: Service Charges

Mr TANNER (2.21 p.m.)—My question is to the Acting Prime Minister, both in that capacity and in his capacity as Minister for Transport and Regional Services. I refer to statements by the Minister for Communications, Information Technology and the Arts that if Labor is successful in disallowing the government's unfair price control regime for Telstra, the government will abandon price controls altogether. Is it now the government's policy to privatise Telstra, with absolutely no controls over the prices it charges consumers? Why is the government telling Australian consumers that, if Telstra does not get approval for its massive line rental fee increases, it will let Telstra off the leash completely and allow it to charge whatever it likes? Is this why the government is now considering selling the rest of Telstra in one big hit rather than in three instalments?

Mr ANDERSON—I thank the honourable member for his question. The first point to make is that it is not us that want to remove the price restrictions; it is you by your actions. If you move this disallowance, there will be nothing left in its place and the government would have to consider that outcome.

What ought to be looked at here is the context in which these commitments were made by the Labor Party. It has something to do with a fairly desperate Leader of the Opposition wandering around a certain seat on the east coast of New South Wales promising to make a hero of himself by disallowing Telstra line rentals when in reality it has been known for a long time that certain adjustments in relation to line rental fees were a necessary precursor to enabling greater competition in access to those lines. Why do we want better, more competitive access to those lines? So you get more competition in the provision of telephony services. Competition encourages downward movement in prices.

I was quite intrigued to discover that there is an outfit called the Southern Phone Company Project. In that aforementioned seat on the east coast of New South Wales, they want access to the lines so that they can provide more competition and cheaper telephony services but they need that more competitive access regime. I think that if the good citizens of that certain seat on the east coast knew all of the facts, they would reject altogether the ALP's opportunism in this instance.

Education: HECS Contributions

Ms PANOPoulos (2.24 p.m.)—My question is addressed to the Minister for
Education, Science and Training. Is the minister aware of recent negative statements relating to the costs of higher education? Are these comments correct? What evidence is there to show that Australian higher education is internationally competitive?

Dr Nelson—I thank the member for Indi for a fair question. She knows, for example, that the 350 workers at the propellent factory at Mulwala worked damn hard to help pay for the education of their children. The important thing in relation to Australian higher education is that the Australian Labor Party in 1988 in government recognised that, in moving to a mass higher education system, Australia in future generations would not be able to rely entirely on the Australian taxpayer to fund an education for everyone who wanted it. It then introduced the higher education contribution scheme. It is worth pointing out that students at the moment in Australia pay about one-quarter of the cost of their courses and that the Higher Education Contribution Scheme at the moment means that the Australian taxpayer, for example workers in regional Australia, have lent in total $8.2 billion to 1,115,317 Australians to help them pay for their higher education. It also ought to be pointed out that the average HECS debt carried by students in Australia is currently $7,800, that 91 per cent of students owe less than $16,000 and that 80 per cent of students owe less than $12,000. So when you consider that the average male graduate will earn about $620,000 more throughout his working life than someone who did not go to university but actually helped pay for three-quarters of the cost, it is not a particularly bad investment.

Recently, IDP, which is the marketing arm for Australian universities, compared the cost of higher education in Australia with other countries. It found, for example, that the course costs of university education in Australia are cheaper than for every United States public university, for every US private university, for every university in the United Kingdom, for six universities in Canada and for at least one university in New Zealand. It further found that the living costs for students in Australia—and when you take into account that they were comparing international fees, not the fees paid by domestic Australian students—were 40 per cent lower. I am also asked about other comments. There have been some comments from the member for Jagajaga. The member for Jagajaga told Wollongong radio station Radio 97.3 on 3 September 2000:

It is the case now that students in Australia are paying more than students in the United States. That is a pretty shocking state of affairs, and I bet many people are not aware of it.

The reason they are not aware of it is because it is not true. She went on to say at a university financing conference here in Canberra the week before last:

For their penance, they—are now paying some of the highest university costs in the world.

Amongst many others, John Hatzistergos, who is a Labor MLC in New South Wales and is on the Senate for the University of Sydney, recently sent me a report of a study tour he went on in the United States. He found that for a four-year course at a private university in the US, a student pays on average $45,000.

Mr Latham—Yes, a private university.

Dr Nelson—As the member for Werriwa points out, that is for a private university—

Mr Crean interjecting—

Dr Nelson—and for a public university, as I am asked by the Leader of the Opposition, $20,500. What is important is that the Australian Labor Party needs to think about Australia’s future, to realise that some things rise above what passes for them as political debate and think about how we are going to finance Australian higher education and to what extent the hardworking taxpayers, who have never seen the inside of a university, will be asked to make an even greater contribution.

Employment: Job Network

Mr ALBANESE (2.28 p.m.)—My question is addressed to the Minister for Employment Services. Minister, isn’t it true that the Productivity Commission review of Job Network and the Department of Employment
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and Workplace Relations evaluation report of Job Network found that intensive assistance had almost no impact? Minister, didn’t your own department’s report find only a 0.6 per cent improvement on the employment prospects of long-term unemployed people? Minister, if the Productivity Commission report found:

Intensive assistance that is neither intensive nor assistance...

why are you allocating providers only $11 per job seeker for the first 12 months they are unemployed?

Mr BROUGH—I welcome the first question from the new shadow minister, the third shadow minister in 18 months. I am starting to wonder whether it is a bit of a Work for the Dole program from the Leader of the Opposition. I very much welcome the Productivity Commission’s report because, unlike when the opposition was in government and Simon Crean was the employment minister, there was not one independent review of $3 billion worth of expenditure each year. There were only internal evaluations. And the funny thing is that, within six months of the introduction of the Working Nation program, the man sitting opposite me decided that he would no longer show the Australian public the reports at all.

Mr Swan—Under standing order 145, I rise on a point of order. This was a question about the Job Network. The minister is irrelevant. Will you please bring him to order?

The Speaker—The minister has the call. I was not aware of any need to intervene from the chair.

Mr BROUGH—This government can be rightly proud of the fact that in the last 12 months over 320,000 Australians have been matched with jobs through the Job Network. It has put real Australians into real jobs in the last 12 months. When we come to intensive assistance, the first thing to say is that 49 per cent—nearly one in two long-term unemployed under intensive assistance—have actually gone back into work, formal training or education as a result of their time in intensive assistance.

I will turn to the last point so erroneously made by the shadow minister that only $11 was going to the long-term unemployed. The department gave this shadow minister a briefing the other day, and it is a shame that he did not keep his ears open. To make it quite clear, anyone who is at risk of being long-term unemployed—for argument’s sake, someone who is an Indigenous or mature age Australian—will, by having the JSCE applied to them, go into intensive support customised assistance on day one. They will be offered the most direct personalised assistance and will have several thousands of dollars worth of direct assistance available to them.

The $11 that the shadow minister seems to be fixated on is the $11 that goes into the job seeker’s account, which is only one small part of the direct assistance that is available to the job seeker through the Job Network. The money that the federal government are providing is far more targeted and it is delivering results for the unemployed. But we will not rest on our laurels. We believe that, although a million jobs have been created over the last 12 months, more can be done. And we will deliver more—unlike the Labor Party, who believe that the only way to go is to spend more money and create less outcomes. In fact, if you were to apply the same methodology that was used in looking at the outcomes in IA under this particular system to Working Nation, there would have been a negative impact. By putting people through endless training programs year after year with no relevance to their own capacities, they would have had more people out of work than those in a control group who did not actually participate.

Job Network is working for Australia, but more can be done and it can be improved upon. As a result, under our active anticipation model, which comes into effect from 1 July next year, modifications that have been built in through input from organisations such as ACOSS, from Job Network members, from businesses and from the unemployed, we will see an even better system providing targeted support to the unemployed. This will build on the success that this government has had in bringing the unemployment rate from a high of 10.9 per cent, under the Labor Party’s stewardship,
down to 6.2 per cent, and it is heading further down.

Trade

Mr GEORGIOU (2.34 p.m.)—My question is addressed to the Minister for Trade. Would the minister inform the House how the coalition government’s ambitious trade agenda is contributing to job creation and the strengthening of communities across Australia?

Mr VAILE—I thank the member for Kooyong for his question and acknowledge his keen observance of the contribution that international trade plays in the Australian economy. I have a couple of simple facts to share in answering the core point of the question with regard to jobs. Since 1996, we have taken our export earnings in Australia from $99 billion to $154 billion. That sustains one in five jobs across the entire economy and one in four jobs in regional Australia. Of course, we had the announcement only a week or so ago that we have seen the creation of a million new jobs in Australia since 1996. Obviously, exporting has made its contribution to the development of those one million new jobs, and invariably they are better paid jobs, they offer better training opportunities in the workplace and they are with much stronger businesses.

Balancing and supporting that over the last six years or so has obviously been the sound economic management that our government have been able to provide in Australia. We have provided a springboard, a very strong foundation, for Australian businesses to launch themselves into the international marketplace. Some of the measures that we have undertaken include being more fiscally responsible with the way we spend money as a government, providing budget surpluses, the tax reform package which unambiguously benefited Australia’s exporters, industrial relations reform and, of course, the long and stable low level of interest rates that has really secured the future of Australia’s exporting businesses over that period of time.

On the other side of the agenda is the ambitious trade policy that we run by focusing our efforts to take every opportunity to open up markets and to remove impediments for Australia’s exporters in getting into those lucrative markets across the world. Of course, Australia has always been a key player and advocate within the multilateral system. We played a leadership role in launching the round of WTO negotiations in Doha at the end of last year. As the chair of the Cairns Group, we are driving the agenda as far as agricultural trade liberalisation is concerned. And, of course, in November of this year, I will be hosting a mini ministerial council of WTO ministers in Sydney to keep that agenda moving forward, because we believe that it provides the best opportunity to open up the markets of the world to what we sell and, particularly, to remove some of the inequitable impediments to trade.

At the same time, we want to also pursue a bilateral agenda. We are proving that we can do both: we can pursue the multilateral agenda but we also can pursue a bilateral agenda in terms of negotiating free trade agreements. We are well through the process with the Singaporeans and hope to conclude that negotiation shortly. We already have the CER agreement with New Zealand, which is probably the longest standing and purest free trade agreement that exists in the world today. That has seen the trade and investment between our two countries grow dramatically over that period of time. Of course, our ambitions to negotiate a free trade agreement with the United States of America are well known.

Also, to underpin that, we have developed in the Department of Foreign Affairs and Trade a specific group called the Office of Trade Negotiations, with 72 dedicated trade negotiators in there to focus on the multilateral and bilateral agenda we are running. We believe that we can walk and chew gum at the same time, to put it into the parlance—

Opposition members interjecting—

Mr VAILE—It is something that the Labor Party do not believe we can do. They have a single-track mind as far as trade is concerned. We believe in an agenda of competitive liberalisation as far as trade policy is concerned. We have established a strong and stable economy in Australia. We are now establishing a strong, multifaceted trade
policy that will benefit Australia’s trading interests well into the future.

Employment: Job Network

Mr ALBANESE (2.39 p.m.)—My question is addressed, again, to the Minister for Employment Services. I refer to the purchase of Leonie Green and Associates, the Job Network’s biggest private provider, by America’s biggest for-profit social service corporation, Maximus Inc. Minister, are you at all concerned by Maximus’s appalling record for the delivery of social services in the United States, including the company’s poor performance in the delivery of child support payments in Mississippi and California and welfare to work programs in Connecticut, their involvement in cash payments to government officials and their discriminatory internal employment and promotional policies?

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

Mr ALBANESE—Minister, is this the type of social entrepreneur your government wants involved in the delivery of such important social services as finding jobs for the unemployed?

Mr BROUGH—I am disappointed with the shadow minister, because I hoped that he would have something positive. But I guess, as one of his colleagues the member for Werriwa commented to the media in 1998: ... if anyone can find a positive speech or idea that Anthony Albanese has ever put forward in public life I’ll buy them a lottery ticket.

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

Mr Tanner—Minister, would you like your dummy back?

The SPEAKER—Is the member for Melbourne planning to assist the chair, the member for Grayndler or neither?

Mr Albanese—Mr Speaker, my question was very specific. It referred to a specific corporation—the biggest for-profit provider—buying out Leonie Green and Associates. I expect an answer; I ask the minister to return to the question.

The SPEAKER—The member for Grayndler, the chair would have been greatly assisted if you had indicated in your first statement that your point of order was on relevance. The member for Grayndler’s question included a comment about the delivery of social services around the globe and by the company referred to. The minister has the call.

Mr BROUGH—The point that I would like to make to the House and to the Australian public is that we have a great deal of scrutiny on all Job Network members, whether they be Mission Australia, Maximus, Employment National or any other company. We are interested in one thing: positive outcomes for Australian job seekers. The companies that are delivering those have to be able to prove their financial viability and adhere to a code of conduct. If they do not deliver the services to Australia’s unemployed, they will be removed from the system. That is what we have put to those that want to enter Job Network 3, and we will stick to that. It will apply to all companies, regardless of where they come from.

Regional Services: Firefighting

Mr NEVILLE (2.43 p.m.)—My question is addressed to the Minister for Regional Services, Territories and Local Government.
Has the minister’s attention been drawn to the potentially critical bushfire circumstance this summer? Would the minister outline to the House measures the government is taking to ameliorate this danger? What is the government’s intention in regard to the strategic placement of specialist firefighting units?

Mr TUCKEY—I thank the member for Hinkler for his great interest, on behalf of his constituents, in this particular matter—and I also thank the member for Wannon in that regard. They have both contacted me to raise questions on this very important matter. I can inform the House that, on all indications, Australia can expect an extremely difficult and dangerous fire situation this year.

Mr Gavan O’Connor interjecting—

The SPEAKER—Order, the member for Corio!

Mr TUCKEY—This is something I would not have thought was a matter for mirth or interjection. The reality is that many of Australia’s forests are now heavily overloaded with fuel. There has been a substantial reduction in access as the forests have reverted to reserves where there are no forestry industry roads anymore. As has already been mentioned today, the season has been extremely dry and this, of course, will add to the threat.

The member asked what we are doing now. I think it is worth pointing out what has already been done. I refer the House to the fact that the Deputy Prime Minister, the Hon. John Anderson, wrote to the New South Wales Premier offering Commonwealth assistance—in fact, the sum of $50,000—to coordinate the development of a joint proposal amongst the states and territories on cost-effective options for improving Australia’s aerial firefighting capacity. I think those words have a lot contained within them because, quite clearly, at that time the Deputy Prime Minister—and I since I have had that responsibility—have been seeking a national response to what is the extremely expensive capital cost, particularly on an annual basis, of providing aerial firefighting services.

The responsibility for this survey and this recommendation was taken up by the Australian Fire Authorities Council—AFAC—and they have made a recommendation to the government. This recommendation includes a very long list and a huge variety of aerial firefighting assets. Most of those assets can be found in Australia, some need to be rented on a long-term basis and others can be hired quite frequently at short notice—for instance, crop dusters and aircraft of that nature, which frequently are in the hangar at that time of the year.

However, included in those assets—recommended by every state authority in Australia—were three Erickson air-crane helicopters. One of these is better known as Elvis. The cost of these particular pieces of equipment is very high: over $10 million for three. That is just for the freight and the location costs—the lease costs, if you like—while they are in Australia. It is up-front money. It is too late when you have a fire or a high fire risk to be ringing up America and saying, ‘What about sending out Elvis?’ They have to be here whether we have fires or not. Let us hope that they do not have to be used.

Notwithstanding that firefighting is the constitutional responsibility of state governments, the Howard government thought it reasonable to offer, for those specialist pieces of equipment, to pay half the location and rental costs, up to a sum of $5 million. This is something of which I am very proud because it has reduced substantially the cost of that equipment, which has a very significant part to play in protecting people’s property; it is called the forest interface between a high forest fire and where houses are. These particular pieces of equipment are responsible—and this is already on the record—for saving many people’s homes last year.

It is a good initiative. In terms of the question about location which the member asked me, that will be a decision for state governments. We have written to all the ministers, and in particular to the minister in Victoria because Victoria has traditionally hired one of these helicopters. We have asked whether Victoria would be prepared to manage the program. We expect some replies this week as to the details. In conclusion, when you get a good national initiative, and everybody is supposed to be in it, and some
want little planes and some want big planes, you get a bit disappointed when one state Premier puts his hand up and says, ‘I just want $1.9 million of the money.’ Eight into five surely does not come out at $1.9 million. That was the Premier of Western Australia. It was a very silly response.

Then, because there is a sniff of politics, the member for Corio decides that he will get in on the act. He is running around saying, ‘Western Australia doesn’t want a big helicopter.’ The Commonwealth came out to give a national response, and it is just a pity that this is all the member for Corio can see in it. By the way, he never wrote me a letter asking, ‘Could you please help the people of Australia with some assistance on firefighting?’ Oh, no; as soon as a good, positive decision was made, his response was to go crook. The fire chief in Western Australia signed off on the recommendation for three Elvises as part of the package. That is what the Commonwealth is giving assistance with. The Commonwealth has no constitutional responsibility for this. Isn’t it about time that, when the right thing is done at the right time, the member for Corio—the member for no ideas—comes along and says that it is a good idea?

**Employment: Job Network**

Mr ALBANESE (2.50 p.m.)—My question is addressed to the Minister for Employment Services. What mechanisms does the government have in place to ensure that inappropriate providers do not enter the Job Network system by buying out existing companies which have Job Network contracts? Minister, in light of your last answer, will you now give a commitment to investigate the appropriateness of Maximus Inc. being involved in the Job Network, including their record in the United States? Minister, will you investigate this company or not?

Mr BROUGH—It is interesting that at the last election just 11 months ago when we saw the employment policy—if you could call it that—of the opposition, there was nothing at all about checking anybody who may or may not come into Job Network.

Ms Macklin interjecting—

**The SPEAKER**—The minister will resume his seat. I am persistently reminding the member for Jagajaga of her obligations under standing order 55. The minister has the call. The minister is entitled to be heard in silence, as standing order 55 makes patently clear to everyone.

Mr BROUGH—In regard to this particular company, when any organisation looks to change its ownership and it already holds a government contract through the Job Network, it is looked at by the department, the department takes advice as to whether the organisation has the financial capability with which to deliver services and it then has to abide by the code of conduct. A breach of the code of conduct can result in companies losing their entire business, their regional business or their site business. As you would be aware, Job Network 3 is currently under way and letters have been sent to businesses to explain why they may or may not be able to participate in this next contract round. As far as any particular company is concerned, when we go through our tender process we will look at all the criteria, including a wide range of parameters, and the companies will be required to meet those parameters. In the event that a company—whether it be a church based, a not-for-profit or a profitable organisation—subsequently does not meet its contractual arrangements for whatever reason, we reserve the right to be able to remove it from the system. We also reserve the right, under contract 3, to be able to remove those companies who are poor performers, because this government is determined to only have the best level of performance of Job Network members across the entire network.

**Employment: Job Network**

Mrs ELSON (2.54 p.m.)—My question is addressed to the Minister for Employment Services. Is the minister aware of any major employers who are turning to the Commonwealth government’s Job Network to recruit staff?

Mr BROUGH—I thank the member for her question. In fact, if I am not mistaken, she has one of the great theme parks on the Gold Coast just outside of her electorate and, as part of that, they are using the Job Net-
work themselves to employ staff. That is fantastic.

Mr Tanner—You could be an attraction.

Mr BROUGH—Maybe you are looking for a major theme park; who is to say? There are many Australian companies, big and small, that are using the Job Network. Some of those include Coles Myer, Pizza Hut, SPC Ardmona, Shell Autocare in New South Wales, Smiths Snack Foods in Western Australia and the Master Fish Merchants Association, which apparently is better known as the Sydney Fish Market. Not only major corporations are using the Job Network; so are some of Australia’s major employers that are not necessarily private companies. In the home state of the honourable member—that of Queensland—the Beattie government understands the benefits of the Job Network. It has been using Mission Australia to recruit staff for its soon to be opened Maryborough prison. I understand that the correctional services there will be filling some 200 positions using the Job Network, because it is a quality organisation getting quality candidates for the public service in Queensland.

I am also told that the Beattie government ‘tried before it bought’, so to speak, and used the Job Network on previous occasions. It was impressed with the services they delivered, and so it went ahead and used them again. The very devastating fire ant problem in Queensland, which I am sure the Minister for Agriculture, Fisheries and Forestry would be only too aware of, required personnel to be brought on board. On that occasion, the Beattie Labor government employed the organisation of another Job Network member, Sarina Russo, to employ those personnel. At a chance meeting last Friday at a breakfast in Brisbane, one of her managers pointed out to me that some of the long-term unemployed who had managed to gain employment as a result of that are mature age long-term unemployed, and that was very welcome.

Instead of giving us the negative harping criticism we receive in this place, perhaps those who sit opposite should take a leaf or two out of the books of other Labor governments who have not only recognised the importance and the success of the Job Network but have actually let their actions speak louder than their words and have backed the Job Network to employ Queenslanders in jobs that are meaningful for them and the state.

Employment: New Apprenticeships

Mr ALBANESE (2.57 p.m.)—My question is addressed to the Minister for Employment Services and follows on from the question from the member for Forde. I refer to reports that, when fast food retailer Hungry Jack’s opened a new outlet in Hornsby in New South Wales, every single one of its 50 new employees was employed as a trainee. Many of them were young kids simply looking for a little extra pocket money. Minister, isn’t this another example of how your government’s New Apprenticeships scheme is being abused by some employers, who see it as nothing more than corporate welfare that can be exploited to lower their labour costs? Minister, wasn’t the father of one of the Hungry Jack’s trainees correct when he said on the SBS Insight program:

Well, to be blunt, I thought it was a bloody rort

Mr Ross Cameron—You should reword that.

Honourable members interjecting—

The SPEAKER—When the House has come to order, I have two points to make. First, if the member for Parramatta ever wants the attention of the chair, he is expected—like everyone else—to rise and seek the call. Second, as the member for Grayndler must be well aware, the use of language that is less than savoury by way of a quote does not automatically make it savoury.

Mr BROUGH—This must be the first time that any member has ever risen in this place and complained about people getting jobs, particularly young people. The member for Werriwa was dead right when he said, ‘You’re never going to hear a positive thing out of the member for Grayndler.’ The question about traineeships and apprenticeships—

Mr Albanese interjecting—

Mr BROUGH—I understand you still have your training wheels on but, when you take them off, you may like to know that the
The minister responsible for traineeships and apprenticeships is in fact the cabinet minister sitting behind me, Dr Nelson. Perhaps your question would be better directed to him. This government stands behind both its school based traineeships and the fact that, having had a 30-year low in apprenticeships when we came to government in 1996—as a thank you from the Australian Labor Party to the young people of this country—today we have, under the New Apprenticeships system, a growth in employment through both apprenticeships and traineeships.

Mr Albanese interjecting—

The SPEAKER—The minister will resume his seat. I have sat here patiently while the member for Grayndler has persisted with his interjections. I remind him of his obligations under standing order 55 and I warn him.

Mr BROUGH—Those opposite would have denied young people jobs by removing the wages—

Mr Albanese—Mr Speaker, I rise on a point of order. I apologise to the minister for my interjections to him, addressed out of frustration at his failure to answer the question.

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

Mr Albanese—My point of order is on relevance. The question asked whether it is appropriate for a company that employs 50 people to have 50 trainees and no-one to train them.

The SPEAKER—The member for Grayndler will resume his seat. The minister has pointed out that the question might more appropriately have been addressed to the Minister for Education, Science and Training. I invite the minister to conclude his response.

Mr BROUGH—All we have heard from the shadow minister, in the only questions that he has asked, has been negative harping. We are talking about young Australians getting jobs and traineeships, which this government supports. As far as junior wage rates are concerned, you would only have people removed from the workplace through your unfair dismissal laws and removal of junior wage rates. This government stands by its record of employing more than one million Australians since it came to government.

The SPEAKER—I remind the minister and all other ministers or members of the obligation to address their remarks through the chair. The use of the term ‘you’ is invariably inappropriate.

Mr Albanese—Mr Speaker, I seek leave to table a transcript of the *Insight* program where Mr Tony Fielding refers to his disillusionment with the system for his young son.

Leave not granted.

**Children and Youth Affairs: National Agenda for Early Childhood**

Mrs HULL (3.02 p.m.)—My question without notice is addressed to the Minister for Children and Youth Affairs. Can the minister outline to the House the new developments that will help Australia’s children; how have these developments been received?

Mr ANTHONY—I would like to thank the honourable member for Riverina on two counts—as a great advocate for her constituency and also in her capacity as the Chair of the Standing Committee on Family and Community Affairs. No doubt you are going to be doing some very good reports in the future. Yesterday I announced the first step towards building a national agenda for early childhood. This early childhood agenda will focus on three key areas: early child and maternal health, early learning and care, and supporting child friendly communities. This is part of this government’s approach to building a national agenda for looking at future investment in children.

I am glad that this side of the House is keenly interested in pursuing the best outcomes for our children, as opposed to the opposition, judging by some of their comments. I would like to thank some key members of the government who have assisted here: the Minister for Education, Science and Training, the Minister for Health and Ageing, the Minister for Immigration and Multicultural and Indigenous Affairs, and of course the Attorney-General. All of them have been working together quietly behind the scenes to develop a national agenda and
an approach which is all about providing the best outcome for children.

Why should we in the coalition government not be concerned? We know that those early years from zero to five are crucial years in children’s brain development, particularly when it comes to their educational, behavioural and health outcomes. If you enhance those early years then when young children go through primary school and high school, through their teenage years to adulthood, there is a very strong correlation with reducing substance abuse, with minimising the number of young children that end up in the juvenile justice system and—the ultimate—with avoiding the reliance on welfare, which unfortunately is happening more and more with intergenerational welfare dependency, particularly starting at a very young age. I welcome the support from the AMA and from some very leading Australians—Professor Fiona Stanley, Graham Vimpani and also Frank Oberklaid, who have been keen advocates in assisting the government on developing this national agenda for children.

There is another point I would like to make today, and that is that today the coalition government gave its formal response to the Child Care: Beyond 2001 report by the Commonwealth Child Care Advisory Council, which was established a few years ago. I would like to thank Patrice Marriott, who was the chair of that council, and all other members, who made an enormous effort in bringing forward some of the key issues regarding child care. One of the key recommendations they made was to develop a national framework for early childhood, which of course the government is doing, and, secondly, to recognise the key issues that are affecting the child-care sector. They recognised, particularly by the community’s response, that child-care workers are not just in babysitting but in children’s services, a most valuable resource. They are looking—and certainly it is what I intend to do from a Commonwealth point of view—to work with the states and territories through the Child Care Reference Group as well as a think tank that will be established to bring on board all those participants. When it comes to pay and conditions, that is the principal jurisdiction of the states and territories, although we recognise, and I think the shadow member recognises as well, that there is a need to put more value on the work that people do in this sector, and part of that is getting the wider community to recognise their expertise and the effort that they put in.

In conclusion, there is a very good reason why this government is absolutely committed to the provision of child care. We are spending record amounts, despite the member for Gellibrand’s comments today at a rally where she claimed we were not. May I reiterate that we are spending 70 per cent more than Labor did in its last six years of office. There are 2,000 more services now. We have record numbers of children in Commonwealth funded child care, and the costs have gone down.

First Home Owners Scheme

Mr McMULLAN (3.06 p.m.)—My question is to the Acting Prime Minister. Is the Acting Prime Minister aware of warnings last week by the Australian Prudential Regulation Authority that some lenders have been overly aggressive in home lending and in particular of its criticism of the practice of using the first home owners grant to cover borrowers’ entire deposits? Didn’t the Prime Minister himself, in April last year, support and encourage Australian financial institutions to undertake this very practice which has now been condemned by APRA? Doesn’t the Prime Minister share the blame for the vulnerability of Australian families to excessive levels of debt?

Mr ANDERSON—The government strongly support private home ownership, of course. We always have. And we have sought to provide the right sort of environment to maximise the chances of Australians owning their own homes. Nothing has been more important to that than lower interest rates and a generally more competitive banking environment, which has flown from the very responsible changes we have made in the nation’s prudential arrangements. But we never have and we never would encourage people to go beyond that which is prudent in terms of their borrowing requirements, nor would we encourage lending institutions to go beyond what is reasonable in
terms of lending money to those who might be vulnerable.

Mr McMullan—I seek leave to table the report of the Prime Minister’s remarks in the Australian of Friday, 20 April 2001.

The SPEAKER—Leave is not granted.

Environment: Endangered Species

Mr Baird (3.08 p.m.)—My question is addressed to the Minister for the Environment and Heritage. Can the minister advise the House of actions being taken by Australia to increase international protection for endangered whale species? Can he outline the international and domestic support for this Howard government policy?

Dr Kemp—I thank the honourable member for Cook for his question. I appreciated the opportunity to observe southern right whales off the coast of his electorate as they increase in number as a result of our policies. The Howard government are seeking a global ban on commercial whaling and are working at the domestic, regional and international levels to help promote the recovery of these endangered species. Our primary focus is the International Whaling Commission, where earlier this year Australia achieved its most successful vote yet for establishing a South Pacific whale sanctuary: 24 in favour, 16 against and five abstentions. We will be taking our nominations again to Berlin for next year’s IWC meeting.

The Howard government are also looking at other international bodies to complement and support our efforts in the IWC. This includes the Convention on the Conservation of Migratory Species of Wild Animals, which protects migratory species that are endangered or that have an unfavourable conservation status. The Conference of Parties to the Convention on Migratory Species is currently meeting in Bonn and will decide tomorrow night—Australian time—whether to accept Australia’s nomination of six great whales under the convention. I am pleased to announce that the Scientific Council for the convention last week endorsed Australia’s position. This decision reinforces Australia’s broader push to protect migratory whale species.

Australia has now nominated six great whales for listing on the convention: the Antarctic minke, the brooders, the fin, the pygmy right, the sei and the sperm. Listing under the convention would give other nations in the South Pacific an avenue to establish regional whale protection zones in the South Pacific and to undertake other conservation actions which could involve developing and implementing whale watching guidelines, developing non-lethal research programs and developing and implementing bycatch mitigation strategies. I urge all members of the convention to stand with Australia to protect these magnificent migratory species by agreeing to formally list them on the convention when the Conference of Parties meets tomorrow night.

The behaviour of the coalition in promoting the conservation of these species stands in very stark contrast to the lack of any action during the 13 years of the Labor government—which failed to do anything to protect these very important species. In particular, they opposed the environment protection and biodiversity conservation legislation which enables the Commonwealth to establish whale conservation plans. I am very pleased to say that there is evidence that we are seeing the recovery of some of these species but, unfortunately, commercial whaling devastated a number of the major species, and the listing of these under the convention as a result of Australia’s actions would be a great step forward in seeing the populations of the great whales increase again.

Housing: Affordability

Mr Latham (3.13 p.m.)—My question is to the Acting Prime Minister. I refer him to Mr Howard’s announcement on Friday that the government wants to establish a secondary mortgage market in the housing sector. Has the Acting Prime Minister seen comments by the authors of this proposal at the Menzies Research Centre that it will ‘place upward pressure on home prices’? Acting Prime Minister, why does the government plan to deal with Australia’s housing affordability crisis by actually increasing home prices? Won’t this proposal add to the asset price bubble in housing, putting families...
further into debt while making home ownership in this country even more expensive?

Mr ANDERSON—I thank the honourable member for his question. I must say that I remember, before I came into this place, seeing quite regularly on television the many tragic stories from people who had set out to purchase their own homes when interest rates were reasonable—back in the days when the Hawke government came to power—only to find that they were left in the most appalling financial circumstances when housing interest rates rose to 17 and 18 per cent under the sort of one-dimensional, blunt instrument approach to economic management that the ALP engaged in.

Any suggestion that we are ‘planning’, to use the word put up by the shadow minister, to exacerbate a crisis that does not exist—quite seriously, home ownership I suspect has never been as achievable as it has been under this government—is absolutely absurd nonsense. To seek to pan the Prime Minister’s proposals to have a look at further options for reasonably enhancing people’s chances of achieving the great Australian dream of owning their own home I think deserves to be confined to the rubbish bin—it really does. It is just absurd.

What the Prime Minister has done is set up a task force to look at the Commonwealth-state housing agreement and at issues faced by home owners in outer metropolitan areas in particular. I would have thought that might have been of interest to those opposite. There is a certain seat I referred to earlier—Cunningham, I think is its name—where all sorts of opportunistic practices are being engaged in. The Leader of the Opposition wants people to believe that if they overturn increased line rental fees then people will get cheaper rentals on their telephone lines. It is not actually going to happen; the opposite is going to happen. And in this case I would have thought those constituents would have liked the Leader of the Opposition and his front bench to join with us in looking at every option. Some of them may or may not work out, but that is no excuse for not looking at every option for improving the prospects of people owning their own homes.

Agriculture: Environmentally Sustainable Development

Mr FORREST (3.16 p.m.)—My question is addressed to be Minister for Agriculture, Fisheries and Forestry. Given the importance of environmentally sustainable agriculture to the ongoing viability and prosperity of rural and regional communities, would the minister please outline to the House what efforts the government is taking to empower communities with natural resource management skills and resources?

Mr TRUSS—I thank the honourable member for Mallee for his question and recognise his diligent representations on behalf particularly of Landcare coordinators and other facilitators of programs funded under the Natural Heritage Trust and, in particular, the concern that their employment should be secured during the period when we are winding down the old first division of the NHT and opening up the 2nd NHT. Some negotiations are necessary with the states and other parties to put in place the programs which will underpin the new NHT, and during that period many people have been concerned about the security of their employment. So I was pleased to announce last week $25 million in federal government funding to help ensure that this vital resource base, these skills, are not lost to rural and regional communities and, indeed, some urban communities whilst the arrangements for the NHT2 are put in place.

Landcare coordinators and facilitators undertake a broad range of activities to provide resources, to help build the skills base and to help communities also to identify their local needs and then set about resolving the problems. These people make an extraordinary contribution towards the landcare movement, which has become internationally recognised as a community based way of dealing with environmental degradation issues. I know there are some opposite who believe that Canberra knows best or the capital city knows best. We very much believe that these projects work best when they are driven at the local and regional level. A very important part of the new national action plan and, for that matter, the NHT will be the regional focus and the partnerships that will be devel-
oped between communities and governments to develop the projects of significance to them.

As a result of the funding announced last week some 560 people will be employed or will continue in employment through the Landcare grants program to ensure that this vital pool of resources will be available as the NHT is further advanced. The honourable member for Mallee may be interested to know that there are 19 of these coordinators in his electorate. There are 17 in the electorate of the member for Parkes, who I note is particularly interested in these matters as well. In fact, most members are likely to have some Landcare coordinators appointed whose positions have been secured as a result of this initiative of the government. So the federal government has made a major commitment to the Natural Heritage Trust: a further $1 billion now to NHT mark 2 and the $1.4 billion National Action Plan for Salinity and Water Quality. The people’s base, the resource base, will now be in place and continue to be maintained as a result of the announcement of these positions late last week.

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

MAIN COMMITTEE
The SPEAKER (3.20 p.m.)—Before members leave the chamber, I would like to use this opportunity to compliment all members on the way in which they have assisted with the experimental implementation of the giving-way procedure in the Main Committee. As members are aware, this procedure allows a member to ask whether a member making a speech will allow a short question relevant to that speech. The procedure is being trialled on the recommendation of the Procedure Committee to help increase spontaneity and genuine debate. At the end of the first week of this trial, I thought the House would be interested in a brief situation report on the experiment.

I am pleased to tell the House that the Deputy Speaker has advised that several members have already allowed short questions relevant to their speeches to be asked under the procedure. I compliment those members involved on the way they have sensitively applied this new procedure. No doubt all members share my ambition that the House continues to review its procedures to maintain and enhance its effectiveness as a legislative body. I and all members of the House will be following these developments with interest.

PERSONAL EXPLANATIONS
Mr CREAN (Hotham—Leader of the Opposition) (3.21 p.m.)—Mr Speaker, I wish to make a personal explanation.

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

Mr CREAN—Yes.

The SPEAKER—Please proceed.

Mr CREAN—Today in question time the Minister for Employment Services claimed that Labor’s Working Nation policies, which I was responsible for, were not effective in assisting the long-term unemployed. For the record, when I became employment minister the number of long-term unemployed was 309,400; when I left the position the number of long-term unemployed had dropped to 198,000.

Mr Tuckey—That’s not a personal explanation!

Government members interjecting—

The SPEAKER—Order! What is of fundamental importance to the House is that the opportunity for personal explanations exists. The Leader of the Opposition knows that he is of course never denied that right. He did in fact advance an argument in his personal explanation, and it would be normal for him to have been more succinct in the way in which he indicated where he had been misrepresented.

Mr RUDD (Griffith) (3.22 p.m.)—I seek leave to make a personal explanation.

The SPEAKER—Does the member for Griffith claim to have been misrepresented?

Mr RUDD—Yes.

The SPEAKER—The member for Griffith may proceed.

Mr RUDD—Yesterday, my good friend Piers Akerman stated on the ABC Insiders:
It took him—that is, me—to go to London where he saw, as he admits several times, no new evidence and yet he has changed 180 degrees in his view of Saddam Hussein’s regime.

This is incorrect. I refer to my public and parliamentary statements of 15 July, 13 August and 17 September, which state clearly my long-held views on the Iraqi regime and its WMD program, all of which predated my visit to London. The next time pro-war Piers runs a brief from Tony O’Leary in the PM’s office, he should do something novel and check his facts first.

Mr Latham (Werriwa) (3.23 p.m.)—Mr Speaker, I seek to make a personal explanation on a couple of matters.

The Speaker—Does the member for Werriwa claim to have been misrepresented?

Mr Latham—Horrendously so.

The Speaker—The member for Werriwa may proceed.

Mr Latham—On 29 August, I received the following email from Andrew Bolt, correspondent for the Herald Sun:

I was thinking of writing up a very funny confrontation I had with Steven Roach last night. Could you ask Mark whether he encouraged Roach to go over to me, and how is he connected to him? This would make for a fun little item.

In fact, there was no connection between Mr Roach and me; there was no attempt by me to urge Mr Roach onto Mr Bolt. But this did not stop Mr Bolt from writing the opposite in the Herald Sun on 2 September, saying that I had egged on Roach to attack him and that Bolt was going to apologise to Geoff Clark for my behaviour. Steve Roach put out a press release making these points on 2 September. This is not journalism, it is paranoia.

The second matter relates to my friend opposite the member for Solomon, because it was reported in the Financial Review on 20 September that he had been involved in a whole series of disputes at the Holy Grail, having a very active night—perhaps learning from the member for Sturt. Then towards the end of the evening, it is reported here, there was another near brawl, this time with Labor enfant terrible, Mark Latham.

The Speaker—The member for Werriwa will come to his point of personal explanation.

Mr Abbott interjecting—

Mr Latham—I went to a government school, Tony. I am sorry. I am not adverse to a bit of muscling up, but there was no confrontation. In fact, there was an amiable beer and a couple of jokes with the member for Solomon, who was quite complimentary in some of the things he had to say. There was no such incident. I would also correct the same mistake and misrepresentation that was made in Andrew Parker’s column in something called crikey.com, a few days after the Financial Review report.

QUESTIONS TO THE SPEAKER

Dress Standards in the Press Gallery

Mr McMullan (3.26 p.m.)—Mr Speaker, I want to ask you a question about dress standards in the press gallery. I want to know if it is appropriate for people to wear Collingwood scarves, on the grounds that this could lead to unruly behaviour in the chamber. I wonder if you would issue a warning.

The Speaker—I would remind the member for Fraser that his question is addressed to a Speaker who originates from South Australia, and it may therefore be seen to be inappropriate on this particular day.

PERSONAL EXPLANATIONS

Ms Panopoulos (Indi) (3.26 p.m.)—Mr Speaker, I wish to make a personal explanation.

The Speaker—Does the member for Indi claim to have been misrepresented?

Ms Panopoulos—Yes.

The Speaker—Please proceed.

Ms Panopoulos—It was alleged in last Friday’s Financial Review and in one of the crikey.com columns that I intervened to break up a dispute between the member for Solomon and Senator Michael Forshaw. This is utterly incorrect. I have never observed the member for Solomon conversing with Senator Forshaw, let alone having a dispute with him. Prior to the publication of this fiction, I was not even extended the courtesy of a phone call from any of the relevant journal-
ists to confirm or otherwise the veracity of the story they were intending to publish.

Mr TOLLNER (Solomon) (3.28 p.m.)—Mr Speaker, I wish to make a personal explanation.

The SPEAKER—Does the member for Solomon claim to have been misrepresented?

Mr TOLLNER—Most certainly.

The SPEAKER—The member for Solomon may proceed.

Mr TOLLNER—I refer to the same articles that the members for Werriwa and Indi referred to in the Australian Financial Review and crikey.com, which alleged incidents between me and Senator Forshaw and also between me and my friend the member for Werriwa. I would like to advise that those incidents never occurred. I spoke to Senator Forshaw last night for the first time in my life, and he advised me that it has been several years since he has been to the Holy Grail.

PETITIONS

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

Health: Pharmaceutical Benefits Scheme

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

The petition of certain citizens of Australia draws to the attention of the House:

That increases to the Pharmaceutical Benefits Scheme in the 2002 budget will hit those that can least afford it, families and pensioners.

That this Government should remember the commitments made before the 2001 election in regard to the cost of prescription drugs.

We therefore pray that the House oppose the Howard-Costello plan to increase the cost of prescription drugs for Australians.

by Mr Martin Ferguson (from 23 citizens),

by Ms Hall (from 71 citizens) and

by Mr Stephen Smith (from 1,788 citizens).

Immigration: Asylum Seekers

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

The undersigned citizens and residents of Australia draw the attention of the House to the unnecessary and unconscionable social hardships and personal trauma currently suffered by the men, women and children who are detained mandatorily in immigration detention centres in Australia.

The petitioners therefore request the Parliament to act to release immediately all unaccompanied minors, all children under 18 years and their mothers, and all family members who have a person in the family who is a TPV holder in the Australian community.

by Mr Bevis (from 30 citizens).

Health: Pharmaceutical Benefits Scheme

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

The petition of certain electors of the Division of Kingston, draws to the attention of the House, their concerns about the effect on pensioners of the proposed increase in the cost of prescriptions and the removal of vital medication from the Pharmaceutical Benefits Scheme, as these moves will add to the living costs of those least able to afford it.

Your petitioners therefore request the House to give consideration to not imposing an increase in prescription charges on pensioners and to not removing medication currently available on the Pharmaceutical Benefits Scheme.

by Mr Cox (from 39 citizens).

Suicide Bombings

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

We the citizens of Australia note that the practice of suicide bombing is a crime against humanity. This crime and its participants, organisers and supporters are guilty of a crime which has been committed against innocent civilians.

Further, we the undersigned note that there is no moral, religious or political justification for this crime.

Your petitioners, declare therefore, that the perpetrators of these crimes should be prosecuted and punished by the appropriate international courts of justice.

We the citizens of Australia call on the House to act immediately to facilitate a debate at the next
United Nations conference to declare clearly and unequivocally, that the practice of suicide bombings is a crime against humanity.

by Mr Danby (from 133 citizens).

**Telecommunications: Mobile Phone Towers**

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

The petition of certain residents of the state of Victoria draws to the attention of the House their desire to stop the erection of mobile telecommunications towers within the electorate of Batman, in particular the proposed erection of a Hutchinson Orange Mobile Communications Tower at the corner of Invermay and Banff Streets, Reservoir in the state of Victoria citing unknown adverse health risks as a result of the radiation as due cause.

Your petitioners request the House to stop the erection of the said mobile communications tower.

by Mr Martin Ferguson (from 1,419 citizens).

**Roads: Western Highway Railway Overpass**

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

The petition of certain electors of the Division of Wannon draws to the attention of the House:

The only railway level crossing on the Western Highway between Melbourne and Adelaide is at Ararat.

The high and rapidly increasing volumes of both road and rail traffic continue to escalate the risk of a disastrous collision possibly between a bus or large truck carrying dangerous goods and a passenger or freight train.

Following a recent fatality the coroner recommended the construction of an overpass to eliminate the level crossing.

The government has instead, allocated approximately $500,000 for the installation of boom gates at the level crossing.

An overpass is urgently needed to eliminate the risk of a future disaster, excessive delays and to improve road safety and traffic flow as boom gates will not solve the problem.

Your petitioners therefore request the House to direct that an overpass be urgently constructed to eliminate the existing railway level crossing on the Western Highway at Ararat and provide the necessary additional funding for the same.

by Mr Hawker (from 2,400 citizens).

**Immigration: Asylum Seekers**

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

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

That this Synod regrets the Government’s adoption of procedures for certain people seeking political asylum in Australia which exclude them from all public income support while withholding permission to work, thereby creating a group of beggars dependent on the Churches and charities for food and the necessities of life; and calls upon the Federal government to review such procedures immediately and remove all practices which are manifestly inhumane and in some cases in contravention of our national obligations as a signatory of the UN Covenant on Civil and Political Rights.

We, therefore, the individual, undersigned Attendees at the Ecumenical Forum, Mornington, Victoria 3931, petition the House of Representatives in support of the abovementioned Motion.

And we, as in duty bound will ever pray.

by Mr Hunt (from 20 citizens).

**Health: Pharmaceutical Benefits Scheme**

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

We, the undersigned members and supporters of the Australian Pituitary Foundation, draw to the attention of the House the urgent need for the extension of PBS subsidy of growth hormone replacement therapy to include adults with severe growth hormone deficiency.

It is estimated more than 2,000 adult Australians require growth hormone replacement therapy after developing pituitary tumours or following pituitary surgery. The vast majority of sufferers cannot afford the free-market cost of growth hormone replacement therapy. Without treatment they suffer muscle wastage, obesity, loss of energy and ability to exercise, depression and social isolation, osteoporosis, inability to work, elevated risk of heart attack and stroke and premature death.

Your petitioners request the House support the extension of the PBS subsidy of growth hormone replacement therapy to include adults with severe growth hormone deficiency.

by Mr Jull (from 100 citizens).
**Foreign Affairs: Iraq**

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

The petition of certain students, staff and board members of The Friends’ School in Hobart, draws to the attention of the House the support given by the Prime Minister and the Minister of Foreign Affairs to any military action taken against Iraq by the government of the United States without any public or parliamentary debate and despite reservations expressed by military leaders of the ADF.

Your petitioners therefore request the House to:

Demand a full parliamentary debate on whether or not Australia supports any armed attack directed by the US military against Iraq.

Institute Parliamentary Committee hearings on the issue with public consultations in every state.

Exercise the greatest restraint and caution in agreeing to participate in any pre-emptive military strike against Iraq.

Explore and consider as comprehensively as possible alternative actions to military action against Iraq.

by Mr Kerr (from 207 citizens).

**Geoscience Australia**

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

The petition of certain employees at Geoscience Australia draws to the attention of the House the following circumstances:

The employees of Geoscience Australia have been informed by management that they are unable to gain access to reasonable wage increases because of:

A budget decision to underfund the $8.5 million Petroleum Frontiers program by $1.5 million in 2002-03.

A shortfall of $3 million in revenue related to the newly introduced Government’s cost pricing policy for spatial data.

Rent increases at the Geoscience Australia Symonston facility—six per cent increase last year and three per cent increase this year on $13 million of annual rent creating a $0.5 million shortfall in 2002-03.

The total shortfall for 2002-03 is $5 million.

Your petitioners therefore pray that the House initiate the required steps to supplement the budget of Geoscience Australia to allow payment of reasonable wage increases to Geoscience Australia employees.

by Mr McMullan (from 293 citizens).

**Banking**

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

The following citizens of Australia draw the attention of the House to banking malpractice in Australia recognised by the Joint Committee for Corporations and Securities in its report of August 2000 into banking industry failure to supply bank statements to customers.

Your petitioners therefore request the House to bring into being a Royal Commission into all aspects of banking malpractices including government subsidies and the relationship between government, government agencies and banking.

by Mr Neville (from 21 citizens).

**Fuel: Prices**

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

The petition of certain residents of the state of Queensland draws the attention of the House to:

The rapidly escalating cost of retail fuel

The further financial pressure this is causing to many Australian families

The likelihood of rising inflation because of the impact of fuel prices on transport costs

Your petitioners therefore ask the House to:

Hold and inquiry into the petrol pricing practices of the oil industry;

Have the ACCC monitor the prices, costs and profits of the oil industry including the profits derived from all refinery products;

Reverse the 1 August 1998 decision under the prices Surveillance Act 1983 to remove the price oversight role of the ACCC for the petroleum industry;

Call upon the Minister for Financial Services and Regulation to formally declare petroleum prices under the PSA enabling the ACCC to consider whether proposed price increases are justifiable;

Call upon the Federal Government to honour its commitment to Australian motorists to reduce the petrol excise by the equivalent amount of the GST.

by Mr Neville (from 42 citizens).
Environment: Sea Cage Fish Farms
To the Honourable the Speaker and Members of the House of Representatives assembled in Parliament.

The petition of certain citizens of Australia draws to the attention of the House the impact of sea cage fish farms in Moreton Bay.

Sea cage fish farms will significantly increase level of nutrients into the bay derived from excess feed, faeces, dead fish, operational pollution and cage cleaning;
Increase the risk of algal blooms;
Contribute to lowering dissolved oxygen in the water which leads to the death of marine life;
Place at risk the wild populations of fish, bird and flora species through introduced diseases, genetically modified breeding stock and pollution plumes;
Require the use of tetracycline and formalin as medication in the feed and anti-fouling agents to clean cages, the long-term environmental effects of which are not known;
Create a blight on the visual amenity of Moreton Bay significantly affecting the tourist potential of Moreton Bay;
Compromise the millions of dollars that has been invested to date to remove nitrogen from Moreton Bay to protect the fragile ecosystem.

Your petitioners therefore request the House to immediately enact legislation that will prevent the establishment of sea cage fish farms in Moreton Bay.

by Mr Sciacca (from 437 citizens).

Petitions received.

PRIVATE MEMBERS’ BUSINESS
Communications: Ethnic Community Broadcasting
Ms Vamvakinou (Calwell) (3.32 p.m.)—by leave—On behalf of the member for Reid, I move:

That this House:

(1) pays tribute to the thousands of dedicated people across Australia who are involved every week in ethnic community broadcasting;
(2) recognises that the Australian Ethnic Radio Training Project (AERTP), auspiced by the National Ethnic and Multicultural Broadcasters Council, performs a vital role in providing nationally available, quality, accredited, value-for-money, competency-based training for aspiring ethnic community broadcasters;
(3) acknowledges there is an ongoing demand for such training from new broadcasters, new programs, new language groups and from existing groups; and
(4) calls on the Government to provide further financial support to AERTP to ensure that it continues to operate beyond the 2002-2003 financial year.

I am happy to move this motion. I do so on behalf of Labor’s shadow minister for citizenship and multicultural affairs, the member for Reid, who is unable to be here this afternoon. He is attending the funeral of his father, the late Jack Ferguson. This motion illustrates the important role and contribution that ethnic community broadcasting plays in our society. This role is not always well understood by the broader community, nor is it particularly well known to those who do not participate in ethnic broadcasting.

The genesis of ethnic broadcasting can be traced back to the pioneering work of the Whitlam government. That government was the first to seriously acknowledge the reality that Australia is not a monolingual or monocultural society. The Whitlam government saw a dual purpose in the establishment and promotion of its multicultural policies. Firstly, by recognising the multicultural nature of our community, it sought to provide access and equity to Australians whose first language was not English. In so doing, it gave all an opportunity to participate in our social, cultural and political life without running the risk of exclusion because they could not speak English. Secondly, the policy of multiculturalism contributed to the enrichment and development of our contemporary multicultural Australian identity.

At the time the idea faced considerable opposition from the coalition and the established public broadcaster, the ABC. However, with determination, seed funding was provided for trial ethnic radio stations in Sydney and Melbourne as well as for a public access station, 3ZZZ, in Melbourne. This was to commence in 1975. These developments directly led to the birth of SBS radio and ethnic community broadcasting in Australia respectively. The Melbourne based Migrant Workers Committee and the newly formed Ethnic Communities Council of
Victoria played a key role in these developments.

From these humble beginnings Australia now has a vibrant and comprehensive network of ethnic community broadcasting stations. There are about 100 stations around Australia, producing some 1,800 hours of programming in almost 100 languages with the assistance of 4,000 volunteers—a point I will come back to later on, as the culture of volunteers built around ethnic community broadcasting is in fact its backbone and its greatest strength. These stations are targeted at almost 2.9 million Australians who, according to the 2001 census, speak a language other than English at home. Ethnic broadcasting covers 50 per cent more languages than SBS radio and delivers three times as much original programming.

Its programs are a dissemination of important information in the form of news, with a domestic and international component, and current affairs aimed at keeping its audience informed and in touch. Important also to program formats is entertainment and music. To the first generations of the more established communities and to the newly arrived communities, ethnic broadcasting is a critical link. For the elderly, in particular, it is a source of great companionship and comfort, as many begin to revert to the almost exclusive use of their mother tongue as they age.

I want to come back to the issue of volunteers. While receiving only modest Commonwealth funding, these broadcasters rely significantly on the voluntary fundraising efforts and labour of individuals and community groups. Ethnic community broadcasting has never had the financial resources of, let us say, SBS or the ABC. It runs virtually on a shoestring budget, and its outstanding success is a credit to the people who, over the years, have dedicated their time and their skills to the production of programs. Producing broadcast programs is a time-consuming and often frustrating experience. I know, because I have been one of those thousands of volunteers who have spent many an hour in the studios of community broadcasting. Like all the volunteers, I committed my time because I wanted to provide a service to my community, but I also benefited greatly from my involvement. In fact, my last program was a morning current affairs segment that I cohosted with two other women, one of whom is now a producer for Lateline.

However, it is not just individuals who volunteer; it is also the communities as a whole. Each language program has its own committee, allowing for as broad a participation as possible as well as providing the fundraising efforts that are an annual occurrence. I am pleased to say that the amount of money raised increases from year to year. This is a sign that ethnic community broadcasting remains a very significant component of our diverse community.

Over the years, its role and significance has not waned, despite the rise of free-to-air commercial ethnic broadcasters, as well as cable television. Its audience remains faithful and grows because people trust the quality of its programs. In addition, ethnic community broadcasting builds strong community networks and plays a significant community development role, especially among the newly emerging communities. At a time when we have seen significant government cutbacks to English language programs, new and emerging communities are almost totally dependent on the services of ethnic broadcasting.

I want to talk a little about the training project component of ethnic community broadcasting, because this motion draws particular attention to the position of the Australian Ethnic Radio Training Project, whose future is currently under threat. In the past nine years, the program has provided accredited training to more than 2,500 ethnic broadcasters from about 80 separate language groups. Broadcasters have completed over 21,000 training modules. The project has 142 trainers nationally and participants from language groups as diverse as Tamil, Turkish, Latvian, Spanish, Somali and Croatian. Over half the stations are in regional and rural Australia, in communities as dispersed as Bankstown, Narwee, Cairns, Gosford, Coffs Harbour and Ryde. The training provides broadcasters with on-site experience at community radio stations and it does so in a very cost-effective manner. I under-
stand it costs an average of $6.50 an hour to conduct the training. People who have studied under this project speak very highly of the usefulness of the training.

Unfortunately, while the number of stations providing ethnic broadcasting has significantly increased in recent years, funding for the training project will be exhausted at the end of this financial year. Funding for this important project was originally sourced from an endowment and that funding source has now dried up, so I strongly urge the government—specifically Minister Alston—to act without delay to match its commitment to multiculturalism and to provide further financial support to the project in order to ensure its survival. I understand it requires a commitment of around $250,000 a year, which is a pittance in the context of the overall Commonwealth budget. When you consider that the government readily spends massive amounts of taxpayers’ money on advertising to bolster the coalition’s image, I am sure that it could find a few hundred thousand dollars a year to continue a vital training project that benefits over 200 trainee broadcasters each year.

If the Howard government is serious about its commitment to multiculturalism, it will move quickly to reassure a very anxious ethnic broadcasting industry that its training future is secure. While it is great public relations to talk about the importance of embracing the Australian family, it is even more important to put your money where your mouth is and to continue to support programs that provide access and equity, because you cannot have a multicultural policy without access and equity programs. I would like to conclude with a quote from Jason Yat-Sen Li, who is a human rights lawyer and a former broadcaster himself:

The role of ethnic community broadcasting goes beyond the role of education and entertainment and even preservation of culture. It goes to the heart of forging an inclusive Australian identity for all Australians.

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

**Mr Hatton**—I second the motion and reserve my right to speak.

**Mr KING (Wentworth)** (3.41 p.m.)—It was the German Chancellor Otto von Bismarck who made the observation, in the 1880s, that one of the most important strategic facts of the then contemporary world was that the United States of America and the British Empire, as it then was, had a common language; namely, the English language. Some 20 or so years after that, it was the likes of George Bernard Shaw and others who proposed a new linguistic regime for a new world; namely, Esperanto, in the hope—perhaps, in the light of events, the forlorn hope—that a new dawn would occur in cultural tolerance around the world, based upon a universal language which drew from all the languages of the then known world.

What has happened is that the English language, which we in this House know and love so well, has in fact become the Esperanto or the lingua franca of the contemporary world. In this country, we who speak English as our first language are indeed, for that reason, very fortunate.

**Mr Georgiou**—Even as a second language.

**Mr KING**—Thank you. But it should be observed in coming to this topic that not only has the English language become the lingua franca but also the English language is the common language of this country. Because it is the common language and because this country has established such a strong multicultural tradition, we should now embrace, as we have done in the government—indeed, on both sides of the House—for the last 20 or so years the developments that have seen the acknowledgment and encouragement of cultural programs from so many other parts of the world and from the many peoples who make up this wonderful country of ours.

In supporting most aspects of this motion—but, I should say, not all—I endorse the comments of the previous speaker concerning the importance of ensuring training in relation to the many languages that can be found on our radio stations. I wish to speak somewhat briefly about the languages that are spoken in my own electorate. I will then speak about the government’s programs in relation to ethnic broadcasting generally and will draw one or two conclusions from that
in relation to training in particular. In my own electorate, Russian is an important language, as are the Greek, Italian and Chinese languages. Each of them is spoken at home in a relatively large number of households. For those who have assumed that every household in our country speaks English, it is important to understand and recognise that that is not the case and that upwards of one-third of the households in some electorates—there has been an estimate to that effect in my own—speaks a different language at home.

That calls for tolerance and respect on the part of those who do not speak a language other than English at home. It also calls for recognition by those who do speak other languages at home that we do have that wonderful tradition that I spoke of earlier, the lingua franca, and the common tradition of the English language, which we should all seek to accept and respect. If we do that, we will end up with a vital culture that is respected both by those who are part of the continuing tradition of English as their first language—who understand and can converse, whether it be in commerce or navigation or through academic studies or science, around the world and also at home—and those who come from a different tradition.

I will make one other point before I move to the government’s position. In my own campaign for parliament last year, I spoke on four different Chinese language radio stations to ensure communication of my message to the people of the eastern suburbs of Sydney. I am very grateful that those stations were prepared to take a message from a new candidate for parliament. I spoke on Russian language programs as well. Television and Radio Broadcasting Services, TARBS, is an important television network. Indeed, it is a private enterprise that has recently begun in this country and has five Russian language television channels beaming into Australia. In addition, there are a number of Greek language radio programs. Probably the most popular of any in the country are the Italian programs, which I mentioned earlier.

It is not often recognised that the number of permanent radio stations has increased by some 61 per cent since the government was elected in 1996. That is an outstanding record that the Minister for Communications, Information Technology and the Arts and the Minister for Immigration and Multicultural and Indigenous Affairs can be very proud of. The number of stations with permanent licences has increased from 130 to 209. Interestingly enough, the majority—some 70 per cent—of those permanently licensed community radio stations are in regional areas, and 25 per cent of these provide the only local radio service in that region.

The government has increased funding to the community broadcasting sector by some 55 per cent since 1996 in order to achieve those outcomes. This funding is provided to the sector for ethnic, Indigenous, radio for print handicapped and general broadcasters as well as for transmission assistance and sector coordination. In 2001-02, an additional $5.2 million was allocated to the community broadcasting sector by the government through the Community Broadcast Fund. This can be contrasted with the funding extended by the Labor Party, when it was last in office in 1995-96, of only $3.23 million.

Over and above this substantial funding commitment, infrastructure commitment and—dare I say it—moral and emotional commitment by leading ministers of the government, the coalition has provided special purpose funding through its infrastructure package. An infrastructure package was announced as long ago as 1996, in the first year of the government, and comprised some $10.5 million in special purpose funding, which has been utilised over the last five years for the Community Radio Satellite service—also known as ComRadSat—the Community Broadcasting Database, the Community Access Network and Multicultural Community Broadcasting. That infrastructure fund provided for the extension of the ComRadSat, which is now the principal source of satellite delivered radio program content in the sector, with just under 80 per cent of all stations accessing the service; the roll-out of 181 computers to the sector with software to access the Internet and email; and the development of a Community Broadcasting Database to be made available
online to stations for marketing and management purposes.

It can be seen from that record that the government has committed itself in a number of ways to the future of ethnic radio broadcasting, and I strongly support those policies in that regard. As I said at the start, if we wish to ensure that the whole of the Australian community, including those new communities that have become part of our broader community, come with us, contribute to us and are made part of the vitality of modern Australia, we must reach out to them in different ways. Ethnic broadcasting is an important means by which that can be done.

**Mr Hatton (Blaxland) (3.51 p.m.)—** I say at the outset that I agree with the motion put forward by the member for Calwell, on behalf of the member for Reid. Unfortunately, having listened for 10 minutes, I do not know whether the member for Wentworth agrees with most, if not all, of what was proposed by the member for Reid. He indicated at the start that he did, but I heard virtually nothing in all of that 10 minutes that went to the core of what this motion is about. I expect we might get a bit closer with the member for Kooyong, who I am guessing might be the next person up.

The core of this question goes to the fourth point: will the government support this program with moneys so that it can continue into the 2002-03 year? A simple proposition: will the money be put up or not? Will the program continue or not? It is not too difficult for a member of the government to have a quick word with the minister, given that a matter like this has come up in private members’ business, to gauge whether or not the government is of a mind to support the program. It is not enough to say that over past years—in fact, over the 10 years that this program has operated and not just since 1996—it has been successful and that the government has, as a former government did, put funds into community broadcasting. It is not enough to say that there are infrastructure funds there and funding more generally. It is not enough to say that there has been a bit of an increase in that. We specifically want an answer to point 4: will the government support it or not?

The rationale for supporting it has already been put by the member for Calwell, based on her experience as one of the people who has trained within the ethnic radio area and one who has benefited from a program that, at half the cost of normal training programs—and the Minister for Employment Services, who is at the table, would appreciate this—has turned out people in the radio area with programming skills of a high order.

This motion also argues that we should look not just at existing programs and what has happened in the past for a number of communities but realise, as the Minister for Immigration and Multicultural and Indigenous Affairs understands, that our immigration program, particularly through the refugee program, brings new people from diverse parts of the world all the time and that there is a continuing need not only to embed but to expand the coverage to cover different language groups. This is particularly important at two levels. One level is for those people who came in the early part of the post-war program—the people who came in the fifties and sixties—the people who came to a linguistic wasteland in Australia, the people who came to an Australia that had English as a lingua franca. It did not have anything else. It did not have the 700 Aboriginal languages that had been put aside. It was English or nothing else.

During the Menzies period, those people who came were given virtually no assistance whatsoever, not only no monetary assistance to try to settle themselves here but no assistance in the workplace and no assistance to learn English. They learned it from other migrants in their local workplaces in my electorate in Bankstown and elsewhere. Thankfully, those years have long gone. This government, following our government, has put money into ethnic radio broadcasting. It is important, because a lot of those people who came in the fifties and sixties—the people who are older, the people who had a grasp of English and were able to work their way through the community—have, as they have become older and more frail, lost their capacity to use English in the way that they did through most of their working lives. They need greater help. They need language
help within the nursing home area and within
the community at large and they need this
kind of resource that they can get through
ethnic community radio. Those people who
are newly coming to the society as refugees
need more people to be trained in their lan-
guages because, if they are not, then they
cannot adequately communicate, not only
with the members of their own community
but with the rest of the community, and the
government cannot do its job of passing on
relevant information to people newly coming
to Australia. It is an important part of the
process that media like this are not only able
to train people but to provide the vehicle to
assist constituents in Australia, both those
newly arrived and those who are part of the
original post-war programs. They need to do
it on the basis of a program that is funded
now. The government needs to fund it into
the future. (Time expired)

Mr GEORGIOU (Kooyong) (3.56
p.m.)—Mr Deputy Speaker, I wish to support
the motion moved by the member for Cal-
well in the absence of the member for Reid. I
might say that the thoughts of this House
today are with the members of the Ferguson
family.

There are many things in which Australia
leads the world and one of them is multi-
culturalism. This has essentially been a bipartis-
ian endeavour mounted over the last quarter
of a century or more to recognise and respect
Australia’s cultural and ethnic diversity and
it has involved a preparedness by successive
governments to assist its evolution. The path
has not always been smooth. Multicultural-
ism has been sniped at by both left and right
and there have been moments when govern-
ments of both persuasions have been unen-
thusiastic.

I would like to correct the member for
Calwell’s misapprehension of history. In
terms of full frontal attacks on multicultur-
alism, I think she really needs to go back to
the opening years of the Hawke government
when we saw every institution of multicultur-
alism under astonishing attack. If she
doubts this, then I suggest that she looks at
the historical record of abolitions and in-
tended terminations of multicultural institu-
tions and programs, not least of all SBS.

It is encouraging that there does seem to
have been an abatement of the intensity of
the attacks on multiculturalism and I believe
that this is due in large part to the high levels
of public support for multiculturalism and its
achievements. At this point I would like to
quote Paul Kelly, who has long been a scep-
tic about multiculturalism, who recently said:

First we need an end to the domestic culture war...
... It means projecting our form of multicultural-
ism, because whenever I explain to American or
European audiences its philosophy, the immediate
reaction is, ‘That’s exactly the policy we want’.

Broadcasting is an area in which multicultur-
alism has made enormous, internationally
recognised strides. Fundamentally important
to these have been institutional developments
made, for instance, in the establishment of
SBS and multicultural television. These ini-
tiatives are quite unique and are something
for which we owe Malcolm Fraser a great
debt for his political courage, his social fore-
sight and, not least, his capacity to mould
institutions that have survived. But I have to
to say that the Australian Ethnic Radio Training
Project was a Labor initiative some 11 years
ago, which has received continued support
under the Howard government. Ethnic com-

munity broadcasting involves thousands of
people committed to maintaining and elabo-
rating their cultural and linguistic heritage in
Australia. This involvement emphasises yet
again that, far from being disembodied and
manufactured by some elite, multiculturalism
does spring from and depend on the cultural
commitments of our ethnic communities.

Through the AERTP the government has
facilitated the expression of these commit-
ments by providing accredited training in
ethnic broadcasting. The latest figures avail-
able to me indicate that 2,500 broadcasters
have participated in AERTP training and that
20,000 training modules have been com-
pleted by broadcasters. AERTP has made a
significant contribution to ethnic community
broadcasting, specifically to new language
groups, in the areas of skills development
and employment. There are now more than
4,000 people involved every week in ethnic
community broadcasting and thousands upon
thousands of people involved as listeners.
Broadcasters are able to learn technological,
production, presentation and organisational skills which have significant benefits across a wide range of areas.

I concur with the motion that the government continue to support the AERTP beyond this financial year, because it has been a success and the need for it continues. I would like to comment on one tendency that I believe needs to be recognised and resisted—that is, the attempt to subsume ethnic community programs in broader programs in the belief that placing them under mainstream program bases will achieve a better outcome. This sounds fine in theory, but experience indicates that it is exceptionally difficult to bring off.

Multiculturalism has made a major contribution to the best Australian values, and ethnic community broadcasts and the skills imparted to ethnic broadcasters by AERTP have been an important part of this. I agree with the chairperson of the National Ethnic Radio Training Taskforce, Mary Kalantzis, who I do not always agree with, when she said: Skilling ethnic broadcasters builds an inclusive multicultural nation for Australians from all cultural and national backgrounds.

I commend the motion to the House.

The DEPUTY SPEAKER—Order! The time allotted for this debate has expired. The debate is adjourned and the resumption of the debate made an order of the day for the next sitting.

Tourism

Mrs GASH (Gilmore) (4.01 p.m.)—I move:

That this House:

(1) recognises the positive contribution of this Government in encouraging the tourism industry in Australia;
(2) notes the impact of external factors on the local industry;
(3) recognises the contribution of local and regional tourism to the national economy;
(4) acknowledges the important role of local and regional tourism in providing employment opportunities for young people; and
(5) recognises the need for more equitable dismissal laws for small business to ensure greater employment opportunities are made available by employers in the tourism industry.

This is a subject dear to my heart since I have been involved in the tourism and hospitality industry for about 30 years. As a former tourism officer for the Southern Highlands, I was seconded to the Department of Tourism, New South Wales, my first boss being Michael Cleary, then Gary West, Michael Yabsley, Virginia Chadwick and of course our own member for Cook, Bruce Baird. I am still a co-owner of a tourism establishment that employs 20 to 30 people. As such, I feel I can speak with confidence and some authority on the industry and its contribution to the economic and social landscape of Australia and to my electorate of Gilmore in particular.

This year’s budget has delivered on all the government’s election commitments in support of tourism. As such, this government has made available more than $45 million in additional funding to help restore much needed growth and prosperity in the tourism industry. These announcements included an additional $24 million to the Australian Tourism Commission over five years to improve and reinvigorate overseas promotion of Australia, as well as $8 million to extend the existing See Australia domestic tourism initiative, and for regional areas like Gilmore an additional $8 million to the regional tourism program. In addition to this, the government has committed to developing a 10-year plan for tourism. There has been considerable input from stakeholders in the 10-year plan, with around 260 written submissions being lodged. These are being considered in the development of the green paper to be released later this year. I urge all stakeholders to participate in the shaping of the plan. Too often government have set policies, particularly in tourism, without consulting those who have invested in the industry.

We are all aware of the events of September 2001, their effect on the Australian tourism industry and the positive way in which the industry and government pulled together to ride the worst of these tragic events. Coupled with last year’s economic slowdown in
a number of tourism source markets, particularly overseas, these events have resulted in a slower than expected recovery. Whilst we expected the domestic market to grow, this did not reach anywhere near its full potential.

In a competitive global economy, with a dynamic industry such as tourism, there will always be challenges ahead. It is important that the industry is able to recognise and prepare to meet these challenges. It is important to plan ahead, not just for the immediate future but also for the longer term, if we are to create a more sustainable tourism industry in Australia. Hence the government’s 10-year plan to maximise future opportunities. Tourism generally has grown in line with the overall economy, its percentage of gross value added continuing to be 4.3 per cent, making the tourism contribution higher than agriculture, forestry and fishing, communication services, and electricity, gas and water supply.

So what does this mean to Australia? It means that the tourism contribution to the GDP has increased from 4.5 per cent in 1997-98 to 4.7 per cent in 2000-01. However, to be fair, this increase is largely due to price increases in tourism services resulting from the introduction of GST. This increase means that taxes paid by visitors grew at a faster rate than the overall product taxes collected for the whole economy. Tourism consumption in 2000-01 was $71.2 billion, an increase of 22 per cent since 1997-98. Those tourists who came from overseas were $17.1 billion, representing 11.2 per cent of total exports, and tourism exports remain higher than coal, iron, steel and nonferrous metals.

But what about our own domestic market? In 1998, Australians spent a total of $43 billion on travel within Australia. Of this, $24.9 billion or 58 per cent was spent outside Australian capital cities. Regional Australia’s dependence on domestic tourism is also highlighted in terms of visitation. Some 59 per cent of all domestic visitor nights are spent in regional areas. This compares with only 18 per cent of the international visitor nights spent in the same regional areas.

While regional tourism is a vital part of Australia’s tourism industry, there is some evidence to suggest that its growth has fallen behind the major capital cities over the past three years. Many stakeholders will testify that this is so, and it is incumbent on governments to research why. The government have long recognised the importance of stimulating domestic tourism in Australia and making a conscious effort to pull visitors out of the cities and into regional areas. That is why we committed a further $8 million to the See Australia program, a domestic tourism initiative, and the $8 million extension to the Regional Tourism Program announced in the budget. Yet the federal government cannot do it alone. Promotion of domestic tourism rests with state governments. In New South Wales in particular the promotion of domestic programs by the Carr government has fallen behind. There have been no new initiatives, no enthusiasm, no excitement, no fun installed into what was once a vibrant industry that people wanted to be part of. Now we have continuing new laws, new regulations, new taxes—toilet taxes, water taxes, land taxes and the list goes on.

In fact, if I asked our colleagues in the House, ‘Who is the Minister For Tourism in New South Wales?’ there would be very few who could tell me. As a former tourism officer responsible for a large tourist association and centre, it used to be a great challenge to work with governments, councils and the industry. Now it is left to the industry, with no leadership at all from the state government. We in Gilmore have been extremely fortunate to have the Minister for Small Business and Tourism, Joe Hockey, come to our area to speak to our operators and to see first-hand what we have to offer. Minister Hockey, like a former predecessor and friend of mine, John Brown—unfortunately, of a different political persuasion—makes tourism fun and exciting, and can associate with it. Tourism, like small business, needs a leader with innovative ideas. We are in a very competitive market and need to be continuously one step ahead of the rest, both in infrastructure and service—something I will come back to.
We hear that tourism provides a significant opportunity in terms of economic development in regional Australia, providing jobs and opportunities, particularly for young Australians. In 2000-01, tourism in Australia as a whole was directly responsible for the employment of 551,000 people and, according to the ABS, in 1997-98 tourism directly employed some 135,900 people between the ages of 15 and 24 years, which equates to approximately 26 per cent of the total number of people employed directly through the tourism industry—that is, over one in four tourism jobs going to young people.

It is unfortunate that tourism is still not seen as a professional career by a lot of young people. It is still perceived as a subservient industry with little or no career path. How wrong that is and, again, the federal government has taken steps to overcome this. But where is the incentive from the NSW Carr government? Anyone today who takes a job in tourism has the potential to travel the world, as tourism experience is widely recognised and sought after, especially as Third World countries are opening up their experiential markets.

Can I add my dismay at the length of time it takes for figures to be released. We are already four years on and still reliant on the 1997-98 figures. Tourism does not wait. Each day is a new adventure waiting to be experienced by those that have made the decision to ‘Go see Australia!’

People expect service, yet it appears to be a dying tradition. There is the old saying, ‘He remembers not where he has been, but he does remember the service he was given.’ Remember the Olympic Games and the spirit of understanding and wanting the best for all who came? The tourism and hospitality industries do not operate in the traditional spread of nine to five common to many industries; they are definitely not Monday to Friday. In fact, the primary hours are diametrically opposed, because the tourism and hospitality service industry caters for leisure time consumers; that is, when you and I want to go out—after hours and weekends. One of the great legacies of decades of activism by unions is the resistance to change imposed by awards. The award culture has resulted in an attitudinal resistance of people to working outside of so-called normal hours if they do not get paid penalty rates. That means tourism operators suffer a higher labour cost compared to other industries which enjoy the traditional spread of hours.

The other blight on small business and the tourism and hospitality service industries is the inequitable dismissal laws that operators have to suffer under. A survey conducted by the Australian Chamber of Commerce and Industry in 1999 found that 54 per cent of small business employers might have hired more employees during the previous 12 months had it not been for the unfair dismissal laws. But even if only five per cent of small businesses employed one extra person, more than 50,000 new jobs would be created. It is high time that unions started to consider the jobs that could be generated by the industry. On 13 February 2002, the government again introduced the Workplace Relations Amendment (Fair Dismissal) Bill 2002, which sought to exempt small business employees. Unfortunately, the Labor Party would not allow the Senate to pass that legislation in a form that would give small businesses the confidence they need to create jobs and prosperity.

I know that the Minister for Tourism and Small Business, Joe Hockey, is scheduled to visit our area again very soon and I thank him for the recent $1 million. I would like to thank my colleague the Hon. David Jull for seconding the motion. He, of course, had a long association in tourism, being the shadow minister for some years, and is someone I admired greatly in my years in tourism.

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

Mr Jull—I second the motion and reserve my right to speak.

Mr GAVAN O’CONNOR (Corio) (4.11 p.m.)—I rise to support major elements of the motion by the member for Gilmore. There are very important elements in the motion which the opposition can support. However, I take exception to the fifth element of the motion now before the House and I will be speaking to that.
I acknowledge the honourable member’s knowledge and contribution to the tourism industry in Australia. It is a very important employer and is very important in national economic terms. However, I am a little disappointed that the honourable member has fallen foul to the propaganda that always comes out of the government benches about the problems in the tourism industry—and every other industry in Australia—being the fault of the unions. Of course, the honourable member would be aware that the Howard government is responsible for one of the largest taxes on the Australian tourism industry, an industry that is very sensitive to movements in price and is very competitive—the Howard government’s GST. As she acknowledged in her speech, I believe, it is a major source of revenue now for the Howard government. The GST—the Howard tax—on Australian tourism has certainly not helped the industry when it is combined with some external and internal factors that have made the last two years an extremely difficult time for tourism operators.

As the honourable member correctly points out, this industry is directly responsible for generating around 551,000 jobs in the Australian economy, which is about six per cent of total employment in this country. It accounted for more than $70 billion worth of goods and services consumed in Australia in 2000-01 and, as an export earner, it generates some $17 billion a year. It is our 12th most important industry in terms of gross value added to the Australian economy and, as the honourable member who has proposed this motion has pointed out, as a sector, it now adds more value than such traditional sectors as agriculture, communications, and electricity and gas supply.

That is an extraordinary statistic. There would not be too many Australians who would be aware of the contribution of this industry to the Australian economy. The honourable member for Gilmore featured in her motion the positive contribution that is made by the tourism sector to local and regional economies. It is an industry whose structure is quite interesting in itself. At one end of the marketplace, there are some very large companies and operators; at the other end, in rural and regional communities particularly, there are small businesses—small businesses that are very prone to taxation and to external events that affect the numbers coming into this country.

According to the Australian Tourist Commission, 4.8 million overseas visitors came to Australia in the year ended 30 June 2002, but that is a decline of six per cent relative to the previous year. The decline has taken place from many of our traditional sources, especially Europe, America, Taiwan and Japan, but there are bright spots in the marketplace: tourist numbers from Singapore, Korea and, especially, China grew strongly. Some 172,300 visitors arrived from China, an increase of some 13 per cent over the previous year, and that is expected to grow.

In the context of this motion, I want to plug the achievements of a previous Labor government some three decades ago. This week we are celebrating the institution of diplomatic relations between Australia and China. That was a very important step by the government of the day. Some would say it was politically adventurous. Just as the honourable member for Gilmore describes the tourism industry as not only important but exciting, in those times, the recognition of China was an exciting step for Australia and a very important step for Australia. Now it is bearing fruit, and it will continue to bear fruit as our relationship with the People’s Republic of China develops.

The tourism minister has recently identified what he sees as a number of causes of the current problems that beset the industry. He talks about the changing nature of the workforce and the fact that, he believes, many Australians no longer take a holiday. He talks about an increase in gambling. Perhaps the discretionary income is not there and the household budget is not allowing people to take holidays. There is the flatness of the Japanese and American economies, September 11, the collapse of Ansett, the condition of local roads, the impact of native title claims and the cost of entry to national parks. Indeed, the current minister has had a shot at almost everybody. The honourable
member has added another one to that list: the unions.

Those opposite seek to blame everybody else for the ills and woes of the tourism industry in Australia but they do not have a good hard look at their own policies and how they have affected tourist operators in this country. For example, the casualisation of the workforce is a direct result of the policies of this government. They have hastened that casualisation; they have presided over that casualisation of the Australian workforce, making workers less secure in their employment and less likely to take a holiday. They have established the AWA system, which has reduced access to leave for many Australians.

Government members want to deny this. It is all right coming in with this motion and blaming the union movement for the ills and woes of the industry but, as we know in terms of the Ansett collapse, the Minister for Transport and Regional Services, the Deputy Prime Minister, does have some culpability. He stood aside and did nothing while Australia’s second major carrier went to the wall. Afterwards, he wrung his hands, apologised to all and sundry and, like the Minister for Small Business and Tourism, blamed everybody else.

Then there was the minister for small business himself. He was the Minister for Financial Services and Regulation at the time when HIH collapsed and he was in cahoots with the Treasurer. There was the negligence of the government in relation to their prudential responsibility to the Australian people, to this parliament and to the industry. They let matters drift with a prudential framework that was not up to the task. We had the HIH collapse, and that has rebounded on tourism operators in the horrendous public liability costs that they must now bear.

We have also had the GST. Small business operators in the tourism industry are like others; they have had to struggle with the enormous burden of the paperwork, but they have had the added burden of an impost on the price of their product, which is extremely sensitive.

As I said, the minister blames everybody else. He has blamed the condition of local roads. The motion says that the contribution of local and regional tourism to the national economy is a substantial one. In that, I agree with the member for Gilmore, who moved this motion. But when we actually get down to policy we see that the condition of local roads is a function of the amount of money that local governments have to spend on this type of infrastructure. As we know, the Howard government has deferred or ripped out of the Roads to Recovery program some $100 million. Government members want to get up here and propose these motions but they want to walk away from the responsibilities of their own government in this regard. The final part of the motion of the member for Gilmore says:

... recognise the need for ... equitable dismissal laws for small businesses to ensure greater employment opportunities ...

I could very easily propose an amendment to add ‘and employees, especially the young, to ensure that they are adequately protected from unscrupulous operators in the tourism, hospitality and leisure industry’. We know that in this industry the standards that we have come to expect employers to adhere to are not being adhered to, especially in parts of Australia that are reliant on backpackers and young people in their industries. (Time expired)

Mr JULL (Fadden) (4.21 p.m.)—I congratulate the member for Gilmore on bringing this particular matter on the tourism industry to the attention of the House. One of the sorry points of life in this House is that we have never had the opportunity for an open, frank and full debate on the tourism industry. By her actions today, the member for Gilmore has certainly brought that about. There is no doubt that tourism is one of the most important export earners and one of the major employers in this country today. There is no doubt that any increase in the number of international visitors coming to Australia translates into one thing—jobs, jobs and jobs. Many years ago it was found in a major study of the tourism industry that, for every net increase of 25,000 international visitors coming to Australia, 1,400 jobs were created.
If you look back over the last 25 years you will see that that figure has proven to be absolutely true.

I would like to say a couple of things about some of the comments of the previous speaker, the member for Corio. One of the great virtues of the growth of tourism has been the tremendous infrastructure that has developed and the money that has been invested by governments, at both Commonwealth and state levels, in training our young people for the tourism industry. I would dare to say that the standards of service that are provided by the young people in that industry, particularly in the states of Queensland, New South Wales, South Australia and Victoria, are some of the highest in the world. Over my 25-year association with the industry, it has gladdened my heart when I have been overseas to find that the hotel in which I am staying is managed by an Australian. Twenty-five years ago, if you walked into a major hotel in Australia the name of the manager was always Fritz, Helmut or Heinz. We have produced an industry and employees who can stand proudly anywhere in the world in delivering fine service. That service is delivered not just in capital cities but also throughout the length and breadth of Australia, including in many of our regional areas.

We have just heard reference made to the backpacking market, one of the most interesting markets to have developed in recent years. Twenty years ago the definition of a ‘backpacker’ in the tourist industry was someone who came to Australia with a t-shirt and $10 note in their pocket—and while they were here they changed neither. The reality now is that the biggest spenders are backpackers. Each and every backpacker coming to Australia spends in excess of $7,000 per head—the highest expenditure of any group coming into Australia. So you can see the tremendous contribution that this industry is making, particularly in our regional and remote areas. The backpackers may visit Sydney and have a day on the harbour, but then they are off. They have specific routes that take them through the length and breadth of this country. We know the well-known route up the east coast of Australia, as far as Cairns, over to Darwin and over to Ayers Rock. It does not matter where you go—even the remote areas of Western Australia—you will find backpackers, along with their platinum American Express cards, spending money like it is going out of fashion.

One of the really great things that has happened in the development of international tourism in Australia is the focus that has been put, finally, on our regional and remote areas, such as in my home state of Queensland, at a place like Longreach. I wonder what the future of Longreach would have been if it had not been for the tourist industry. Because of the initiative of the people of Longreach, the establishment of the Stockman’s Hall of Fame and the Qantas museum nearby, tourism now outsells all the primary industries on which the district so heavily relied, in both a monetary and an employment sense.

All congratulations to the Minister for Industry, Tourism and Resources for the plan that he has under way at the moment. After 20 or 25 years of rapid development, it is time for us to sit down and take stock of what we have achieved and what we hope to achieve, and to get some real planning into it, because the tourist industry in Australia over the last 25 years has been a little like Topsy—it just grew. Now the industry has the right and, I hope, the good sense, to make a contribution to the 10-point plan that the minister has under way. Let us see the industry make a combined effort to come together for once to make sure that we can resume our position as the world’s leading tourist destination. Everyone wants to come here; we have to give them the reason and the ways and means to do it. (Time expired)

Mr ADAMS (Lyons) (4.26 p.m.)—I congratulate the member for Gilmore for bringing this motion on the tourism industry before the House. I recognise that she is a tourism operator and has been involved in tourism for a long time. I am a very proud member of the hospitality employees union and, of course, I disagree with paragraph 5 of the motion. Any move to increase tourism in Australia—particularly in the regions and in my state of Tasmania—is good.

Firstly, I will mention the issue of this government’s focus on foreign affairs and the
disquiet this has caused refugees. There are many nations whose citizens are quite fearful of applying for a visa for a holiday in Australia. People who would like to holiday in Australia are being lost because of the difficulties in getting through immigration. Despite being backed by invitation and their hosts paying their costs while in Tasmania, they are still having difficulties. A friend of a friend of mine had been invited to stay for a couple of months, all expenses paid, and he had to virtually tie himself in knots to get a visa. The embassy said that they had lost his papers and denied that he had ever been here before. If it had not been for his friends, he would never have achieved entry. If you take a couple of hundred more people like him, they would be giving up and going to New Zealand or Vanuatu. I think this government should lift its game in that area.

Tourism is vital for the national economy because it brings in overseas dollars, and many of those dollars are spent in regional areas. My electorate of Lyons in Tasmania is a wonderful holiday destination and is continuing to grow. The east and west coasts have great fishing areas, great beaches, great restaurants and great accommodation, as well as wilderness walks, mountains and lakes, and they will continue to attract people. The Tasmanian government has given tourism a great boost. It has spent time on policy development and has purchased two new boats, resulting in a 30 per cent increase in bookings to Tasmania over the coming year.

Many areas of small business rely on local workers to keep their businesses operative. Every dollar spent in a regional area passes around that community in a very effective way, and the value becomes greater, the smaller the community. The industry requires a lot more training and a lot more flexibility in work practices to pull it through to best practice. If all the government does is bleat about dismissal laws, it is not achieving any goals in this area. When talking about increasing employment, I do not understand the rationale or the logic in the debate of having the right to dismiss people more easily.

The member for Gilmore talked about young people not seeing the tourism industry as a career. If you do not provide good training and give secure employment, people will not want to get involved in the industry. You have to have good standards and offer employees career opportunities. The unfair dismissal mantra is just a political call, and it detracts from this sort of motion.

The government should be spending more time and effort on making sure training programs are in place—lifting the standard. I agree with the previous speaker, the member for Fadden, when he talked about improved standards, but he omitted to mention Tasmania. In the last 20 years, we were the first state to get Drysdale House. We built the casino at Wrest Point and realised that we needed people to wait on the tables and deal with people with international visas. We have gone from strength to strength. Young people must be given career opportunities and training. I do not think the Minister for Industry, Tourism and Resources is doing that. He is running around attacking unfair dismissal laws when he should be dealing with career opportunities. (Time expired)

The DEPUTY SPEAKER (Mr Jenkins)—Order! The time allotted for this debate has expired. The debate is interrupted in accordance with standing order 104A. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting.

GRIEVANCE DEBATE

Question proposed:
That grievances be noted.

Aviation: Ansett Australia

Mr BRENDAN O’CONNOR (Burke) (4.32 p.m.)—Just over one year ago today, Ansett, one of Australia’s largest companies, crashed. Ansett, as most people would be well aware, was the employer of some 17,000 people. It was a victim of not only corporate incompetence but also a raging price war with a better capitalised competitor, Qantas. Not only did Ansett workers and their families suffer; it is estimated that in total some 50,000 jobs across the country were lost as a result of the collapse of that national icon, Ansett. The companies that
worked with Ansett and that were reliant upon its existence also went to the wall. It certainly was a tragedy for this nation.

It would be fair to say that in normal circumstances such a corporate tragedy would have attracted a great deal more attention. There would have been more focus and more public discourse about the reasons for the collapse and what assistance could be provided to individuals, businesses and communities hit hardest as a result of the collapse. There would also quite possibly have been an inquiry by the parliament into the way in which that company was mishandled by directors and senior managers, but unfortunately this did not occur. In normal circumstances, the government of the day would be expected to mitigate the effects, if not salvage the situation. But, as we know, the demise of this great aviation carrier occurred within the week of September 11, 2001. It is quite fair to make the point that Ansett suffered badly because it was forgotten in the fog of war.

The government’s efforts to respond to this matter have been poor by any comparison. The complicity of the Minister for Transport and Regional Services in the lead-up to this disaster has not been properly acknowledged, although I think it is accepted now by many that, prior to the collapse, he was too ready to take the advice of Ansett’s competitor, Qantas, as to whether Ansett was in trouble. Clearly, anyone with any nous would have realised that Qantas was not in a position to provide any impartial advice to the minister or to the government. However, that was the case; the minister accepted such advice and did so wrongfully.

The government’s response after the collapse was insufficient. Whilst government may not be in a position to revive corporations that falter, they have an obligation to create an environment that will increase the likelihood of a corporation’s revival. Instead of that—instead of supporting bids to get Ansett flying again—the government did little to assist. Qantas was left to capture over 90 per cent of the domestic market share of air travel. At one point, Qantas was able to lease overseas airline fleets from Air Canada, as the Ansett fleet sat on the tarmac in Australian airports across the country. Notwithstanding protests to the contrary, the government seemed quite content that concerted efforts to revive Ansett failed.

We now have a situation where one carrier still controls over 90 per cent of the domestic market share. That shows that the competition policy of this government has not worked at all. Some would say that I am being a little too harsh on the government. Perhaps it is beyond the reach of this government to salvage an important company such as Ansett—but then how do we rate the government in its role of assisting those hardest hit by the Ansett collapse and bringing those responsible for its collapse to account?

On the first count the government has done the bare minimum. By imposing an additional tax on the travelling public the government enabled each employee to receive a maximum of eight weeks redundancy, plus leave entitlements. Many Ansett employees lost more than a year’s income that was legally owed to them. However, the government’s response was to give them the floor rather than the ceiling amount in terms of entitlements. There have also been unreasonable delays in Ansett families being paid this minimum redundancy. I have spoken to many former Ansett workers who have not been in receipt of redundancy entitlements and, at the same time, have not been eligible for unemployment benefits. The administration of the payments has been insufficient. There should be more care and expedition by the administrators to ensure that proper payment is made to those employees. However small the payments might be, they should be paid immediately. That has not been the case to date.

Contrast the shabby regard the Ansett workers experienced with that experienced by the directors of Ansett and Air New Zealand. Although there is now all but universal recognition that some senior managers and Ansett and Air New Zealand directors were culpable of corporate mismanagement, they were recently paid millions of dollars in directors’ fees. What a tragic farce this is. In responding to a question about this hypocrisy last week in parliament, the Prime Minister told us that he sympathised with the Ansett
workers and that he acknowledged that directors’ fees were inappropriate in the circumstances. But, beyond such comments, he has done little to stop this or any similar practice in the future.

In today’s Canberra Times, the Treasurer indicated that there is nothing a government can do to prevent company failure. That may be the case, but there is nothing to stop a government ensuring that directors are not in receipt of moneys they do not deserve in circumstances where employees are losing their jobs and entitlements. The government has failed to ensure that people are afforded their entitlements; contrast that against the experience of those who have been obscenely overpaid, many of whom were responsible for the collapse in the first place. The community wants their government to right wrongs, not merely pity those on the wrong end of corporate incompetence or corruption. There is an urgent need for legislation to prevent obscenely high directors’ fees being paid in such circumstances.

Finally, the communities of my electorate of Burke want to know what regional assistance will be provided to areas affected by the Ansett collapse. Despite requests for the government to provide some support and create employment and business opportunities in the Sunbury, Macedon and Melton regions, so far the government has done nothing. Compare the way the government responded to the closure of BHP in Newcastle with what it has done in the region I represent in response to the Ansett collapse. It is sadly absent from assisting the region in and around my electorate.

I could argue that more jobs have been lost in the region I represent as a result of the collapse of Ansett than were lost as a result of even that tragic closure in Newcastle, but Newcastle was in receipt of up to $10 million of Commonwealth moneys. There were efforts to provide some assistance to re-employ workers, train redundant workers, and create employment opportunities and an environment in which business could thrive in order to have Newcastle recover from that closure. There has been no response by the government with respect to the Ansett demise and its consequential effects upon the region I represent. I call upon the government to respond to the requests we are making at the local level to provide such assistance.

Six months ago, a delegation from the region met with officers of the Prime Minister and the responsible minister to request some assistance. The delegation explained that we were not looking for a handout; we were asking for assistance so that we could help ourselves. I am happy to say that that delegation included representatives from small businesses in the area, former Ansett employees, councils and community groups; it was a committee that represented a cross-section of the community. However, since that delegation met with the officers of the Prime Minister and the minister responsible, there has been no effort by this government to look at the proposals we put to them. That is why I rise to today. Despite all the efforts we have made through departmental channels to seek resolution, we have received nothing. (Time expired)

**Sport: Australian Football**

Mr PYNE (Sturt) (4.42 p.m.)—Today, the start of grand final week, I wish to grieve about the future of the Australian Football League and the fear that those running the game are about to kill the goose that laid the golden egg. Their product, the AFL competition, is operating in a fool’s paradise. The competition and the industry it supports have become the new dotcom economy. According to Australian sports writer Patrick Smith, as many as 10 AFL clubs could report a financial loss this year. The Kangaroos and the Western Bulldogs make the headlines for their financial difficulties almost as often as they do for on-field performance. Carlton is reported to be paying Denis Pagan $2 million over three years, while it has a debt of $9 million and an expected loss of half a million dollars this year. Despite almost unanimous calls for a plateau on player payments, there are already indications that they will increase by about six per cent next year.

It is not just the competition itself that is in trouble. Colonial Stadium has already had a near-death experience after reporting a $225.5 million loss for the year to 30 June 2001. So it strikes me as passing strange that...
Colonial Stadium should bid so vigorously for the right to host tonight’s Brownlow Medal. To host tonight’s presentation, a temporary multitiered ballroom, complete with change rooms and surrounding four-metre high scaffolding, has been constructed on the playing surface of the stadium.

I am sure there are a lot of football fans wanting to know how this extravagance is being paid for and for what purpose. Surely it would have been more economical to stage the awards at the Crown Palladium, where a suitable ballroom already exists. Unfortunately, it is the fans who have been asked to subsidise this culture of extravagance that has crept into the AFL—and the fans are voting with their feet. On the first weekend of this year’s final series, crowd figures were 40,000 down on the corresponding weekend last year. In the elimination final between Essendon and West Coast, held in the Bombers’ home city of Melbourne, only 37,475 people ventured to Colonial Stadium. This is despite the fact that Essendon enjoys one of the highest support bases in the AFL and was playing the only game in Melbourne on that day.

On the same weekend in Brisbane, the premiers could only manage a crowd of 31,854 for their qualifying final against the Adelaide Crows. That is about 6,000 down on their ground record. At AAMI Stadium in Adelaide, Port Power’s two home finals drew crowds of 33,131 and 27,661, despite a ground capacity of 54,000. Yet only four weeks ago, in the last match of the home-and-away season, over 46,000 fans crammed into AAMI Stadium to watch Port take on Brisbane. Media reports suggest that, following last weekend’s games, the AFL had lost around one $1½ million due to poor finals crowds.

The AFL has priced itself out of the market. In fact, the real question is: how does the AFL think that the average family can afford to go to a finals game? The cheapest tickets to the Port Power versus Essendon semifinal at AAMI Stadium for a family of two adults and two children cost almost $120. By the time you add the cost of car parking, food and refreshments, you are looking at nearly $200 for a night out. That is about a weekly mortgage payment for many families. As each week of the finals series progresses, ticket prices increase. Last Saturday, tickets ranged from $182 to $210 for the Collingwood and Adelaide game at the MCG. The same family can expect to spend around $400 for standard seating at this Saturday’s grand final.

The AFL’s Chief Executive, Wayne Jackson, recently admitted: ‘The AFL football system is living beyond its means and there does have to be a significant correction.’ I am an unabashed believer in the free market, but there is a strong argument to introduce a ceiling on football department spending as well as introducing other regulatory measures that provide the ‘significant correction’ that Wayne Jackson advocates. Indeed, AFL Commissioner and President of the National Competition Council, Graeme Samuel, argues that salary caps and income equalisation schemes do not betray the free market. Mr Samuel likens sporting competitions such as the AFL to a franchise operation broadly akin to a KFC or McDonald’s chain of restaurants. Under this analogy, the franchisor, the AFL, issues licences to teams to participate in the competition, to create and sell the company’s product to their supporters—their demographic market. In turn, the franchisor sets rules and mechanisms to ensure that its product, the competition, is designed to attract the widest possible support.

Correcting the AFL’s unsustainable economy is only one part of the challenge. Like any commodity in the marketplace, the promoters of the AFL need to keep their product fresh and appealing to consumers to keep demand and thus the growth of their product at high levels. If the product becomes stale, loses its appeal or outprices itself in the marketplace, then demand inevitably falls.

Over two decades ago, the VFL made the bold decision to expand their competition into interstate markets. But it is time for the AFL to freshen up the product again. If the AFL is to be a truly national code, they must revamp the hosting arrangements for the finals series. The current archaic system provides that the grand final and a minimum number of finals must be played in Melbourne, regardless of whether or not a Mel-
bourne team is playing. The argument put forward by Melbourne interests is that their city is the home of Aussie Rules and as such they have the exclusive right to host every grand final and a minimum number of finals. I wonder whether Melburnians argued that Athens was the home of the Olympics when their city won the right to host the 1956 games. Would anyone seriously suggest that Athens should host the Olympic Games every four years? What makes the Olympic Games so great is that the whole world owns it, and that is why all successful sporting competitions rotate the venue for the staging of their flagship event. I am speaking not only of the Olympics but the Commonwealth Games, the NFL Superbowl and the world cups for soccer, rugby union and cricket.

It is time for the AFL to introduce a rotational system for hosting the grand final among the cities of Sydney, Brisbane, Perth and Adelaide. The AFL should begin a rotational system for the 2003 grand final. It would be an ideal opportunity given the MCG will be under redevelopment and its seating capacity severely reduced. Rotating the grand final venue would not only boost the profile and reach of the national game but it would deliver economic benefits to the host city. It is no secret that sport is a big money-spinner in terms of the tourism it generates. The hospitality industry—in particular, motels, taxis, restaurants and airlines—would welcome a move in this direction.

The AFL will stunt their growth if they do not have the vision to let go of the idea that Melbourne is the centre of the football universe. This includes the hosting of all finals matches, not just the grand final. In this year’s competition, the Adelaide Crows came third in the home-and-away series but were not rewarded with a home final. Collingwood came fourth and by next Saturday will have played two home finals. It adds nothing to the game that two interstate teams could be forced to play a preliminary final in Melbourne because of an arrangement between the AFL, the Melbourne Cricket Club and the MCG Trust.

In recent weeks we have witnessed some classic grandstanding by Premiers Mike Rann and Peter Beattie. The arrangement, they claimed, was in breach of sections 45 and 47 of the Trade Practices Act. The ACCC has held, quite correctly, that this is not the case. If we are going to change the current hosting arrangements for the AFL finals series, we are going to have to change it from within. That is what I am arguing, Mr Deputy Speaker. It is incumbent on the AFL to stop paying lip-service to a national competition and to start making good on it.

Indigenous Affairs: Health

Mr SNOWDON (Lingiari) (4.52 p.m.)—The history of Indigenous health and Indigenous affairs generally is littered with report after report, each decrying the poverty in which Indigenous people live and calling on governments of the day to solve both the underlying causes and the symptoms of what is a tragic situation. In 1979, the then chair of the House of Representatives Standing Committee on Aboriginal Affairs said:

When numerable reports on Aboriginal health are released there are expressions of shock or surprise and outraged calls for immediate action. How-ever, the report appears to have no real impact and the appalling state of Aboriginal health is soon forgotten until another report is released.

That statement was made by the then chair of that committee who is now the Minister for Immigration and Multicultural and Indigenous Affairs, the member for Berowra. I am forever astonished by and ashamed of how little progress we have made since that statement. To amplify the point, I will come in a short while to some work I was doing in the late 1970s and early 1980s in the area of Aboriginal health.

The need to improve health services to Indigenous Australians is more than evident—it is blatantly obvious. Mortality rates amongst Indigenous people in Australia have not improved in the last 20 years. The situation is so bad that most Indigenous men will not live long enough to claim their old age pension. Despite the present government’s emphasis on practical reconciliation—however oxymoronic that may be—they have failed to achieve any progress in outcomes for Indigenous Australians. Over this time we have seen an entrenched of social dysfunction in many communities and continu-
ing cultural disenfranchisement and alienation.

An issue that I want to address in particular is the scourge of petrol sniffing. Petrol sniffing is a critically serious problem in some Indigenous communities in areas across the nation. Note I said ‘some’, because it is certainly not all. Most communities do not have any problem with petrol sniffing and there are some that have worked very hard to see the back of it. However, the recent coroner’s report into the deaths of three Indigenous young people in the Anangu Pitjantjatjara lands paints a bleak picture of the extent of the problem of petrol sniffing in that area. It reiterates the tragic story of poverty and substance abuse that is all too common. It is a story that this country has the ability to prevent. The report analyses what we already know. Petrol sniffing is endemic on the Anangu Pitjantjatjara lands. It causes devastating harm in communities, including the deaths of approximately 35 people in the last 20 years in a population of less than 3,000. The report states:

... serious disability, crime, cultural breakdown and general grief and misery are also consequences of petrol sniffing. Clearly socio-economic factors play a part in the general aetiology of petrol sniffing. Poverty, hunger, illness, low education levels, almost total unemployment, boredom and general feelings of hopelessness form the environment in which such self-destructive behaviour takes place. That such conditions should exist among a group of people defined by race in the 21st Century in a developed nation like Australia is a disgrace and should shame us all.

I am ashamed, and I am even more ashamed that people in this place have not been shamed into action. The coroner’s report concludes that the wider Australian population and this parliament must take responsibility to assist Indigenous people address the problem of petrol sniffing, for which there is no precedent in traditional culture.

This nation has not taken effective responsibility for the welfare of our Indigenous people, otherwise the situation would be different from what we see today. The present government’s record on tackling the problems posed by petrol sniffing and substance abuse in Indigenous communities generally is deplorable. But I will say this: they are not on their own. It is the case that successive governments, including Labor administrations, did precious little to address this particular issue. The government’s practical reconciliation agenda is characterised by unspent funds, a lack of interest and moves to replace specific targeted programs to overcome Indigenous disadvantage with mainstream programs which will not improve the opportunities and lives of Indigenous people. Given the proportions of the petrol sniffing problem and its consequences, I am aghast that in this year’s budget only $470,000 has been allocated to Indigenous substance abuse programs through a petrol sniffing diversion pilot project. This is clearly not enough.

This lack of services for people who really need them characterises the Howard government’s approach to Indigenous affairs. It is worth pointing out that in the 2000-01 budget the government proclaimed that it was spending a record $2.3 billion on Indigenous people. But, as we know, only $1.1 billion of this went to ATSIC and the rest was administered through other government agencies: $16 million was allocated to the Attorney-General’s Department and to the states for litigation against Indigenous interests, against native title claimants; $12 million went to the Federal Court to hear these cases; and $28 million went to the National Native Title Tribunal to mediate. Only $2 million was allocated to Indigenous family violence. This followed cuts to ATSIC funding in 1996 which led to the termination of family violence programs. The government also has a history of being deceptive in how it presents its figures. Last financial year the government underspent on domestic violence in its across-the-board program by $4.3 million, despite the rate of people who die from interpersonal violence being 10.8 times greater in the Indigenous community compared to the non-Indigenous community. The government underspent the funds allocated to the Indigenous Employment Program by 13 per cent, on top of the previous year’s underspend of 35 per cent.

There are communities that have been attempting to bring about change of their own
volition. One project I want to draw to the attention of the House is the project at Mount Theo near Yuendumu, which is north-west of Alice Springs. Mount Theo was an outstation that was established in 1994 as a community based initiative after a number of other strategies to deal with petrol sniffing had been tried and had failed. The project evolved from a diversionary project for petrol sniffers. It gives sniffers a place where they can dry out and learn traditional ways. The program started when a group of people from Mount Theo wanted to return to and live at the out-station. They received support from the community on the basis that they undertook to take petrol sniffers with them. The most significant part of the program was that the decision to establish the Mount Theo project came from the community rather than being imposed from the outside. Furthermore, once the community had taken the decision, it received outside support. Mount Theo formed part of a youth strategy in the Yuendumu region that provided discos, a pool table, video games and sport. When children were found to be sniffing, they were taken to Mount Theo, where there was no chance to start petrol sniffing again. Mount Theo is more than 175 kilometres north-west of Yuendumu and 50 kilometres away from the nearest main road. It is too remote for anyone to walk away from the out-station.

The program at Mount Theo has been so successful there were periods of up to three months in 1999 when there was no petrol sniffing in Yuendumu at all. In May 2002 there were 18 people sniffing petrol in Yuendumu until half of them were taken to Mount Theo, and petrol sniffing again stopped altogether. In the community’s opinion they have broken the back of petrol sniffing, but they are acutely aware that they must continue to fight the problem if they are to maintain the low levels of sniffing in the community. The results of this project are outstanding, and I publicly praise the efforts of all those people involved.

I want to point to a program which I wrote about along with my good friend and colleague Dr ‘Nugget’ Coombs and Dr Maria Brandl in 1981. This project involved a similar exercise: addressing the needs of petrol sniffers at Amata in the Pitjantjatjara lands of South Australia. The program was designed by two people, one of whom has since passed away. The purposes of the program were, firstly, to establish the principle that care for Pitjantjatjara juveniles should be primarily a Pitjantjatjara responsibility and that programs to rehabilitate juvenile offenders should be designed and controlled by the Pitjantjatjara people in much the same way as the Warlpiri have done at Yuendumu at Mount Theo; secondly, to avoid offenders being sent to non-Aboriginal institutions—again emphasising what Mount Theo has done; thirdly, to develop a rehabilitation program which is based upon participation in and knowledge of their traditional culture and is, therefore, supportive and likely to reintegrate the boys into their own society; and, fourthly, to assist participants to acquire personal skills which will help them deal successfully with their own and the majority culture. That program was not supported. We wrote this report in 1981; that was 22 years ago. We hear reference to the number of people who have died within the Pitjantjatjara region. The fact is there has been a chronic lack of support by successive governments at state, territory and federal levels for the needs of these people.

I conclude my comments on this project by saying that this initiative is an excellent illustration of the unwillingness of governments to be guided by Aboriginal priorities even within government determined financial limits of expenditure on Aboriginal welfare. What we see here is a repeat of what has happened over, certainly, a generation. Governments need to do a great deal more to respond to Aboriginal initiatives and understand that the answers to many of the issues of concern to Aboriginal people and the wider community reside in those Aboriginal communities themselves. We have a responsibility to make sure that they are given appropriate support and funding is made available. The government needs to provide a great deal more financial assistance to Aboriginal communities around Northern Australia who are having difficulties with substance abuse and family violence.
Insurance: Premiums

Mr HARTSUYKER (Cowper) (5.02 p.m.)—I have risen a number of times in this House to speak on the issue of insurance premiums and the pressing need for action on this problem. Last week the Australian Competition and Consumer Commission released its second report on insurance industry market pricing. The report, which was requested by the government, discusses the impact of the September 11 attacks and the collapse of the HIH group on the general insurance industry. It also provides an analysis of the public liability and professional indemnity sectors of the market. Whilst the insurance industry in 2001 experienced the highest underwriting losses ever recorded in Australia and worldwide, the ACCC’s report considers that the outlook for the industry is generally positive.

It must be noted though that the work that has been led by the government under the direction of Senator Coonan has done a great deal in bringing the states and territories into a coordinated approach to tackle many of the problems of the insurance market. The Labor Party’s contribution to the debate has been to call for the government to jump in and attempt to set prices in the insurance market. However, the ACCC has reported that price controls on their own would be unlikely to solve current problems. Price controls do not offer any solution to the current problems because, whilst the government can step in and cap premiums, the government cannot force insurers to write unprofitable policies. This means federal, state and territory governments have to work together with the industry and other stakeholders towards, firstly, a viable insurance market and, secondly, affordable and available premiums.

The media has given much attention to the insurance plight of the medical profession, where many doctors and specialists are experiencing rises in medical indemnity insurance and some areas of specialty may be having difficulties in finding insurance policies to cover them at all. Unfortunately, the plight of many other professionals because of their insurance problems has not evoked the same popular support in the media or the same level of public awareness, but the issue is of equal importance. Lawyers, accountants, engineers and many other vocations are also facing extreme rises in professional indemnity insurance premiums and, in some areas, having difficulty obtaining cover at all.

I would like to make a representation to this House on the situation of a firm and constituent in the electorate of Cowper. Mr Ernie Armstrong has been a consulting engineer for many years and the proprietor of E.J. Armstrong and Associates. He wrote to me recently, telling me that his professional indemnity insurance premium was $1,600 last year and he is being offered an additional premium for next year of $62,000. I think that members would agree that this is an astounding increase. Anyone who has been in business will know that such a dramatic increase in cost would be impossible for any small business to bear.

Mr Armstrong has 40 years of civil and geotechnical engineering experience and he informs me that in all that time he has never had a claim for professional negligence. He has been a sole trader for the last few years in Coffs Harbour. Whilst he was nearing retirement, his business was still operating to the benefit of the Coffs Harbour community and the economy. Most unfortunately, Ernie had to bring forward his retirement as a result of the premium increase—the extreme nature of this premium increase was just too great for him to absorb.

Members will appreciate the loss of all these years of engineering experience at a time when we should be encouraging our senior Australians to stay in the work force and not retire early. There would be many people in a similar predicament—professionals nearing the end of their career but continuing to operate who are now faced with massive increases in professional indemnity insurance, perhaps causing premature retirement. It is important to be mindful that many of these businesses have a modest turnover. This is a particular concern to regional communities where many firms that operate in those communities are of a smaller nature with relatively modest turnovers. It is my firmly held view that the role of the government is to assist, wherever possible, businesses and communities to retain these serv-
ices and the many years of experience these professionals have provided to those communities. At a time when our population is ageing we should be encouraging those older people to continue in the work force and to continue to be productive for as many years as is practicable.

I received correspondence from another firm who operated in the town of Maclean. This firm advised that insurers are, in many cases, not providing cover at all in the field of geotechnical insurance. Consultants and firms offering geotechnical engineering services are having difficulty obtaining cover. This is a vitally important area of engineering and, in this area, the certification of foundations is vital to our building industry. The knock-on effect of these engineers going out of business would certainly be of concern to the general market of construction as well as engineering.

As I said earlier, the media has shown a lack of enthusiasm for issues relating to professional indemnity insurance, but this is an issue of vital importance in my electorate of Cowper. This lack of media coverage should not be taken as an indication that the government is not aware of these issues and is not acting. Tort law reforms at the state and territory level and changes in the Commonwealth legislation will set the groundwork by reducing compensation payouts and, hopefully, a reduction in risk will result. The drivers of premiums in respect of professional indemnity insurance are very similar to those in the public liability area. Tort law reforms have a direct relevance to the professional indemnity market. The expert panel established by this government to look into these matters recently released its first report. Whilst the panel’s recommendations were directed in the first instance to medical negligence, the panel recognised that the reforms suggested could also be applied to a broader range of trades and professions. It is important in this ongoing debate that the interests of plaintiffs be balanced with those of defendants—or, if you like, we have to balance the interests of consumers with those of service providers.

One of the central issues in this debate is what standard of care would be applied when determining whether or not a professional was negligent in a particular act or omission. In view of this question, the expert panel recommended the reintroduction of the Bolam test. The Bolam test is used to measure the standard of care owed by a medical practitioner to their patient. It is based on the concept that an act should be of a reasonable standard of care if it were carried out in accordance with a responsible body of medical opinion.

The use of the Bolam rule was overturned by the High Court in 1992. The modified test that has been recommended would mean that a medical practitioner would not be negligent if the treatment were provided in accordance with an opinion widely held by a significant number of respected practitioners in the field, unless the court considered that opinion to be irrational. Importantly for other professionals, such as engineers, the panel has concluded that this same test could be applied in other trades and professions: acceptable responsible practice in a profession could be a measure of a standard of care. For the professional indemnity insurance market, this has important implications which would flow to alleviate premium concerns for consumers. Ultimately, it is a decision for the state and territory governments, which have jurisdiction over common law matters, as to how broadly and to what professions the test would apply.

I am very concerned about the issues raised with me by Ernie Armstrong and other consultants in the electorate of Cowper and the impact those issues are having on the engineering industry. I am also concerned about similar matters that have been raised by other constituents and community groups. It is very important that the momentum be kept up and that the federal government continue to bring the states to the table to work through the relevant issues with the insurance industry and other stakeholders. This will ensure that we have a viable professional indemnity market which will give engineers and similar consultants the opportunity to continue providing their services to the community.
Monday, 23 September 2002

Agriculture: Sugar Industry

Mr KATTER (Kennedy) (5.10 p.m.)—
My grievance is that the government still has not acted in any effective way on the issue of sugar. Farmers have asked for a 23c consumption levy on sugar, but we have been informed that $150 million will be made available over four years. That is approximately $40 million a year for 6,000 farmers, which does not work out to very much money at all. It most certainly does not work out to the sort of money that would in any way enable these farmers to survive until ethanol comes on stream.

I am deeply disappointed in the performance of the national media in Canberra and the news emanating from this place. On a number of occasions we have given the media the source documents, and so they know that it was mischievous in the extreme to portray that, with the government applying a consumption tax, there would be a rise in price to the consumer of the consumption item. We have had discussions with the ACCC, both with Mr Alan Fels and, in his absence, with his deputy; they have agreed to meet with us. On the figures I quoted to him, he said that there most certainly would be a serious prima facie case for their intervention if those figures were correct. He asked me for my source documentation, and I told him catalogue ABS6403. I also told him the average London price, as quoted by the United States Department of Agriculture in their research service yearbook of June 2002, and he accepted those figures.

It is important to advise this House—every single member of parliament should know this—that, in the June quarter of this year, the refined price of sugar on the world market was $416 a tonne. The average retail price throughout the same period of time in Australia was $1,240 a tonne. Yes, we can have a mark-up of 30 per cent; a mark-up of 40 per cent is maybe getting a bit rich—but a mark-up of 300 per cent is nothing less than outrageous. After applying a levy of 20c a kilogram, there is no way in the world that any government could justify simply standing aside and allowing the giant retailers to pass that on to the consumer.

There is the case of eggs, where the price to farmers dropped clean in half but the price to the consumers went up nearly 300 per cent. There is dairying, which everyone in this House is familiar with, where the price for milk went down a third to the farmers and up some 20c a litre to the poor old consumer. And similarly with sugar. When the tariff was taken away from our product by the last government and the current government—and you, Mr Deputy Speaker Causley, would well appreciate this with your own electorate, considering your very strong stance and the aggressive nature of your remarks at the time—we lost $115 a tonne. With that tariff removal there was a reduction in the price of sugar, and at the same time there was a diminution in the world price. That, in turn, added to the loss of $115 a tonne. We were getting $424 a tonne and enjoying a tariff contribution of $115 to that $424. Then, when the tariff was taken away and the world price fell a bit, we dropped down to $283 a tonne, a fall of about a third.

Was this huge sacrifice and pain taken by the Labor government and the current government justified? Was this diminution passed on to the consumer? The people who come into this place and preach free trade and free markets to us have to justify it. There has to be some judging of their outcomes. And here is the judging of their outcomes: the price drops from $424 a tonne to $283 a tonne—a drop of about a third—and the price to the consumer goes up, as in eggs and as in dairy, from 92c to 114c; a 24 per cent price rise. In other words, the policy is intellectually bankrupt, and anyone who proposes it in open combat against someone who knows their figures from those three industries will be made to look very embarrassed indeed.

We do not come and ask for government assistance to prop up an industry that is non-competitive. As you are well aware, Mr Deputy Speaker, the only reason this industry is in trouble is because of the current level of European subsidies. Let me quote a summary given to me by the Parliamentary Library. It states:
The world price for beet sugar has varied between 4.7c US per pound on 1 March 2000 to 11.69c US per pound on 18 October 2000. The equivalent price in euros per metric tonne was ...
Throughout this period, the European minimum support price was 651 euros. The effect of the subsidy rate in Europe was 509 per cent on 1 March 2000 and the minimum during that period was 114 per cent.
At present, as you are well aware, Mr Deputy Speaker, Europeans are enjoying a price of around 20c a pound, whereas we are languishing on the world price at around 5c or 6c a pound. They are enjoying a 300 per cent to 400 per cent subsidy level.

It is impossible to compete against a 30 per cent mark-up level or advantage in the marketplace. We have been asked to compete against a 300 per cent average subsidy in the marketplace. And people say to us, ‘You are non-competitive.’ We produce around 105 tonnes per hectare in Australia. The nearest country to us produces about 85 tonnes per hectare. We are so incredibly mechanised that our efficiencies are vastly superior to any other country on earth, albeit that the Brazilians have a very efficient industry indeed and most certainly are very close to us.

In spite of all of those factors, it is impossible to compete against the world’s biggest exporter, which is not Brazil. The world’s biggest exporter is in fact Europe. They are enjoying this massive subsidy level. We can compete if some of our sugar is going into a stream which gives us a bigger return than we enjoy from sugar, and we would like a third of our sugar to be going into an ethanol stream. That requires this government to move in exactly the same manner as the United States moved the month before last. It was a unanimous decision by their Senate to move to a 10 per cent ethanol blend over a phased-in period. Once again they have said if the government moves in this direction it will raise the price of petrol for consumers.

Here are the figures: $360 a tonne for our sugar, which is a good price for our sugar. We are at present, for those in the House not familiar with the industry, on $260 a tonne. If a third of our production goes into $360 a tonne, at 540 litres per tonne that works out to 67c per litre. The cost of production—and I quote Vogel Busch of the United States as my source here and a paper delivered by Anicon, who have got those figures from Vogel Busch—is 20c per litre. That makes it 87c for ethanol.

I am also holding a letter here from Chris Norris of the BSES in Australia which says that it is 31c for ethanol in Brazil. I am holding a further paper here from the Brazilian Carlos Ortis, an economist, who quotes 42c a litre. Most certainly it is coming into Australia at the moment at around 50c a litre. But I will accept this enormously high price which has been quoted to us of 87c a litre. At 35.3c a litre—the current retail price for petrol less 3c for the retailer margin—we have 291c for nine litres and one litre of ethanol at 87c per litre. This works out to an average price of 37.8c per litre, which works out to an increase in the price to the consumer of 5.5c a litre only. The reason the Americans are moving to ethanol is to get rid of the lead replacements, the octane enhancers. There is about a 4c or 5c mark-up there.

We have never asked for a free kick from Treasury here. We want the excise put on. The excise has to be put on. We do not deny that for a moment. It has to be put back on ethanol. We then would ask the government for an environmental rebate—not a production rebate; I do not know why that term was used—to Australian farmers who are making a terrific commitment of going down a more desirable environmental track. (Time expired)

New South Wales: Development and Infrastructure

Mr CADMAN (Mitchell) (5.20 p.m.)—I wish to complain about the planning processes used by the government of New South Wales in newly developing areas in the north-west of Sydney. It has been planned by the Carr government that there be a massive increase in the population of the north-west sector of Sydney, with it finishing with a population roughly the same as that of Canberra. This is in an area which is poorly served by infrastructure and services. It is an area which has been in the process of development by a strange consortium comprised of the Sydney Water Board and a number of
private developers, and some unusual practices have been devised to bring about the growth in population in this area.

For many years—I think for 10 years—there has been much talk about the need to take remedial action to ensure that, as the population increases, the services needed by the community are in place and there can be harmonious growth in opportunity for employment and services provided to families. Most of the new settlers in this area will be families—not entirely but mostly—with children.

As long as 10 years ago, in discussions between Baulkham Hills Council and Blacktown City Council, employment and transportation were identified as two key issues that had not been attended to by the planners of the New South Wales government. Regarding the issue of employment, opportunities for employment close to home, with suitable industrial areas and light industrial areas and retail centres, are particularly important. Neither of those two key issues has received the necessary attention from the New South Wales government. The issue most significantly lacking attention has been transport.

The whole of Sydney knows about the shambles of Windsor Road. With upcoming state government elections, there has been a lot of attention given to announcement after announcement about the improvements that are going to be made to Windsor Road to allow access from the far western areas and outer fringes of Sydney to Parramatta—and to employment in Parramatta—and then access to the public transport system which goes further into Sydney. I believe the activities of local people have brought about these announcements. The councils have been active. The state members, Michael Richardson and Wayne Merton, have been most active, as has Ray Williams. There have been large groups of people most concerned about the public transport and road systems. It has only been recently, however, that the community has become aware of proposals for a rail system through the area, linking the Castle Hill district to Epping.

Heavy rail is something that is not generally talked about in the context of urban transport solutions, but the New South Wales government has proposed that there be a heavy rail link between Castle Hill and Epping and that there be an extension further out to Rouse Hill. A publication presented by the New South Wales government about the needs of our growing suburbs outlined the long-term plans in rough format. I think that when it was produced, the residents of my electorate looked at it and felt that it was less a matter of substance than a proposal designed to attract attention at election time. It was somewhat surprising then that more detailed maps were released very recently, which were said to represent the proposals for a heavy rail route running through already developed areas and areas awaiting development.

This does not sound of much importance, unless you happen to be one of the people affected. If you own a residence or a property which is coming up for residential development, seeing lines proposed by a state government on the map can massively change your expectation and your land use. That is what has happened. In maps released in April, the state government changed the whole context and nature of opportunities for vast numbers of people in north-western Sydney. In a delegation by my state colleagues to see Kevin Moss, the parliamentary secretary assisting Carl Scully, we became very aware that the state government had been caught short in its understanding of the impact of its decision. Instead of having made a massively popular decision, what they have done is spread great uncertainty over a large portion of land and opportunity.

I will give some idea of what this has meant. Because of the unusual nature of the development which I have described—a consortium comprised of the water board and four or five developers who own land in the area—there were great stretches of land which were not proposed to be developed for residences. In discussions with the New South Wales government over about five years from about 1997, residents convinced the state government that changes to this original plan would be beneficial. I agreed with that. These larger holdings, in lots of five acres and more, are coming up for resi-
dential development. Into the middle of a recently changed plan, the state government has dropped a railway line which is going to cut across vast tracts of land, completely destroying any potential development plans and changing the opportunities for a large number of people. Mr Eddie De Marco and his organisation, the Extend North-west Rail Tunnel Action Group, have been to see me. He was part of the delegation to the minister. His action group put a very clear case showing the damage these proposals, through lack of consultation and the exercise of raw power without thought or concern for the residents, have imposed on people in north-western Sydney.

Not only were Eddie De Marco and his group and local residents badly affected; I have received representations from another group whose members—private residents—are going to find that they are going to have a heavy railway line within a few yards of their back fences. These houses are valued at half a million dollars. The residents have only recently moved in, and suddenly—overnight—through a plan dropped into the Sydney media, the whole valuation of and prospects for these lifetime investments are changed. Mr Pethani and his group are absolutely distraught, as they have discovered that the noise and damage to their property are going to be so substantial that the things they have worked their life for are going to be seriously devalued. That is the result of this decision, which has been thoughtlessly put in place. The solution, of course, is to have a tunnel which bypasses all these difficulties created by poor planning.

On top of this, the shopping centre at Norwest and the Hillsong church have discovered that there is a great cutting opening up right in the middle of their car park, which will destroy their facility. They have land already purchased, which, I would say, has conditions on it such as they must develop within a certain period and have plans approved. None of that was taken into account by the state government.

So what have we got? We have a large church and a large shopping centre offering employment. We have large numbers of residents who have put their life savings into the property with an expectation that their land will be developed. Residents are all up in arms through poor planning, lack of consultation and a failure by the New South Wales government to consider the very basic processes of how to deal with a community when a large development project is pending—one that should be beneficial to the area but that most people feel is being raised purely for the purpose of the upcoming state elections. Even if it is an electoral ploy, it is going to create huge long-term damage to the investment and lifestyle of many people. (Time expired)

Cyprus

Ms VAMVAKINOU (Calwell) (5.30 p.m.)—I bring to the attention of the House my recent visit to Cyprus and the opportunity I was given to cross into the north of Cyprus and visit the beautiful seaport of Kyrenia. Now is an appropriate time to talk about Cyprus, given the current international crisis regarding the United Nations and Iraq. The Cyprus problem spans a period of 28 years of intransigence since its division in 1974 by military conflict. Resolution to the Cyprus problem has eluded all those who have sought to negotiate a mutual settlement and is considered by the international community to be one of the most protracted and difficult challenges that has swung from one set of negotiations to another without resolution.

This parliament has debated the Cyprus issue many times since the mid-fifties. Over the decades, members in this House from all political parties have advanced and articulated their concerns and hopes for a peaceful and just resolution. To understand the complexity of the Cyprus problem, you have to realise and comprehend its human dimension. The Cyprus problem, amongst many things, is also largely about the dislocation and segregation of its people. For me personally, three recent incidents best exemplify and humanise the Cyprus conflict. The first involves my trip. When I told my friend and constituent, Mr Osman Durali—a first generation Turkish Cypriot who migrated to Australia in 1971—that I was going to visit Cyprus, he asked me if I would visit his small village Kara Agac, also known by its Greek name as Pelathousa. It is a few miles
north of Polis Chrysochous in Paphos. Osman wanted to know whether his house was still standing. He drew me a map, carefully detailing the roads and the neighbourhood as he remembered them when he was a boy.

On 3 July this year, on a particularly hot Cypriot summer day, my family and I set out to find Osman’s village and, on his behalf, bear testimony to the state of his family home. Despite the passage of time, the tyranny of distance and the 28 years of the island’s division, Osman still remembers with affection and longing the place where he was born and grew up. He continues to hope that one day his homeland will be reunited.

The second point concerns the trip I made to the north of Cyprus which took place the next day, on 4 July. After a month of negotiations through our very competent and active Australian High Commissioner in Cyprus, Mr Frank Ingruber—whom I want to thank for his personal attention, assistance and wise counsel—we crossed, with my husband, Michalis, to the occupied side of the island. It was a personal pilgrimage for Michalis who, along with his family and many others, was forced at the age of 14 to flee his native village of Agios Epiktitos in the Kyrenia district. Our host and escort was Mr Ilker Nevzat—the leading political representative with the ruling National Unity Party and someone we would like to call a friend—who accorded to us a hospitality so prevalent amongst Cypriots. Ilker had planned to take us to lunch, during our stay, at a local restaurant. Unbeknownst to him and to us at the time, the restaurant he had chosen belonged to my husband’s family and was the very place we had come to visit. The irony did not escape us and the sensitivity and empathy Ilker showed for my husband’s predicament convinced me that there was hope yet for the people of Cyprus.

As we walked through my husband’s home, I felt optimistic about the future, despite the intransigence and difficulties plaguing even the most recent negotiations. We were buoyed by the fact that this visit and the circumstances under which we came to Agios Epiktitos would not have been possible two years ago. Rapprochement activities between the two communities in Cyprus have succeeded in breaking down the many barriers that suspicion and fear had built over the last three decades.

Between the two human experiences I referred to, there is a third point which brought home the harsh and ugly reality of the Cyprus problem, as it is known by the international community today. We were taken on a tour by the United Nations Peacekeeping Force in Cyprus of the infamous Green Line, which cuts the only remaining divided city in the world, Nicosia, into two parts. Driving through the narrow old streets, where time has literally stood still since the cease-fire in 1974 and nothing has been altered or even allowed to be altered, you come to realise quickly that the buffer zone is a surreal place, something out of a Stephen King novel. It is a war zone frozen in time, completely unaffected by the progress of life in a city that has moved on. A few metres to the left and right of the buffer zone is the daily hustle and bustle of the shopping strips of Lidakas and Onasagorou.

All three incidents portray, in a real sense, the absurdity of the continued division of Cyprus: a small island state, divided with barbed wire, contaminated with minefields and the most militarised place in the world. UN peacekeepers and even the Australian Federal Police have all been doing their bit in the last 28 years to keep the so-called peace, but their purpose, albeit unintentional, now seems to be reduced to preventing the two communities from interacting, communicating and co-operating.

The developments around the Cyprus triangle which have been in motion since 1999—that is, the Helsinki decision to include Cyprus in the next round of European Union enlargement, Greek-Turkish detente, and the civil groups and NGOs undertaking bicomunal contacts and initiatives—herald a hope that leaders in Turkey, Greece and Cyprus will have the foresight and the courage to forge a new destiny by tearing down the barbed wire, disarming their armies and clearing the mines that divide Cyprus.

An increasing number of Turkish Cypriots now strongly advocate an alternative view, as was put to us by Mr Ali Tulat, leader of the main opposition party which gained consid-
erable ground in the recent local government elections. They seek unification and they seek a solution, because in the years that have passed they have seen their economy reduced to Third World status while the south has continued to prosper under a strong economy. Turkish Cypriots in the north, especially the young, do not fear their fellow Greek Cypriots in the south. They grow tired and resentful of the continued presence of the military, many arguing that protection is no longer necessary. They have confidence in their capacity to live peacefully with their fellow Greek Cypriots and work side by side and share in Cyprus’s prosperity, especially with the benefits that the European Union will bring under the banner of ‘A united Cyprus in a united Europe’.

Recently, the Turkish Cypriot Chamber of Commerce led 86 professional organisations, trade unions and NGOs in issuing a declaration known as, ‘The Common Vision of the Turkish Cypriot Civil Society’, which called on President Clerides and Rauf Denktash to play a constructive role in their talks and bring about a resolution of the Cyprus problem before the end of 2002—when, it is anticipated, Cyprus will join the EU.

It is in this area that Australia can make a constructive and real contribution to the pursuit of a resolution. By drawing on the good work done by such rapprochement initiatives as the La Trobe Project, our unique multicultural experience and with the assistance of all the forward-thinking people in the Greek, Turkish and Cypriot communities, we can follow through the recommendations of Australia’s Special Envoy for Cyprus, Mr Jim Short, who in his report released last year stated:

Australia might be able to assist both parties to resolve those differences which presently impede negotiations and to provide practical assistance to non-political problems in Cyprus.

In conclusion, I want to praise the role of the Australian Labor Party, which has stood at Cyprus’s side from the onset. Our national platform has carried motions in support of UN resolutions and we continue to support the search for resolution. I am also honoured to have made many new good friends in the Turkish Cypriot community both here and overseas, and through their experiences I have understood the totality of the Cyprus conflict. In particular, I want to thank another of my constituents, Mr Ali Genc, President of the Federation of Turkish Cypriot Associations in Victoria, who was a co-signatory along with Mr Kerry Kyriakoudes, President of the Federation of Cyprus Communities and Organisations in Australia and New Zealand, to a statement that was delivered to Greek and Turkish Cypriot authorities by our special envoy, Jim Short, during his recent round of talks in Cyprus, England, Turkey and Greece. I urge them to continue to work together in search of a lasting solution and to never give up.

Cyprus
Local Government

Mr HAWKER (Wannon) (5.40 p.m.)—I would like to begin by commending the member for Calwell on the issues that she raised and assure her that there are plenty of people on this side that will support the work she is doing. I hope somehow some resolution can be found to the problems facing Cyprus.

Today I would like to talk about some of the issues facing local government. It is significant to note that, in the 25 years to 1998, revenue raised by local government itself, mainly through rates and other local government charges, rose significantly from $3.9 billion to $9.6 billion—that is, nearly 2½ times. At the same time, local government revenue derived from the federal government has risen from $550 million to nearly $1½ billion, while local government revenue received from the states has only risen from $780 to $848 million—and, I hasten to add, this was before the Roads to Recovery program. So Commonwealth support for local government in the 25 years to 1998, on average, increased at a rate of 4.3 per cent per year, while the states have only increased...
their revenue to local government by 0.4 per cent per year. All these figures are adjusted for inflation.

In summary, local government has increased its own revenue through rates and charges nearly 2½ times, the Commonwealth has increased its revenue quite significantly but the states have increased their revenue to local government by very little. Yet, at the same time, the states are expecting local government to take on more and more responsibility—not just in relation to funding but also in relation to administering and enforcing a number of extra regulations.

I would like to commend the Minister for Regional Services, Territories and Local Government, the Hon. Wilson Tuckey, in proposing what I think is a very important inquiry which my committee—the House of Representatives Economics Committee—has agreed to take on. In the light of this, the question might be: ‘Talking about the funding and some of the difficulties facing local government is fine, but what are the reasons for a federal government inquiry?’ The first is that there is significant federal government funding involved, which is increasing. As I mentioned, the latest addition, the $1.2 billion Roads to Recovery program, is a very important part of that increasing federal government funding. The second reason is the increased demand for local community services and facilities at a time when the overall share of local government funding is declining. The third is to look at the efficiency of local government activities; for example, what local government does, according to business, has a very significant impact on competitiveness.

The fourth reason, which I think is very important, as Professor Sansom has outlined in the latest About the House magazine, is that ‘significant problems are looming’. Although responsibilities of local government have increased dramatically, its share of total revenue and expenditure has declined in terms of what is happening nationally. Professor Sansom states:

The Commonwealth should be concerned about the way some states manage local government ... There is evidence that the growth in state grants to councils has declined significantly since the Commonwealth introduced FAGs—financial assistance grants—

In some states this has been compounded by arbitrary limits on rate increases and imposition of levies on councils to fund state services, reducing local government’s capacity to meet other community needs. In effect, some of the Commonwealth’s money intended to improve local services has been diverted.

For all these reasons, the inquiry into cost shifting onto local government—which, as I say, has been referred to the House economics committee, which I chair, by the Minister for Regional Services, Territories and Local Government, Wilson Tuckey—is very timely. The inquiry is already forcing others to focus on and identify the extent of the cost shifting that is going on—principally by the states, although it is important to note that this is not new, that it is something that has been going on for quite a few years.

The inquiry was announced at the end of May this year and has already received almost 300 submissions. That in itself tells us just how significant this issue is and how important it is, particularly in local communities. People want to see this inquiry really get to the bottom of some of the problems. My committee has started hearings. We have already had hearings in Perth and Canberra, and there are more planned. Mr Deputy Speaker Lindsay, I know that you are keen to see the committee come to the far north of Queensland.

Whilst it is early days, it is very significant to note some points from public hearings and from the submissions. There is no doubt—I think anyone can see this, but the committee has been told it—that cost shifting has led to declining investment in infrastructure. A lot of infrastructure has been suffering for some time, and that is one of the reasons why the Roads to Recovery program was so welcome. Councils in my own area have said to me that it is only because of the Roads to Recovery money that they now see progress in improving the state of local roads.

The next point is that local government has been forced to take up a whole range of extra support services. These vary from area
to area and region to region, but the ones that have been identified include local government having to assist with medical and health services, including in some cases providing free housing and free surgeries to doctors just to encourage them to come out into country regions. Other examples are support for schools, support in getting postal services locally and support in getting banking services. I have seen a case where a council actually runs the local banking service.

Likewise, we have had concerns about funding for libraries and HACC funding—the home and community care funding—which, particularly in Victoria, has been a growing problem where the Commonwealth has been increasing the funding but the states have not been matching it. In some cases there has had to be assistance for kindergartens, schools and crossing supervisors. Other areas include the provision of licensing services for vehicles, for fuel outlets and sometimes for television, mobile phones and radios. All of these have been added to local government responsibilities, often without commensurate funding to assist. There has been a need to provide security patrols in some areas where policing has been inadequate. Likewise, local government is expected to police things like smoking in restaurants where smoking is banned or swimming pool fences. Often these actions are expected following a request from a state government, but funding is not forthcoming.

The committee has been told that financial assistance grants are being used to prop up those programs due to funding cuts or the total withdrawal of funds by state governments. At the same time, as the Department of Transport and Regional Services has pointed out to the committee, some state governments have restricted local government with things like rate pegging, while holding the rates down, allowing wage increases way above the rate pegging and sometimes loading up extra charges such as fire brigade charges way above the rate pegging levels. Other problems are the constraining of local fees and charges in areas like environment and planning, and sometimes taking away sources of revenue such as electricity distribution authorities. Some state enterprises have refused to pay rates—for example, power stations. In some cases, state forests have been expanded, and that is another loss of a source of revenue. At the same time, council borrowings have been restricted and other costs have been added.

In conclusion, the need for this inquiry is absolutely clear. Cost shifting, particularly by state governments, has been going onto local government over a number of years. The Commonwealth Grants Commission has highlighted what this has really meant. However, the main point remains. As Professor Sansom says:

... the central issue remains finance. More robust local government is essential to improve local services across Australia, to tackle emerging problems with infrastructure, and for the Commonwealth to get the best return on its substantial investments in grants. It is very much in the Commonwealth’s interests to take the lead in formulating a better policy framework.

On that important point the committee has a lot of work ahead of it, but I know all members look forward to this challenge and we will certainly produce a report worthy of this parliament.
Ordered that this bill be considered at the next sitting.

MEMBERS OF PARLIAMENT (LIFE GOLD PASS) 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
Miss JACKIE KELLY (Lindsay—Parliamentary Secretary to the Prime Minister) (5.53 p.m.)—by leave—I move:
That this bill be now read a third time.
Question agreed to.
Bill read a third time.

BILLS RETURNED FROM THE SENATE
The following bill was returned from the Senate without amendment or request:
Marriage Amendment Bill 2002

CUSTOMS LEGISLATION AMENDMENT BILL (No. 1) 2002
Consideration of Senate Message
Bill returned from the Senate with amendments.
Ordered that the amendments be considered forthwith.

Senate’s amendments—
(1) Schedule 1, item 6, page 8 (lines 16 to 19), omit the item.
(2) Schedule 1, item 35, page 11 (lines 8 and 9), omit the item.
(3) Schedule 1, item 36, page 11 (lines 10 to 17), omit the item.

Miss JACKIE KELLY (Lindsay—Parliamentary Secretary to the Prime Minister) (5.54 p.m.)—I move:
That the amendments be agreed to.
I thank honourable members for their contributions to the debate on the Customs Legislation Amendment Bill (No. 1) 2002. The amendments will contribute to the management and protection of Australia’s borders. During the debate on the bill in the Senate, the government moved one amendment and agreed to two Australian Democrats amendments relating to the strict liability offences in schedule 1 to the bill. The government supports these amendments as passed in the Senate.
Question agreed to.

HIGHER EDUCATION FUNDING AMENDMENT BILL 2002
Consideration of Senate Message
Bill returned from the Senate with amendments.
Ordered that the amendments be considered at the next sitting.

AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION LEGISLATION AMENDMENT (TERRORISM) BILL 2002
Second Reading
Debate resumed from 21 March, on motion by Mr Williams:
That this bill be now read a second time,
upon which Mr Melham moved by way of amendment:
(1) notes with concern:
(a) the Government’s response to the report of the Parliamentary Joint Committee on ASIO, ASIS and DSD is inadequate;
(b) the Government proposes that, for the first time, Australians not suspected of any offence could be detained by ASIO for questioning;
(c) the Government proposes those detained by ASIO do not have the right to legal advice for the first 48 hours of their detention;
(d) the Government proposes children can be detained by ASIO for questioning;
(e) the Government’s proposals will significantly change the role of ASIO by giving it powers of coercion and detention, and
(2) expresses the view that this Bill contains serious compromises to civil liberties and alternative approaches should be more thor-
oughly explored in place of the measures proposed in this Bill."

Mr CREAN (Hotham—Leader of the Opposition) (5.56 p.m.)—The Labor Party support strong security laws to protect Australian people from international terrorism, but we do not support John Howard’s ASIO bill. The job of smashing international terrorism is far from over, but this legislation is the wrong way to achieve that goal. We want to hunt down and arrest the terrorists, but only the terrorists. We want to protect peaceful, law-abiding Australians from infringements on their rights. The question that has to be asked again is: why can’t the government get this bill right? Why can’t it learn? This government is always going too far and undermining civil liberties. In the name of protecting civil liberties, it undermines them. It has ignored widespread public opposition to this bill. It has ignored the strong warnings of two parliamentary committees containing members of the coalition parties. Why? The answer is simple: once again, the government is seeking to play politics with our national security, and Labor will not allow it.

Throughout this debate, Labor have advanced three main arguments. First, the process has been flawed. Good legislation can achieve bipartisan cooperation but it will not ever happen if the government simply wants to play politics. Second, the fundamental principles of equality, fairness and balance have been ignored. Third, the policy prescription of giving more coercive powers to ASIO is the wrong way to achieve the goal of greater security from terrorism for Australians.

Legislation to strengthen Australia’s security against terrorism has already passed the parliament, but the bills originally introduced by the government to achieve that end also went too far. In relation to those bills, Labor pressed for amendments to correct serious flaws. We ensured that humanitarian groups were not affected by the sloppily-drafted treason offences and that the definition of ‘terrorist acts’ contained the higher level of intent associated with terrorism. We were able to make the legislation better, ensuring that terrorists, but only terrorists, were targeted. Most importantly, we ensured that the government’s proposal which gave the Attorney-General the power to ban organisations never saw the light of day.

As a result of amendments to the earlier bills, those pieces of legislation were greatly improved. They are now balanced and supported by the majority of Australians. This is extremely important, because the war on terror can only be won if the Australian people are unified—only if they have confidence that the laws combating terrorism will be implemented impartially, only if these laws are balanced and only if those laws do not infringe on their rights.

It is very interesting that the Prime Minister himself made the following acknowledgment at the National Press Club recently in relation to these bills that I spoke of previously:

We have, of necessity, tightened our security laws. I believe through the great parliamentary processes that this country has I believe that we have got the balance right.

The truth, though, is that the changes to make the legislation more balanced were achieved despite the opposition, initially, of the Prime Minister. If it were up to him, we would not have balanced laws; we would have unbalanced, draconian laws—and that is the problem with this bill. Labor were criticised at the time for insisting on our amendments, but once again our strong stand has been vindicated. Without our amendments, those laws would have been weaker. The difference between Labor and the government on this bill is clear. Not only will Labor combat terrorism; we will protect the liberties that terrorists want to destroy. The government’s bill, if not significantly amended, will do long-term damage to our rights. This bill arguably goes further than any legislation has ever gone. This bill does not strike the right balance between security and protecting our rights.

Two parliamentary committee reports have been undertaken on this bill: one by the Joint Parliamentary Committee on ASIO, ASIS and DSD and the other by the Senate Legal and Constitutional Legislation Committee. Both contained members of the coalition and both reported unanimously. Here is what the government’s own chairman of the
parliamentary joint committee, the member for Fadden, had to say:

The bill is one of the most controversial pieces of legislation considered by the parliament in recent times.

The proposed legislation, in its original form—and that is important to underline—would undermine key legal rights and erode the civil liberties that make Australia a leading democracy.

That is what the chairman, the member for Fadden, observed. I cannot for the life of me understand why the government is not getting the message.

The committees proposed a number of important amendments. They proposed a seven-day limit on detention; the requirement for representation by security-cleared lawyers; protocols governing detention and interview that are subject to parliamentary scrutiny; protection against self-incrimination; the exclusion of anyone under 18 years of age from interrogation and detention; accountability and reporting measures in relation to warrants; and a three-year sunset clause. The joint parliamentary committee made 15 recommendations in all. The government has accepted 10 of them, but it has rejected the five key recommendations that would have made this bill more acceptable. I want to focus on three of the most important recommendations out of the five that the government at this stage is saying it will not adopt.

First, even ASIO has agreed that the detention of children needs to be reviewed. These provisions contravene up to six articles of the United Nations Convention on the Rights of the Child. It is simply wrong to treat children this way, and just as Labor want the children kept out of detention centres, we want them excluded from detention under this bill. The second recommendation is that there be a three-year sunset clause. The joint committee has proposed a sunset clause that will terminate this legislation after three years, but the government opposes it. Labor believe that a sunset clause would be a significant accountability mechanism. The new US anti-terror legislation, the Patriot Act, contains such a clause; so should our legislation. The third recommendation is that the Inspector-General of Intelligence and Security be present during ASIO interviews and have the power to stop them if necessary. The government rejects this sensible recommendation. We must remember that these powers of detention and interrogation for ASIO are new. These powers are normally limited to the police; therefore, some degree of oversight is necessary.

In addition to those three recommendations, Labor have two further concerns not raised by the joint parliamentary committee. We are concerned that the bill allows people to be detained who are not suspected of any criminal activity and that the bill allows people to be questioned by ASIO rather than by a law enforcement agency. These two measures involve a radical departure from established legal and human rights principles, and they go further than equivalent US or UK laws. While the US can detain aliens without charge, it cannot do so with its own citizens.

If passed in its current form, this bill could be challenged by the High Court because it breaches basic constitutional and legal principles. If the bill is passed in its current form, Australians not suspected of any offence could be detained by ASIO for questioning. If the bill is passed in its current form, those detained by ASIO would not have the right to legal advice. If the bill is passed in its current form, ASIO would be given powers to detain children for questioning. For those reasons also, the amended ASIO bill proposed by the government is unacceptable to us. It is our belief that the measures being insisted upon by the government are unnecessary to combat terrorism.

ASIO already has extensive powers to investigate terrorist activities, including the use of telecommunications interception, listening devices, tracking devices, covert searches and inspection of postal items. The Australian Federal Police’s authority to investigate terrorist activities has also been broadened this year with the enactment of new offences relating to terrorist organisations. The new powers proposed in this bill are designed with one objective only: to play wedge politics with our nation’s security. It is the fourth
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Time in the last 12 months that the government have played this card. They have failed on every occasion. First, it was over the boat arrivals. They put forward unworkable legislation that they later had to change to acknowledge Labor’s objections. They tried it over the excision of islands from our migration zone, and then they tried it over Iraq.

But, since April, Labor has consistently argued for a formal parliamentary debate and a UN based solution. We argued for a timetable for Iraqi compliance with UN resolutions, followed, if necessary, by a further resolution outlining appropriate action. When Labor adopted this policy we were labelled appeasers. I was even accused of sounding like Saddam Hussein. But now the government itself has adopted our policy. On the weekend I heard the Prime Minister saying, just as he was flying out to Nigeria, that he wanted a tough new resolution through the United Nations in terms of Iraqi compliance. That is what we have been calling for since April, Prime Minister. I think the sooner you understand the importance of working with us to achieve the common objective, not just your political objectives, the better for this nation.

The government has been caught out playing politics with our national security, and I think the Australian public has had enough of its tactics. We defeated his attempts with the terrorism bills that would have seen outlawed organisations he regards as a threat. The Australian people are very wary of giving executive government too much power. They were right 50 years ago, as the Prime Minister himself concedes. So why can’t he see that this bill is even worse?

The Prime Minister’s own party is beginning to split over this attack on civil liberties. Here in this House the member for Kooyong had this to say during the debate on this bill:

... the measures we employ to combat the new terrorism must not undermine our core values: the rule of law, due process, civil liberties and freedom of speech ... we must be careful not to forsake them in the battle against terrorism.

These words are a direct challenge to the Prime Minister. Now is the time for all of those so-called small ‘l’ liberals to come out and defend the principles they claim to stand for: the member for Curtin; the member for Cook; the member for Sturt; Braveheart—will we see him?—the Minister for Education, Science and Training; Senator Payne; Senator Hill; and their so-called leader, the Treasurer, who is overseas at the moment. It is time for them to show whether they have any principles or whether they too are going to be hypocritical in relation to this legislation. It is time to show whether they have the courage to follow Labor’s lead and stand up to John Howard and his reactionary agenda. Just as we showed the way in terms of the terrorism legislation, so too are we showing the way in relation to the ASIO bill.

The Australian people will not accept these infringements to their rights. As foreshadowed earlier in this debate, when the bill is introduced into the Senate Labor will move a referral to a Senate references committee to examine alternative ways of enhancing the capacity of our law enforcement agencies to counter terrorism without compromising civil liberties. Labor proposes that the Senate committee develop an alternative regime in which questioning to obtain intelligence relating to terrorism is conducted not by ASIO but by the Australian Federal Police, including appropriate arrangements for detention of terrorist suspects and questioning of persons not suspected of any offence.

We also propose an examination of the relationship between ASIO and the Australian Federal Police in the investigation of terrorist activities as offences. We also pro-
pose a review of the adequacy of Australia’s current information and intelligence gathering methods for the investigation of potential terrorist activities or offences. We also want the committee to look at reviewing recent overseas legislation dealing with the investigation of potential terrorist activities or offences, and to examine whether this bill, in its current or amended form, is constitutionally sound.

These are all questions the government should have asked itself. These are all questions the government should have been prepared to report to this chamber on and has not. That is the reason we have a second reading amendment in this place, but we do not hold our breath. What we do know is that we have to get it right. That is why we will use the forms of the other chamber to address these key issues. This is a government that has had more than 12 months to come up with laws that will provide new protections against terrorism. We have passed the first anniversary of September 11 and they have had those 12 months to do what they said they would do at the time of the events of September 11 last year. They have failed. They have failed because they have played politics rather than doing the right thing.

Australia does need new laws to deal with terrorists and to protect the rights of its citizens. In its current form this bill does neither. It misses the mark because it is not directed at terrorists. Labor will cooperate to give our nation the strong security laws it needs. We have shown our genuine willingness to cooperate with the government to protect our citizens from terrorist attack. But in all our negotiations and suggested amendments our purpose has been clear: the recognition of the need to protect our nation and its people.
from terrorist attack has at all times been balanced with the understanding that we must simultaneously protect the rights and freedoms of our citizens—rights and freedoms that historically Australian men and women have been prepared to protect and defend with their lives.

The resultant package of antiterrorism legislation recently passed by the parliament was subjected to that careful scrutiny. It was also the subject of considerable debate by the community. The outcome was that a set of antiterrorism bills was passed in this House after significant improvement. That improvement was made possible by the contribution of members of the opposition and by the contribution of members of the community who put forward their ideas to make this legislation effective and fair. Inclusive consultation and consideration of different viewpoints were a recipe for success in that case. Australia has now met its obligations under United Nations resolution 1373 and enacted antiterrorism legislation as serious offences under domestic law.

Through the diligence of the Labor opposition, humanitarian groups will not be affected by the new treason offences and any possibility that protest or individual action could be dealt with as terrorist offences has been removed. Through pressure by Labor and by the public, offences in the terrorism legislation now only target terrorist activities and the definition of terrorist acts has been improved by including the necessary high level of intent that guides criminal law in this country. Similarly and most importantly, the proposal to give the Attorney-General power to proscribe and ban organisations has been totally removed. However, in spite of similar efforts by the Labor opposition and by members of the Australian public, and even by members of the coalition, no similar improvements have been made to the ASIO legislation. It seems that the Attorney-General and the Prime Minister are determined to put before the Australian parliament legislation that civil libertarians, constitutional lawyers, religious and civic leaders and the government’s own bipartisan parliamentary committee rejected. That is exactly what the bill deserves—rejection by both houses of this parliament.

The original bill was introduced to the parliament six months ago and only now is the bill subject to debate. Apparently 12 months since September 11 the government needs wide powers now to detain and interrogate its own citizens about any threat of terrorist attacks. Its credibility is seriously strained on any suggestion by the government that this legislation is urgently needed to protect us from international terrorism. This bill is excessive given that the package of five antiterrorism bills passed earlier this year significantly broadened the powers of the Australian Federal Police and ASIO. In that capacity, ASIO already has extensive powers to investigate terrorist activities: powers of surveillance, interception, tracking, covert searches and inspection of postal items. That means every communication mode is accessible to ASIO. That should mean that they have significant data about any threats to the security of this nation.

Unfortunately, the ASIO legislation before the House that would purport to be a necessary response to the events of September 11 is unacceptable in its present form. Currently, it is open to abuse that is totally unacceptable to Australian citizens. The abuse of power and authority and the abuse of citizens’ rights and liberties are unacceptable to our Australian way of life; they are unacceptable to this Labor opposition as well.

Given the lack of urgency and our history of a stable and peaceful democracy, this ASIO bill goes much further than is reasonable or necessary and must be opposed. It proposes to enhance the Commonwealth’s ability to combat terrorism by amending the definition of ‘politically motivated violence’ and also by giving ASIO special powers relating to the investigation of terrorism offences, including warrants requiring persons to attend for questioning before a prescribed authority without a lawyer and, in certain circumstances, to be detained for 48 hours and potentially indefinitely.

In its original form when introduced last March, the bill proposed that powers be extended to ASIO to allow for adults and children to be detained, to be strip searched and
to be questioned without any charge being placed on these people. That detention was for periods of 48 hours, which could be extended continuously. During that detention Australians charged with no offence could be denied access to people outside of ASIO and could not inform family members, their employers or even their lawyer of their detention. To detain a person would have needed an official warrant from a prescribed authority—that is, from a federal magistrate or from a member of the Administrative Appeals Tribunal. That would seem to give some protection against the nebulous or nefarious issuing of warrants; however, in this day and age of short-term contracts and appointments, the independence of bodies such as the AAT no longer has the same confident acceptance by the Australian public. Perhaps the ‘children overboard’ incident has exacerbated the fear that separation of powers no longer applies when public servants are providing independent advice to a government with a particular and determined agenda—a sad development in a nation that once had exemplary practice.

Under the original legislation, to be detained, no charges needed to be laid or even any reason established for future charges. Warrants for detention and questioning could be issued simply on the suspicion that a person or persons may be able to substantially assist the collection of intelligence that was important in relation to a terrorism offence. Under the original legislation, no access to legal advice would be given; in fact, a penalty of five years imprisonment could apply to anyone who refused to answer any self-incriminating questions. So, even though information given could be admissible in any prosecution of a terrorism offence, an interviewee could not decline to answer. One wonders what other ways would be used to persuade suspects to answer questions. Historically, ASIO has not had powers of detention. The original ASIO bill significantly changed the role of ASIO, transferring it from an intelligence gathering body to a body with powers of coercion and detention. In that new context, the present bill deserves close scrutiny indeed.

There have been some changes to the original legislation, and they are what we are dealing with in this debate. In March the ASIO bill was referred to the Parliamentary Joint Committee on ASIO, ASIS and DSD. The parliamentary committee tabled its report, which was then taken into consideration by the Senate committee. But the Senate committee went slightly further and looked at whether the government actually had the power to do the things the bill provides for under the legislation. In reviewing the parliamentary joint committee recommendations, the Senate committee agreed completely with the recommendations put forward to amend the bill. The Senate committee also expressed its view that, if the government responded to those recommendations, it would then allow the bill to proceed and be examined further in the Senate committee stage.

Both parliamentary committees found that, in its original form, the bill would be open to serious abuse. They proposed a number of amendments, including a seven-day limit on detention; the requirement for representation by lawyers who were security cleared; protocols for detention and interview which would be subject to parliamentary scrutiny; protection against self-incrimination; the exclusion of anyone under 18 from interrogation and detention; accountability and reporting measures in relation to the issue of warrants; and a three-year sunset clause. It is important that we examine those recommendations and see what we now have before us in the bill.

When the government looked at those recommendations, it supported only 10 and omitted five very significant recommendations. Those were recommendations that guaranteed access to legal representation. The government rejected this suggestion and now proposes to allow legal representation only after 48 hours of detention and interrogation. Even after 48 hours, no private consultation between the detainee and their legal representative would be allowed without ASIO present. I must agree with the statement by the president of the Law Council of Australia, Mr Tony Abbott, when he said:
The suspicion is that ASIO wants to extract information under interrogation using methods which it couldn’t if a lawyer was present.

These are the methods we would associate with police states and repressive regimes, not with the law enforcement practices we expect in this country.

The other recommendation that was rejected was the suggestion that definite protocols be developed to govern custody, detention and interview processes and that those be developed before the legislation could take effect. Although the government now includes in the legislation some acceptance of the need to develop such protocols, it insists the bill be put into effect without delay. Of course, those protocols could take a very long time to develop. The recommendation regarding children suggested that no child younger than 18 should be able to be subject to this legislation. The government’s response has been to extend this protection only to children under 14. That means that, under this legislation, children between 14 and 18 years could be detained if under suspicion and not have their lawyer and parent or guardian present. This seems to fly in the face of our practice and respect for a protective juvenile justice system. After listening to the Leader of the Opposition, who cited the UN convention for the protection of children, we would certainly suggest that an advocate for children is seriously needed in this country.

The recommendation that provided a three-year sunset clause was changed by the government to a review process in three years. But, of course, that process is most unclear. The other suggestion by the parliamentary joint committee, that the Inspector-General of Intelligence and Security be given the power to intervene if concerns were raised about noncompliance or improper conduct by ASIO, was also rejected. It seems the government considers this role as unnecessary and inappropriate and instead allows in its bill for any concerns to be raised with the Director-General of ASIO or with the prescribed agency that issued the detention. This would mean that there would be no external scrutiny of the activities of ASIO with regard to the issuing of warrants or for the detention and interrogation of persons suspected of having knowledge of terrorist acts.

By not responding to these important recommendations from its own joint parliamentary committee, which were endorsed by the Senate committee, the government has failed to deliver for this country acceptable legislation. In fact, this legislation in its current form, which allows ASIO to detain and interrogate people who are not actually charged with any offence, may in fact not be constitutional. This is a radical departure from established legal and human rights practice and precedents. As such, if this legislation were enacted and implemented, it would undoubtedly be tested through the judicial appeals system at first application. Such a situation must be avoided. It would place ASIO personnel in the front line of this scrutiny and no doubt compromise the need for secrecy and protection of ASIO employees that has been accepted practice.

Currently the measures incorporated in the Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002 resemble those of a police state or a dictatorship. This bill goes further than similar laws in the United Kingdom, the USA and Canada. Although those countries have had more experience of terrorism and are certainly more likely targets for terrorist acts than Australian is, their laws do not allow for the detention of citizens who have not been expressly suspected of or charged with any offence.

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

Ms GRIERSON—As I was saying before the suspension, no citizens of the United Kingdom, the USA and Canada can be detained in secret without legal advice. If the ASIO legislation is passed, that will not be the case in Australia. Australians have a healthy respect for their law enforcement bodies and for their intelligence and security agencies; but, equally, Australians have a healthy suspicion of authority. On too many occasions the Australian public has witnessed abuse of power by those in authority. Although they may represent a minority, we are all aware of incidents where excessive use of policing powers has made us question
the integrity of those involved. Every month in our media we see examples of abuse of power and authority, whether they occur in the church, in child care, in aged care, in education or in the police or armed forces. So suspicion has its foundation in the reality of human experience. But at least we knew of these incidents and at least those incidents were subjected to open investigation. In many cases we also saw justice done and the abusers of their positions of authority exposed and penalised under the law.

This will not be the case with the ASIO legislation. Australian citizens detained and interrogated incommunicado, without legal representation and without actually being charged with any offence and who then may be subjected to abuse would have no redress. The ASIO legislation does not include any accountability processes or penalties for those who abuse this authority. That is not good enough. If we are to grant ASIO police powers, then we must also grant it the same accountability, the same checks and balances that regulate the application of these powers. Although the legislation now says police will handle the arrest and detention, ASIO will decide who is to be arrested and who is to be detained, and it will be ASIO who conducts the interviews. ASIO should not been placed in this invidious position, a position that could potentially compromise its effectiveness. It should remain an intelligence organisation, not a law enforcement body.

If our freedoms and democratic rights are suppressed or perverted in the name of authority or under the threat of terrorism, then we are the losers and terrorists are the victors. So why would the government resist these recommendations to protect our democracy? Is the threat of terrorism so great? Not according to the Attorney-General or to the Director-General of ASIO. Does the government lack confidence in the law enforcement, security and intelligence agencies in this country? That does not seem likely, given that we hosted the Commonwealth heads of government conference this year incident free. So is the real reason, as Simon Crean the opposition leader suggested, wedge politics? The simple answer is yes. This government again is determined to look tougher than anyone else—tough on terrorists and tough on detainees, whether they be Australian citizens or refugees. This government intends to continue to govern through promoting fear and division in our country.

But in the case of the ASIO bill, which has such universal condemnation, the government will not succeed. Australians prize freedom and Australians will oppose threats to their freedoms, whether they come from without or within. They will not abide a government that seeks to take their freedoms away. For the sake of our democracy and our freedom, the ASIO legislation must be opposed.

Mr GAVAN O’CONNOR (Corio) (8.04 p.m.)—The Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002 is a bill which, in its present form, ought not to have made it to the floor of this parliament. If the so-called progressives in the Liberal Party, the self-styled protectors of our civil liberties on the conservative side of politics, had done their job and their duty, this awful legislation would never have been presented to this House in its present form. It is an indication of how far right the Howard government really is in political terms, how weak the Treasurer really is within the bowels of his own government and caucus, and how insipid the so-called Liberal progressives really are that they have been rolled so emphatically and so easily on such an important issue.

Members opposite ought be in no doubt about how the Australian community, particularly the people in my electorate of Corio, feel about the attack on their civil liberties by the Howard government which is contained in this legislation. My electorate has a strong ethnic community. Many have settled in this country, fleeing repressive and politically excessive regimes that have on occasions attacked their civil liberties and denied them their freedoms. My electorate of Corio encompasses the Geelong community and has a strong union movement which has historically been at the forefront of protecting the rights of workers to organise and assemble, often in the face of intense provocation and repressive legislation that has been
introduced by conservative Liberal governments at either the state or the federal level. They have a long proud tradition of opposing such repressive governments and legislation.

It is also an electorate that, in its church community, boasts an activism and vigilance in defence of the political rights of others in overseas countries such as East Timor. Naturally, they look on this piece of legislation with considerable unease and, in some cases, alarm. So when those alarm bells do ring for them on legislation that threatens their civil liberties and those of their fellow Australians, and fails to achieve an appropriate balance between the needs of security and the civil liberties of citizens in a democracy, then I am duty bound to bring these concerns to the attention of the House. And concerned they are: I have had many representations from members of church groups, the trade union movement and ethnic communities in Geelong on this issue.

This bill is a spectacular case of policy failure by the Howard government. It is a policy failure for the following reasons—and these have been canvassed by members here in the debate thus far. This legislation fails to achieve an appropriate balance between security considerations, the need to protect the community and, of course, the need to protect the civil liberties of citizens in a democracy. That is the essential yardstick by which we must judge this piece of legislation. It would be remiss of any opposition in a democratic society, in a house of parliament democratically elected, to fail to articulate the concerns of people—not only those in the community but also those of all political persuasions within this parliament—who are concerned about elements of this legislation. This bill is a policy failure because the Liberal Party in government has failed to use the parliamentary processes to good effect, and I will speak a little about this later on in the debate. However, we know that this legislation has been scrutinised by two parliamentary committees thus far. In an attempt to improve this legislation, those committees have made very good and sensible recommendations which have largely been ignored by the government, and I think we are entitled to ask why. Indeed, further on in my address on this bill, I will seek to explain for my constituents why the government has done so.

With this legislation there has been an inherent failure, in the wake of September 11, to more quickly address the problems of terrorism. In the wake of September 11, ensuring the safety of Australians from terrorist attack became an urgent matter that had to be attended to by the national government of the day and, of course, legislation was presented to this parliament for that purpose. But why has it taken this particular bill so long to get into the parliament—leaving aside the time it has taken for the parliamentary committees to go about their particular work? It is a policy failure on the part of the government because, in the face of overwhelming evidence and concern, the government has failed to come up with a bill that can achieve the unanimous support of both houses of this parliament.

Let us go to the first issue: the balance between the security needs of the community and the civil liberties of its citizens. We live in a democracy which has a proud democratic tradition, and there are important pillars on which that democracy is based and sustains itself over time. In our democracy we operate under the rule of law, with the separation of powers between the executive and the judiciary. We operate on the basis that people in this society do have rights and freedoms. They have the right to demonstrate, the right to assemble, the right to speak freely on issues and the right to practise in a religious sense according to the dictates of their personal beliefs. Individuals have political rights and legal rights that are protected in our democracy. If there has been a fundamental criticism of this particular bill, it is in this particular area: the rights of individuals and the failure of the government in this piece of legislation to protect those rights.

I am not alone in voicing that particular concern; it has been expressed by independent academics and by the constituencies that I have referred to in my own electorate. It has also been articulated by members of the government party itself, operating in the environment of the committee system of these
great houses of parliament. Those two committees made very substantial recommendations to improve this legislation along the lines that we have been arguing for. Indeed, in those committees members on this side of the House participated freely, bringing their intellect and experience to bear on the great issues that are thrown before us in this legislation. Members on the Labor side came to certain conclusions that this legislation needed to be improved—but they were not on their own: there were Liberal members who agreed with them. Indeed, on the committee, with a Liberal member in the chair, unanimous recommendations were made to the government to improve this legislation. One would have thought that that would have been enough for the government to improve this legislation in line with the thinking of the parliament and the Australian community—but it has failed to do so.

We need to ask the fundamental question here: what is the problem that we are attempting to address by this legislation, and how are we addressing that problem. We have not heard a coherent statement from the government of the extent of the terrorist threat to Australia. We all know of the capacity of terrorists in the modern era and, where there are issues of security for the Australian community at stake, we on this side of the House do not deny the necessity for the government to strengthen the powers to detain and to interrogate.

I really take umbrage at the inference by members opposite that the party of which I am a member is not concerned about the security of Australians. It seems to me that the conservatives in the Australian political system always resort to this particular charge. I have children. I have an extended family. I have an interest in their personal security above everything else. I also have an interest in the security of the community that I represent on the floor of the parliament. So I do not need any lecture from any member opposite about my bona fides on this issue of security for Australians. Yet it seems to be that when the government members are backed into a corner on argument they resort to that sort of statement.

We know that there are significant shortcomings in this legislation. It is fundamentally inconsistent with democratic practice as we know it here in Australia, and that has been confirmed by the processes of this parliament. Two committees of the parliament—including members of all political persuasions—have come to the conclusion that this legislation is fundamentally flawed. There is potential for abuse, and that has been highlighted by many of the commentators who have entered the public arena in criticism of elements of this legislation. They have not criticised the need for greater security nor have they criticised the need to sharpen some of the existing powers to detain and interrogate. But they have taken issue with placing these new powers with ASIO and they have highlighted the potential for abuse in the system.

Make no mistake: this legislation changes fundamentally the way ASIO will operate. It in effect creates a secret police. ASIO is a secret organisation. It operates under legislation of this parliament, and we demand that it operates with a high level of accountability and as much public security as can be achieved in a democratic society when we in our own interest are required to structure secret organisations to work on our behalf. But this legislation extends ASIO’s power in a new way. It gives ASIO new powers of detention and interrogation and of course it alters fundamentally the nature of that organisation.

One would have thought that any government bringing this legislation into this parliament would have made sure that the legislation was constitutionally tight. But of course we have seen some very strong legal debate on whether in fact this legislation is constitutional. But I think the most telling feature of this legislation is the fact that it goes further than any other piece of legislation in the comparable democracies of the United States and the United Kingdom. We have to ask ourselves why this is so. Why is it that the Australian government is going further than any other country that is in the alliance against terrorism? The Australian people want to know that.
We have real concerns here on the Labor side, and they have been articulated by the Leader of the Opposition. We are concerned at the detention of children and the violation of six UN articles in the process. We wonder why there is not a three-year sunset clause. We know that sunset clauses by themselves impose a significant discipline on any legislation. We are concerned about the legal representation of people who are detained, and the expansion of ASIO’s powers and the new powers of detention and interrogation. And, as I have said, we are concerned that the law goes further than comparable laws in other countries.

I asked myself: why is this legislation in its present form on the floor of this House? I think the Leader of the Opposition gave a clue to that in his address to the House of Representatives earlier on today. If we look at the history of conservative parties in this country we know that they have form in this area. We only have to go back to the 1950s, when the then Liberal government brought legislation into this House to ban the Communist Party. It was opposed by Labor at the time; it was defeated by the community in a referendum. Where was the great Liberal tradition, the great democratic tradition, then? One might ask: where is it now?

We get a clue to the conservative psyche if we go back to the recent experience in Victoria. Some members might say I am a little extreme in mentioning the Kennett government but I had one particular commentator say to me that the Kennett government, the Liberal Party in government practice, was a cross between an old Soviet-style republic and fascist Italy. Why was that so? Look at the behaviour of the Kennett government; let me take you through what it did. It abolished a tier of democratic government—local government—and replaced it with what we called commissars. In Victoria they were called commissioners but they were beholden to the central authority, the central state authority, who controlled the political appointments and the purse strings. The Kennett government developed an ugly link between the corporate sector and the government of the day, and it was the favoured few who were in the know and the rest of the business community were on the outside. That eventually turned the business community en masse against the Kennett government.

Then we had the circuses created to keep the peasants happy—the grand prix, the casino and all the great extravagant public events, and the cult of the leader around Jeff Kennett: ‘We know what is best for you. It’s not really as bad as you make out. Leave it to me.’ Then we had the subtle erosion of civil liberties in legislation. A conservative lawyer friend of mine—someone I respected, from a large Catholic family—came to me on one occasion with a long list of amendments to legislation in the state of Victoria that curtailed the right of appeal and made it more difficult for individuals to exercise their democratic rights. That is happening here in this legislation. Not much has changed. I suspect that the Prime Minister is misusing the events of September 11 and engaging, as the Leader of the Opposition said, in wedge politics.

The Australian community do not like that, and they have a good nose for bad legislation and a good nose for when legislation really impacts adversely on their democratic rights. This is such legislation, and I urge those members on the opposite side, the wets in the Liberal Party who have those deep concerns, to make them known in a public sense, and to force the Attorney-General, the Prime Minister and the Treasurer—’old yella’ we call him on this side—to make sure this legislation is amended. (Time expired)

Mr JULL (Fadden) (8.24 p.m.)—As Chairman of the Parliamentary Joint Committee on ASIO, ASIS and DSD, a committee commissioned by this parliament to examine the Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002 we are debating tonight, it was not my intention to speak in this debate. However, what I have been hearing over the last few hours and, indeed, over the last week of the sitting, has brought me into this House with a sense of some frustration, some sorrow and some anger about the blatant hypocrisy that we have been hearing preached at us from the opposition’s side of the House.
I would like to remind the House tonight that the report to the parliament in June this year from that committee was unanimous. And who constitutes that committee? There are four members of the government and three members of the opposition on it. And who are the three members of the opposition? The member for Brand is one. He is the former Leader of the Opposition, a former defence minister and a former member of the security committee of the cabinet. Senator Robert Ray is another member. He is also a former defence minister and former member of the security committee of the cabinet. And the member for Watson is also a member. He is a former Speaker of this House.

In terms of that report that came to the House, there was not one dissenting voice. There was not one vote taken on that committee. That committee met for a great number of hours and received 160 public submissions. We had public hearings. We went through this bill and we made some pretty stern recommendations to the government about how we believed it should be treated—about the provisions of the bill and about our concerns about some aspects of the bill and its possible effect on the civil liberties of Australians. All in all, that committee made some 15 different recommendations. Let us have a look at the government's response to those, in terms of what it is doing with this legislation.

The first recommendation from the committee has been accepted by the government. The second recommendation has been accepted by the government. The third recommendation has been accepted by the government. The fourth recommendation has been accepted by the government. The sixth recommendation has been accepted in part by the government. That was the recommendation concerning the legal representation for persons who were the subject of a warrant. We recommended that a panel of security cleared senior lawyers, recommended perhaps by the Law Council of Australia, could sit in on the entire proceedings at the prescribed authority and represent a person at further hearings which sought to extend any detention. The recommendation was also that when they first appeared before a prescribed authority detained persons could be advised that they could have access to legal representation. The government has accepted that in part, and I must say the recommendations from the government certainly do not destroy the impact of the proposals that the committee put to the parliament.

The seventh recommendation has been accepted by the government. The eighth recommendation has been accepted by the government. The ninth recommendation has been accepted by the government. The 10th recommendation, the detention of children, has been accepted in part by the government. There was a very real concern within the community of Australia that 10-year-olds could be taken into detention, that they could be strip searched, that they could go through all that. Our recommendation was that children under 18 should not be included in this legislation. All right, the government has not accepted that recommendation in full. It has put a cut-off at the age of 14, but it has established a separate regime to look after the interests of any child that might be picked up as part of some ongoing inquiry into terrorist activities.

The 11th recommendation has been accepted by the government. The government did not accept the sunset clause of the 12th recommendation, but it put in its alternative proposal. The government has a much more formalised review process going in, but what is true is that this legislation is going to be reviewed. It is going to be reviewed in 12 months time. There is going to be an ongoing review. It is going to come back to the parliament. It is going back to the joint committee. And I have no problems with the angle the government has come at from that. The 13th recommendation has been accepted by the government. The 14th recommendation is one that has not been accepted by the government, but there is an alternative proposal and it is a vast improvement in terms of the activities of the inspector-general and how he would be involved in the processes. The 15th recommendation on the judicial review has been accepted.

All in all, we have three clauses that have been changed. I do not think that is a bad effort from the government. That effort fol-
allows from a very serious report that was undertaken most seriously by the members of the Parliamentary Joint Committee on ASIO, ASIS and DSD—remembering that three members of that committee, the member for Brand, Senator Robert Ray and the member for Watson represented the Labor Party and made a magnificent contribution to the hearings and review we had. They are men who, I dare say, have some of the finest brains in the Labor Party here in this parliament. And here we hear this absolute hypocrisy and tripe coming from the other side, who are making a real effort to make a political football out of this at a time when our first priority should be the security of Australia. Surely that is the prime purpose for which this parliament meets and the prime reason we have a democratic government in Australia—to make sure that the security of this country is protected. And who can tell me that we are not living in different times?

The other line that really gets in my craw is that there is no danger, there is no threat of terrorist activities in Australia. The line that is always used, whether it is by the government or the Director-General of ASIO, is that there is no known threat in Australia. There is a very great difference between a threat and no known threat. We have to be vigilant all the time. It is all very well to say, ‘Australia has not had any experience of terrorism.’ That is rubbish. We have been victims of terrorist attacks in Australia. Go back 30 years to the bombings at the height of the Croatian and Serbian problems in Melbourne; to the Hilton Hotel bombing; to the bombing of the Turkish Consulate and the murders in Sydney; to the storming of the Iranian embassy just 10 years ago in Canberra. We have seen terrorist activities on our soil and we know that there have been connections between terrorist groups overseas and individuals and agents based in Australia.

At a time when the world has changed quite dramatically, it is absolutely wrong for us to do anything but try for the ultimate protection of Australia. That is what this particular bill is all about. Yes, there are some tough clauses in it. Yes, this is tough legislation, but these are tough times. If it is the difference between protecting Australian citizens and this country from some terrorist operation, we have to be prepared to take those tough decisions. This legislation is tough. Nobody would deny that. As a committee of this parliament, we have managed—and indeed, in its response, the government has managed—to try to get that balance in these difficult circumstances that make sure there are protections of civil rights. This is not an out-and-out attack on civil rights; this is a process by which, hopefully, we can maintain the security and freedom that we enjoy in Australia and make sure that our citizens are not subjected to any terrorist activities.

I have been absolutely horrified by the speeches I have heard from the other side of the House. If the left wing of the Labor Party want to play with the security of this country, let them. I am very disappointed that the Leader of the Opposition of this particular place is also prepared to play with security. My friend and equal member on this committee, the member for Watson, who comes into the House now, is one of those men who made that contribution, took on the hard decisions, got the balance right and helped to present this unanimous report of the Parliamentary Joint Committee on ASIO, ASIS and DSD to this House. I hope this bill has speedy passage and that, all of a sudden, the Labor Party wake up to the fact that they too have an obligation to ensure the security of this country.

Ms HALL (Shortland) (8.34 p.m.)—I appreciate the strong feelings that the member for Fadden has. I recognise that he has made a great commitment, both emotionally and intellectually, to the report of the Parliamentary Joint Committee on ASIO, ASIS and DSD that has been brought down in this parliament on the Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002. He has strong feelings, but there are other people in this parliament who also have very strong feelings. To say that the feelings, thoughts and concerns of members on this side of the parliament are hypocritical is not giving justice to the arguments that are being put before this parliament.
Good legislation balances the interests and competing needs of our society, something this legislation fails to do. John Howard’s ASIO bill has its roots in fear and is playing on security and the fears of international terrorism. The events of September 11 last year were horrendous. They created fear, anxiety and uncertainty within Australia and, for that matter, throughout the world. The actions of those terrorists cannot be condoned. Every step needs to be taken to ensure the safety and security of the Australian people. This legislation is not the answer. Increasing the power of ASIO is not the answer. Draconian laws that affect the civil liberties and the rights of Australian people are not the answer.

I believe this parliament should enact the legislative response to the dangers of terrorism. In doing so, any such legislation should not simply be an impetuous action for vengeance or justice but should seek to achieve the equilibrium of both national defence and civil rights of the Australian people. The Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002 or ASIO bill fails to establish such a balance. This legislation is playing politics with Australia’s security and the fears of Australians. It is driven by a government that will stop at nothing to politicise all aspects of Australian life. It is legislation that abandons any attempt to encapsulate equity, fairness and balance. When I speak of such basic civil rights, I refer to the democratic rights relating to the power of detention, access to legal representation and the right to silence. It is these rights which the Australian people have elected us, as their representatives in this House, to protect and indeed enhance, as opposed to eradicate, which is what this proposed law sets out to achieve.

The Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002 seeks to amend the ASIO Act 1979 by including terrorism within the definition of ‘politically motivated violence’ and by providing extraordinary powers to ASIO to detain, search and question persons before a prescribed authority. ASIO was not established for the purpose of law enforcement, but rather to act primarily as an intelligence-gathering agency—something this legislation seeks to change. One of the functions of ASIO is to ‘obtain, correlate and evaluate intelligence relevant to security’. Another is to supply security assessments to Commonwealth agencies. Thereby, currently there is a formal distinction between the intelligence activities of ASIO and the law enforcement motivation of state and federal police.

ASIO can currently perform its investigatory function to gain intelligence on terrorist activities by gaining government warrants to undertake physical searches, telecommunications interceptions, inspection of postal items, covert searches and to use listening devices, tracking devices and gain computer access. In performing these current powers, ASIO does not perform a law enforcement role and remains independent from the criminal justice system. I see that as a strength. However, if this bill is passed, the independence of ASIO will be diminished—along with the democratic values of Australians—and ASIO will simply become another law enforcement body.

Under the bill, ASIO would be allowed to seek a warrant from a prescribed authority, such as a federal magistrate or a legal member of the Administrative Appeals Tribunal, that would require a person to be either suspected of terrorist activities or simply be able to ‘substantially assist in the collection of intelligence that is important in relation to an offence of terrorism’—and that appears in the bill—to appear before a prescribed authority to provide information or to produce documents or things. Things!

This represents an unprecedented shift in the Australian justice system for three main reasons. First, the ASIO bill allows the detention of individuals who merely may ‘substantially assist in the collection of intelligence that is important in relation to a terrorism offence’. That is correct; this bill allows ASIO—or, effectively, the government—to bypass the judicial system in order to detain individuals in secret, without charges being laid or even the possibility of such charges being brought against these individuals. You would hardly say that that is the Australian way. Second, requiring a per-
son to provide information abrogates the right to silence. The right to silence ensures that no individual be compelled to answer questions or confess guilt. This fundamental democratic right derives from the principle that the state must establish the guilt of the accused person—and that was set out in Sorby v. The Commonwealth (1983). The third significant issue arising from this section of the bill is the issue of privilege against self-incrimination, as the bill at the moment ‘requires individuals to provide information, documents or things’. Privilege against self-incrimination protects an accused who is required to produce documents which tend to implicate that person in the commission of the offence charged. This privilege extends to revealing anything that may lead to the discovery of adverse evidence not in the person’s possession or power. This privilege has been described by the High Court as being:

... in the nature of human right, designed to protect individuals from oppressive methods of obtaining evidence of their guilt for use against them.

This right has also been referred to as a human right ‘based on the desire to protect personal freedom and human dignity’. It is this human right, this personal freedom and fundamental element of human dignity that the Howard government is proposing to pilfer from the Australian people with the introduction of this bill—a right that we value so much in this country. The bill allows a ‘prescribed authority’ to issue a questioning warrant authorising ASIO to detain and strip search persons, including children, for a specified period of no more than 48 hours. The previous speaker said that it is a tough bill—a tough piece of legislation. I think it is an unacceptable piece of legislation. Whilst each warrant is subject to a 48-hour limitation on detention, successive warrants may be issued leading to the detention of an adult or even a child for an indefinite period. This bill strikes at the heart of our justice system. No Australian who has not been charged or involved in a procedural component of our judicial system, such as being held in custody pending a bail hearing, should be detained beyond the initial eight-hour maximum period of detention.

The injustice of this bill does not stop there. The bill does not permit detainees any contact with persons outside ASIO. As a result, Australians could be denied access to legal representation and denied the right to silence, as failure to answer questions will result in five years incarceration. Recently I was privileged to hear Professor George Williams. As he pointed out, although the bill refers to treatment of detainees with humanity and with respect for human dignity, there is in fact no punishment for ASIO officers who subject detainees to cruel, inhumane or degrading punishment. Further, it is an offence under the ASIO Act to publish the identity of an ASIO officer.

Once again, that is very much a closed shop. The detention of nonsuspects is a first for Australia; it is not even tolerated in equivalent legislation in the USA, Canada or the UK. For example, in the USA the Patriot Act 2001 provides for the mandatory detention of an alien whom the Attorney-General has reasonable grounds to believe is an inadmissible alien or is engaged in any other activity that endangers the national security of the USA. An inadmissible alien is defined to include persons who have incited or engaged in terrorist activities and members or representatives of a foreign terrorist organisation. Under the USA procedures for trial by military commissions, detainees have access to legal representation, a right to silence and a right to call and cross-examine witnesses. The Howard government has not afforded Australians any of these measures in the legislation we are debating. Furthermore, in the USA the detention is for renewable six-month periods.

Under the UK Terrorism Act 2000, the police may detain suspected terrorists for 48 hours, extendable for a further five days. In Canada, under the Anti-Terrorism Act 2002, the police may detain terrorist suspects for 24 hours, extendable for a further 48 hours. It is only Australia—the Howard government—that has sought to detain suspects, in secret, for no restricted period.

The problems with this bill not only have a detrimental effect upon fundamental democratic rights for all Australians but also may conflict with the Constitution of Australia.
As George Williams has reported, there may be two possible grounds for constitutional challenge to this bill available in the High Court. The first is that the bill may breach the doctrine of the separation of powers. The reason is that this bill confers power on the executive to detain in secret Australian citizens who have not even committed an offence and, more disturbingly, Australian citizens who are not even suspected of committing an offence. In George Williams’s credible opinion, this aspect of the bill is contrary to the High Court decision in Lim v. Minister for Immigration, Local Government and Ethnic Affairs. In this decision, Justices Brennan, Deane and Dawson, with whom Justice Gaudron agreed, held that:

... the involuntary detention of a citizen in custody by the State is penal or punitive in character and, under our system of government, exists only as an incident of the exclusively judicial function of adjudging and punishing criminal guilt.

The possible exceptions to this rule are in regard to detention due to mental illness and infectious disease. Otherwise, the detention must be authorised as part of the judicial process. Under this bill, such detention of Australian citizens in secret would not be so authorised.

The second ground on which George Williams considered the bill might breach the Constitution of Australia was in relation to the issue of whether a federal magistrate can be a prescribed authority. The High Court has held that non-judicial powers such as granting a warrant can be conferred on a federal judge in his or her personal capacity. Nevertheless, in the High Court decision of Grollo v. Palmer, Chief Justice Brennan and Justices Deane, Dawson and Toohey considered that:

... no function can be conferred that is incompatible either with the Judge’s performance or his or her judicial functions or with the proper discharge by the judiciary of its responsibilities as an institution exercising judicial power.

As stated by George Williams:

... a power cannot be granted to a federal judge that is incompatible with the nature of the judicial office for the reason that it undermines the integrity of the judicial system and moreover the confidence which the Australian people have vested in the judicial system.

It must be asked whether involving the judiciary in an investigative process, which this bill proposes, where Australian citizens are detained in secret for unprecedented periods of time, would indeed destabilise the public confidence in the Australian judicial system.

In conclusion, I contend that these laws are unbalanced. They are draconian laws. They protect the liberties of the terrorists by destroying the liberties of the Australian people. The legislation does not have the support of all members on the other side of the House. There has been great controversy within the government ranks about this legislation. Thinking members of the government are questioning this legislation and the impact it will have on the civil liberties and basic rights of all Australian people. We have only to remember the previous set of antiterrorism laws that this government tried to push through the House, and to see how substantially they had to be amended to become workable and to protect the civil liberties of the Australian people. I would argue very strongly that in Australia we need to have strong laws to ensure the security of all Australians, but we must balance this against protecting the civil liberties of all Australian people.

Mr LEO McLEAY (Watson) (8.52 p.m.)—In speaking tonight on the Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002, I note that it is over 12 months since September 11, and the government still has not got the totality of its package of antiterrorism legislation through this parliament. One has to ask oneself why. The reason is because of the government’s knee-jerk reaction. A lot of governments around the world had to look at where they were going on security issues after 11 September. I do not think the world changed absolutely, as a lot of people say, but there has certainly been some sort of quantum change. It seems to me that only this government went too far in its attempt to address this issue, and this bill is part of that problem.

Earlier this year, this bill was referred to the Joint Committee on ASIO, ASIS and
DSD, of which I am a member. The member for Fadden, who spoke earlier in this debate, was the chairman of the committee. The committee reported to the parliament in June this year, and it is worth reminding the House, as the member for Fadden did, that there was a unanimous report. Every member of the committee, which comprised four government members and three opposition members, considered that this legislation was flawed. Fifteen very reasonable and carefully considered recommendations were made to the government and the parliament by the committee. When the report was tabled back in June, I said:

The committee accepts that there is a need for ASIO to seek to gather intelligence on terrorist activities and to question and search people who may be able to assist them in preventing a terrorist attack. There is no doubt that ASIO do need that power. But there is a lot of doubt—and the unanimous view of the committee is that there is a lot of doubt—that this bill goes too far in trading off individual rights in the pursuit of terrorists. One would think that many of the proposals in this bill had come from a police state rather than from a democracy.

The committee made 15 recommendations. We believe that those recommendations will preserve the rights of individuals, will provide legal protection for a person who is taken into custody and will still allow ASIO to acquire the information that they require to assist them in preventing terrorist attacks in Australia or overseas.

It is important to realise that the intelligence that ASIO achieves through the operation of this legislation, if it is ever enacted, will be able to be passed on by them to other governments. Striking the appropriate balance, the committee felt, is very important. The committee considered that the adoption of its 15 recommendations—not some of the 15—would help achieve the appropriate balance. The committee came up with a package, not a pick-and-choose.

For the benefit of the House, I will repeat the gist of the committee’s recommendations. Recommendations 1 to 5 concerned warrants. Recommendation 1 dealt with the issuing of warrants. It provided for all warrants to be issued by federal magistrates. Why did we suggest magistrates rather than judges or members of the Administrative Appeals Tribunal? Because the committee was conscious of the Grollo decision. The Grollo decision was about federal judges issuing warrants. The federal judges had said that they did not believe that they should issue warrants, because that got in the way of the separation of powers; but I do not think we had an operating federal magistracy at the time of the Grollo case, and the committee was of the view that federal magistrates, who have tenure, would be the appropriate people to do this.

If we accepted the government’s idea of having members of the Administrative Appeals Tribunal issue these warrants, we would have people issuing warrants who did not have tenure. Members of the Administrative Appeals Tribunal, except for one or two who are longstanding appointments, have five- or seven-year appointments. The concept that people should be able to deliberate on issuing warrants without fear or favour can be called into question if the person does not have tenure. The committee felt that magistrates would be able to do this job properly and that this would not get in the way of the problems that the High Court saw with the Grollo case or in the way of the view of federal judges, who did not think that issuing all these warrants was a good idea. We thought that federal judges should issue warrants where detention is to exceed 96 hours and members of the Administrative Appeals Tribunal would undertake all the other duties of a prescribed authority, with the exception of issuing warrants. Members of the Administrative Appeals Tribunal could oversee these inquisitions, but we thought that the initial stage ought to be that judges or magistrates should issue the warrant and the police take people into custody, so that you get an understanding of the way the normal protocols in this country work with judges and the police and do not need a whole new set of rules for this specific issue.

The committee particularly had the sense from ASIO that these warrants would be a last resort, and I will come to that later on in my remarks. The committee was never of the view that this would be a recourse that ASIO would go to on a day-to-day basis. We saw the issuing of these warrants and this type of
inquisition as something that would happen only in extraordinary circumstances, and the feeling that we got from the representatives of ASIO who gave evidence to the committee was that that was also their view. So, to be fair to the agency, we do not think that they were about to have the tumbrels rolling, collecting people daily on the basis of these warrants. I am always willing to get involved in any conspiracy theory that is going around, but I have not bought this one yet.

Recommendation 2 suggested an amendment whereby the Attorney-General could, by regulation, nominate an authority that could issue a warrant under this bill. So if a particular magistrate or judge took exception and thought that this was not his or her role, the Attorney-General could, by regulation, prescribe certain people to do it and others not to be on that list.

Recommendation 3 sought to amend the bill so that the maximum period of detention of a person would be no more than seven days—168 hours—and, at the expiry of that period, a person must be either charged or released. Under the current provisions of the bill it is possible, if an Attorney-General is mad enough to give the agreement and a member of the AAT is crazy enough to continue to issue these warrants, that a person could be held for an indeterminate period. One would ask oneself whether you would get a conjunction of those two crazinesses. You would probably say that even the best conspiracy theorist would not sign up to that, but the committee thought that the safeguard should be put in so that, after seven days, a person has to be either charged or released.

Recommendation 4 sought to ensure that the Director-General of ASIO, in seeking a further warrant for a person, must seek the minister’s consent prior to requesting a further warrant from a federal magistrate or Federal Court judge. The reason for that was to make sure that the Attorney-General was always in the frame and that a politician who was accountable to this parliament had to give the okay for the continuation of these warrants, not some secret bureaucrat incarcerating people without any light being shone on the proposal. We thought that putting the Attorney-General in that position would ensure that there was some accountability.

The purpose of recommendation 5 was to ensure that a person immediately be brought before a prescribed authority. Under the legislation it was unclear whether you could have a person picked up and then take as much time as you liked to bring them before someone who was going to ask questions. We thought it should be made very clear that there should not be that time delay.

Recommendations 6 to 10 dealt with detention. Recommendation 6 was concerned with the provision of legal representation for persons who were the subject of a warrant. The committee recommended that a panel of senior lawyers recommended by the Law Council of Australia be formed to represent persons held in detention; that these lawyers be allowed to sit in on the entire proceedings of the prescribed authority and represent a person at any further hearings which sought to extend detention; and that the lawyers be allowed to sit in on the entire proceedings of the prescribed authority and represent a person at any further hearings which sought to extend detention; and that the lawyers were to be security cleared so as to be eligible to represent people in detention. Recommendation 6 also sought to ensure that the prescribed authority advised the person, when they first appeared before them, that they had access to a legal representative from a list that the person would be given. That ensured that there would not be people being interrogated without legal advice. Some people suggested that, because these warrants would be used only in extenuating circumstances, there was a need to have people who were security cleared. The committee did not see a problem with that.

Recommendation 7 dealt with the development of protocols governing custody, detention and the interview process provided for under the bill. It recommended that ASIO develop protocols in consultation with the Inspector-General of Intelligence and Security, the Australian Federal Police and the Administrative Appeals Tribunal; that the protocols be approved by the Attorney-General; that the committee be briefed on the protocols prior to their being tabled in parliament; and that the bill not commence until the protocols were developed and in place.

Recommendation 8 sought amendments of the legislation to provide protection against
Self-incrimination in the provision of information relating to a terrorist offence. The committee thought that it was wrong, under the type of government that we operate in this country, that a person could be required to incriminate themselves and then have that evidence used against them.

Recommendation 9 concerned the inclusion of penalty clauses to apply to officials who do not comply with the provisions of the bill, with particular reference to the operation of proposed section 34J. Section 34J says that people will be dealt with fairly and properly, but there is no provision in the bill for a penalty when that is not the case. One would hope that officials always would be fair and proper, but we thought it was useful to put in a penalty clause so that the people who are involved in the implementation of this legislation would know that, if they did something wrong, there would be a penalty to pay. Recommendation 10 amended the bill to ensure that no person under the age of 18 could be questioned or detained under the legislation.

Recommendations 11 to 15 dealt with accountability measures. Recommendation 11 stated that ASIO must include in their declassified annual report the total number of warrants issued under the bill. This was to keep ASIO honest. They had given us the impression that they did not think this legislation would be used often. We said, ‘That is fine; let’s put it in your report so that the whole country can see that this is not a problem.’ To go back to conspiracy theories, before ASIO reported to this parliament half the people in my party and two-thirds of the people in your party, Mr Deputy Speaker, were absolutely convinced that ASIO were tapping their phones. Now that ASIO have to provide a report on these things, it is very clear that they are not doing too much of that at all. So we thought it was a very good thing to have that transparency.

Recommendation 12 dealt with the inclusion of a sunset clause to terminate the legislation three years from the date of commencement. The reason the committee took this view was that at present there is a lot of concern around the world about terrorist activities, but three years ago there was not, and three years hence, there may not be. If we are going to put draconian legislation like this on the books, the committee was of the view that it should be reviewed in the near future to see whether this type of legislation was still needed. The committee picked three years because that will be halfway through the next electoral cycle, and the government of the day will not be in a position where, because of the exigencies and hysteria of elections, they will not look at this in a sane and sensible way.

Recommendation 13 ensured that the Director-General of ASIO sought the minister’s consent to request a warrant and immediately provided details of the warrant to the Inspector-General of Intelligence and Security. This is to keep a check on both the Director-General of ASIO and the minister by ensuring that a third person knows that a warrant has been sought and granted.

Recommendation 14 dealt with the amendment of another piece of legislation, the Inspector-General of Intelligence and Security Act 1986, to provide that the Inspector-General of Intelligence and Security had the power to suspend, on the basis of noncompliance with the law or of any impropriety, any interview being conducted under the warrant procedures in this bill. It required the inspector-general to immediately report the nature of such cases to the joint committee. Once again, this was putting a third person in the frame so that, if the security services did go too far, there was an ability to report that to the parliamentary committee which no doubt would then report it to the parliament. Recommendation 15 sought to amend the proposed bill to include a requirement that the prescribed authority advise the detained person that they had the right to seek judicial review after 24 hours of detention and at every time a subsequent warrant was sought.

Those were the 15 recommendations made in the joint committee’s unanimous report. What has been the government’s response? It has been inadequate. Its response has been to accept some of the recommendations and to try to stonewall the rest. That is unacceptable. We still have a flawed bill. In its current form, the bill should be rejected.
If it is passed, Australians not suspected of any offence will be able to be detained by ASIO for questioning. ASIO has never had powers of detention previously. Those detained by ASIO will not have the right to legal advice and ASIO will be able to detain children over the age of 14 for questioning—ASIO’s role will be significantly changed. It will have powers of coercion and detention that it does not currently have, and there will not be the safeguards that the committee suggested.

It is worth while looking at the recommendations of the joint committee which the government has not adopted. Recommendation 6 dealt with access to legal representation. The government is now proposing that only after 48 hours of detention must a person be provided with access to a security cleared lawyer. Even when they do have a lawyer, they are not allowed to consult with the lawyer privately; ASIO will still be listening to the conversation. That is ridiculous. It is hard to imagine that lawyers will be happy with this, not to mention the individuals who are to be detained.

Recommendation 7 concerned protocols and the timing of their introduction. The government says, ‘Pass the bill and we’ll think about the protocols later.’ The committee said, ‘Think about the protocols and then pass the bill, otherwise the protocols may never see the light of day.’ Recommendation 10 dealt with an issue of great importance to the joint committee, many of its witnesses and many of the submissions made to it during the course of its inquiry. It concerned the detention of children. As I said earlier, under the original bill a child of 10 or above could have been detained and strip searched. We thought that was just beyond the pale.

While the government has come some way towards meeting the concerns of the joint committee on the matter of detaining children, in my view it has still not moved far enough. The committee did not want children under 18 to be detained or questioned. The government is now proposing that children under 14 not be detained, and that those between 14 and 18 only be detained if they are under suspicion and have a lawyer and a parent or guardian present. I still do not believe that is acceptable. The government’s point that a person of 14 is legally responsible might be true, but they are legally responsible for a criminal matter. Under this legislation, people can be detained who have done nothing wrong but may just know something. I think that to put children in an invidious position where they may be asked to inform on their parents is the sort of thing the Stasi got up to.

Recommendation 12 dealt with the application of a sunset clause. Again, the government has gone halfway to meeting the recommendation and has said that the committee should review the legislation. The committee does not think that is good enough. We think that the bill should lapse and that the government should make the case again in three years about whether we need this sort of legislation at all. The committee does not think it will be good enough if we do not have the parliament make the decision in three years.

The committee also thought that the Inspector-General of Intelligence and Security should have the power to suspend interviews because of noncompliance or impropriety. The government says that ASIO should make that decision. We think having ASIO inspect itself is a little bit rich. What are they going to do—slap themselves on the wrist and say, ‘Naughty, naughty; don’t do it again’? Maybe they will just not look at it at all. That is not meant to be unfair to the agency. As I said in my previous speech, I think the people who run the agency at present are about the best we have ever had running the security agencies in this country. But I am very worried about making what could be a bad law just because we have good people administering it. I do not know that I would like Charles Spry running this sort of legislation.

The joint committee was measured and, we thought, reasonable in its response. We did not seek to throw the legislation out; we sought to suggest amendments that would make it work. The government chose to go part of the way, but that is not good enough. The committee genuinely tried to balance the needs of the security forces in Australia to
intervene and attempt to prevent terrorist activity with the rights of all Australians to be protected from oppressive laws.

No other country with which we seek to align ourselves, such as the US, the UK, Canada or New Zealand, has legislation as draconian as what the government is proposing. The only thing that comes anywhere near it is the UK legislation. Those members of the government who got up during this debate, drew comparisons with legislation such as the US Patriot Act and said, ‘This isn’t as bad as that’ obviously do not know what they are talking about. The US Patriot Act does not apply to US persons. Under the US legislation a ‘US person’ is a US resident, a US citizen or a US company. As I said on 5 June when debating the committee’s report, if we can get a unanimous decision across a parliamentary committee, that is a good thing. Apparently, the sense of that has eluded the government.

Mr ANDREN (Calare) (9.12 p.m.)—Notwithstanding the comments in today’s press by the Attorney-General and the contribution this evening by the honourable member for Fadden, I have followed the debate on the Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002 here in this place, in the press and through contributions from my constituents. I am concerned about authorising ASIO to detain Australians in secret, without charge and even without suspicion of wrongdoing. Despite the improved operational changes recommended by the Parliamentary Joint Committee on ASIO, ASIS and DSD and the Senate Legal and Constitutional Legislation Committee and agreed to by the government, this bill still has the potential to undermine some very basic principles of Australian democracy. They include freedom from arbitrary detention without reference to the judicial process, separation of powers, freedom from a quasi-secret police force with a considerable lack of accountability, and freedom of speech and association.

I have heard many references in this debate to the ability of the ASIO bill to defend the population of this country against fear and to protect their liberty. There is no doubt that national security and fundamental human rights must be protected. That is something of a juggling act, but it was achieved in the terrorism bills earlier this year—but only after heavy editing and amendment on the basis of the recommendations of a parliamentary inquiry. I suggest that Australians are justified in their concern that this bill poses a great threat to those values and rights it purports to protect. That is the tenor of many submissions that I have received from my electorate.

This government refuses to adopt the joint committee’s recommendation that the legislation be subjected to a three-year sunset clause. A sunset clause would serve as a powerful accountability mechanism compelling the parliament to debate and the government to defend the continuation of such a controversial law. It is a very inexact and loosely assembled piece of legislation which would bring about a permanent change to law enforcement in Australia, with the notion that the detention of people is an appropriate tool for gathering information about suspected criminal activity.

In a nutshell, the bill allows for someone to be taken off the streets under the direction of ASIO and disappear incommunicado for 48 hours without legal representation. The Attorney-General refuted claims that ASIO has power to take people into custody under this bill, saying this is only carried out by police. Regardless of who carries out the action of taking someone into custody, it is on ASIO’s instruction and with the use of ASIO’s resources that the action is prosecuted, and it is ASIO who carries out the questioning. Neither the authority who issues the warrant nor the prescribed authority who attends the questioning—the AAT—has the power to change the conditions of a warrant issued under this bill. Any changes to conditions under such a warrant may be directed by ASIO and approved by the minister in writing.

Following 48 hours of detention, a person can be detained for a further five consecutive days with only the presence of a security cleared lawyer who has no right to intervene in the questioning itself. That person so detained is not allowed to inform family, friends, their employer or their own lawyer...
of their detention. Their detention is in fact carried out in secret. If the detainee does not provide the information or thing requested, or if the information is false or misleading, they may be imprisoned for five years.

The government have agreed to some amendments that are ostensibly to allay the concerns of the Australian people. While I do believe that the worst case scenarios that have been painted about the likely ramifications of this legislation are highly unlikely and in view of the views of the previous speaker about the quality of our ASIO personnel at the moment, there are questions to be raised about what would be legally allowed under this proposed legislation. There are some very valid questions.

Children may still be detained under this legislation. Originally, the bill allowed a situation where 10-year-olds could be detained and questioned without family contact. The amended bill allows children between 14 and 18 years old to be detained for up to two weeks with an approved person present. This is only a minor concession—a 14-year-old is still a child. And this is still contrary to the joint house committee report’s recommendation. Though 14- to 18-year-olds are recognised as having criminal responsibility under criminal law, this bill is not about crime, it is about deterrence and involves potential detention without charge. I consider this a fundamental difference when it comes to this bill’s treatment of the under-aged.

Consider the non-English speaking parent who might vent their fears and anger at such treatment of their child and then, under this amended, better version of the legislation, be required to leave because the prescribed authority considers them unduly disruptive? Not only this but a parent may be imprisoned for two years should they divulge their situation to a third party while their child is detained. A person now may not be held for the indefinite period allowed by the bill in its original form; they may be detained for a maximum of seven days after which they must be either charged or released. Reading that line, Guantanamo Bay comes to mind. Seven days imprisonment for someone who does not even have to be suspected of any-thing, without permission to let anyone know of their experience, is still not acceptable in my book.

What happens to the distraught families who contact police or media because their daughter or mother is missing without word? Again, at least a testing of such a provision against a sunset clause would be advisable. Further, the amendment still allows denial of legal advice for the first 48 hours of questioning. It raises questions about what may happen to a detained person in that initial two-day period if their right to a lawyer is denied. After 48 hours, a legal representative is to be chosen from a list of approved lawyers who will not be allowed to communicate to anyone else while the person is detained without permission of the prescribed authority—the same authority who may authorise the warrant in the first place. Breach of this order would carry a penalty of two years imprisonment.

The lawyer would not be allowed to intervene in the questioning and would not be allowed to discuss matters with the detained person without the presence of an ASIO officer. This seriously undermines the value of having access to a lawyer in the first place and still represents a significant erosion of the basic right to fair treatment when in detention. It also impinges upon the common law right to a fair trial which is itself a fundamental part of our criminal justice system. On the one hand, the government have made a positive change in that any admissions made during detention under warrant will now not be admissible as evidence against that person. On the other hand, this bill restricts the right to silence by asserting that a failure to provide information requested is an offence for which the accused can be imprisoned for five years.

Other amendments agreed to by the government still do not address a number of very important and fundamental issues. The bill raises significant questions about the separation of powers and the appropriateness of the executive ever detaining an Australian to gain information about the activities of another person without any reference to a citizen’s rights under common law. Arbitrary detention or the detention of a person wit-
out charge or review is contrary to basic democratic principles and indeed our existing laws. Traditionally, the High Court has declared that to make imprisonment lawful the power of detention must be subject to the supervisory jurisdiction of the courts, other than well-known exceptions relating to issues such as mental illness and infectious disease. This fact is implicit in the constitutional separation of powers to guard against abuses by government against the freedom of its people, and it is a mechanism we should never be willing to put aside. Yet, unbelievably, this legislation confers a power on the executive to detain any Australian citizen who has not committed or necessarily even been suspected of having committed an offence. Under this bill, ASIO may request consent from the Attorney-General to issue a warrant to detain a person who might be useful to their inquiries. The request and consent is given to the prescribed authority, who then issues the warrant.

Under proposed amendments to the bill, a federal magistrate, federal judge or an authority prescribed by regulation can issue a warrant. Warrants that result in detention of more than 96 hours are to be issued by a federal judge or, again, an authority prescribed by regulation. The authority prescribed by regulation may be a deputy president or legal practitioner of the Administrative Appeals Tribunal appointed by the minister. According to the government, this gives them a fallback position if a federal judge or magistrate is not available or willing to volunteer to issue warrants. I believe it is a serious abrogation of basic democratic and judicial principles where an Australian government and its intelligence organisation, through the Attorney-General and the AAT, would be allowed to detain its citizens, avoiding any fair and independent process through the courts. The potential to abuse such a power is very real, as evidenced recently by American judges who found that the FBI and US Justice Department supplied false information for search warrants and wire taps as well as improperly sharing information with prosecutors in charge of criminal cases.

While any issuing of warrants should rightly fall upon the judiciary, this bill is also likely to be unconstitutional by involving federal judges in the granting of warrants that bypass the judicial process. This would threaten the very integrity of the judiciary by requiring it to ignore the identification, adjudication or enforcement of widely held legal rights. Further, the limitations on the discretion to vary the terms of the warrant or potentially have some sort of control over the questioning and detention is likely to further undermine public confidence in the judicial system. It has been pointed out that judges could find themselves challenged in the High Court and this new legislation declared invalid at the very time it is being applied—assuming, of course, that there is knowledge of the detention in the first place.

Currently ASIO does not have any policing powers. It is a covert intelligence-gathering agency and not a law enforcement body. However, this bill gives to ASIO the coercive powers currently granted only to police but without the same scrutiny and control, despite the accountability provisions and despite government proposals to penalise with up to two years imprisonment ASIO officers who fail to comply with the yet to be developed protocols about the treatment of those detained. Such accountability measures are incompatible, as ASIO operates in secrecy. It just does not seem possible that ASIO could be held accountable to the level necessary for it to act with such policing powers. Indeed, section 92 of the existing ASIO act provides that it is illegal to identify ASIO officers who fail to comply with the yet to be developed protocols about the treatment of those detained. Such accountability measures are incompatible, as ASIO operates in secrecy. It just does not seem possible that ASIO could be held accountable to the level necessary for it to act with such policing powers. Indeed, section 92 of the existing ASIO act provides that it is illegal to identify ASIO officers. The faceless men who determine who is to be pulled in, detained and questioned are not allowed to be identified under law. How can this possibly be in keeping with notions of accountability and fairness?

What would have happened under this law to the intrepid journo who was after the scoop with the Fretilin fighters in East Timor? What about the idealistic protestors who broke into Lucas Heights dressed in a koala suit? What about the aspiring businessman who attends a meeting about investing in some company based in a country consequently determined to be an enemy of the West? Do not forget the Franklin Dam protestors were stated to be a threat to na-
tional security not all that long ago. We should build on existing laws using existing processes that ensure accountability and the rights to which we believe we are entitled. An alternative is that the law should make it an offence to fail to report information about terrorism. This would place the onus on Australians to come forward and would allow the arrest and questioning of people who do not do so. Terrorism could be investigated and prosecuted within the existing justice system without establishing ASIO as a secret police force, without undermining our judiciary or compromising the ideals so incredibly important to democracy. Why not ensure ASIO has the resources to do its existing job as well as it possibly can? I quote the Bills Digest:

... if the full weight of the criminal justice system were brought to bear on terrorism, the only contribution that these measures would make would be the immediate detention of non-suspects who might have information that is ‘important in relation to a terrorism offence’.

September 11 was horrendous. Terrorism anywhere in the world—America has no mortgage on the pain of terrorism—can permeate every sector of society, and it does so. But we must not confuse the fight against terror with blind revenge, for that will mean an attack on our cherished freedoms. It will mean a giving in to fear and a sacrificing of those freedoms won by the blood of our service men and women—at one stage with vital US support, no doubt—achieved in a century of conflict and great sacrifice. This bill allows fear to prevail. It lessens our freedoms. Instead of encouraging vigilance and caution, it emphasises unfounded proaction, secrecy, unfounded suspicion and a climate quite antithetic to that which should prevail in Australia, of all places. As it stands, I cannot support this legislation.

Mr SNOWDON (Lingiari) (9.28 p.m.)—I am glad to have the opportunity to speak on the Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002 because it gives me the chance to highlight, as others have done, the government’s general disregard for established legal principles and its abandonment of what we on this side of the House regard as our fundamental civil rights. The bill also shows the government’s disrespect for basic human rights and—of great concern to me and I know to my colleagues—its willingness to try to score cheap political points that only serve to degrade the very fabric of our Australian society. This is a matter that was commented on earlier this evening by the Leader of the Opposition. This is one of the messages that was brought home to all Australians during the Tampa crisis and during the ‘children overboard’ debate. Here we have a government that is prepared to take every opportunity to create within the community a wedge that it sees as advantaging itself.

In my own experience of this parliament, this particular piece of legislation is certainly one of the most controversial pieces that I have ever been asked to consider. The Joint Standing Committee on ASIO, ASIS and DSD stated, ‘The ASIO terrorism bill is the most controversial piece of legislation ever reviewed by the committee.’ That, I think, says a great deal about its import. But this legislation is so controversial because, in its attempts to fight terrorism, it sacrifices the basic rights of every citizen of this nation—and this is where the myopia of the government is revealed. By sacrificing the basic rights of citizens of Australia, the government has, in a sense, conceded victory to the very people that it purports to fight.

The audacity of some of the measures in the original legislation presented to this House were indeed breathtaking. There were provisions which would have made it possible to detain a child incommunicado for an indefinite time, with no legal representation, on just the mere suspicion that the child might know something about a crime that was yet to happen. What do you think could have gone through the minds of the people who drafted that piece of legislation? How could the Attorney of this country sit down and put his name to a piece of legislation that would have us detain children incommunicado? One wonders what was beavering through the Attorney’s mighty brain on the night he signed off on that document.
I am outraged that this could have been proposed, and I am even more outraged that the government could even contemplate bringing that sort of draconian legislation into this parliament. I had the view that somehow we may have moved further in this country. I thought we had left those notions behind in the 1950s. I note the Leader of the Opposition’s reference to the Prime Minister saying what a great service was done to the country by ensuring that the attempts by Menzies to outlaw the Communist Party were defeated. Yet we have a Liberal Party Prime Minister, John Howard, the member for Bennelong, with the Attorney-General, putting to this parliament a piece of legislation so draconian that it would have actually allowed children to be held incommunicado.

This legislation is part of a suite of antiterrorist legislation which was introduced in the wake of last year’s attacks on the World Trade Centre and the Pentagon. Other bills in this suite are the Security Legislation Amendment (Terrorism) Bill 2002 [No. 2], the Suppression of the Financing of Terrorism Bill 2002, the Border Security Legislation Amendment Bill 2002, the Criminal Code Amendment (Anti-hoax and Other Measures) Bill 2002 and the Criminal Code Amendment (Suppression of Terrorist Bombings) Bill 2002. The bill seeks to amend the Australian Security Intelligence Organisation Act 1979, from which ASIO derives its authority, to give that organisation sweeping new powers.

It is clear that the world has changed inexorably since the attacks of 11 September. Those attacks have changed the way we see ourselves and the way we see the world. But let it be said: the attacks have not changed the scale of terrorism that has existed in this world for some time. The focus and the targets have been different, but we should not delude ourselves into thinking that somehow or another acts of terrorism were at their peak on 11 September. It was a murderous and tragic event, but let it be said that there have been similar murderous and tragic events—not, it is fair to say, on the United States but in other parts of the world. There have been mass gassings of people: Iraq is but one example. We have seen genocide: Rwanda. It seems to me that we are aware of the terrorism which has been pervading the international system certainly for the last 25 or 30 years, when great acts of horror have been perpetrated against individuals and groups of people and, indeed, countries.

But these attacks on 11 September have simply revealed to us in the West—not only here in Australia but also, and particularly, in the United States—that the threat of terrorism is real; these attacks have revealed to the world the scale of the problem that already existed. The reaction to the attacks has become known as the war on terrorism, but we need to be very careful that we understand what this war on terrorism is. One thing is certain: it is a campaign unlike any other that we have seen. This is not a campaign against another country; it is not nearly that tangible. This is a campaign against those who have no respect for basic and fundamental human values. In this campaign we are fighting for values and principles; we are fighting and campaigning for basic human rights and freedoms; and we are fighting for freedom from terror—and therein is the contradiction. With the introduction of the ASIO bill, it is apparent that this government is prepared to sacrifice the freedoms of each and every Australian to pursue, on the face of it, an argument that somehow or another this legislation will provide some guarantee for the values and principles of our democracy. In fact, with this piece of legislation it is accomplishing the aim of the terrorists, in part at least, by taking away rights and freedoms from each and every one of us, thus undermining those very values and principles.

The Australian Labor Party will do all in our power to make sure that the rights of individual Australians are not sacrificed by passing legislation that could form the basis, it is fair to be said, of a police state. We believe that it is possible to increase Australia’s ability to protect itself against the threat of terrorism without sacrificing basic principles at law. Yet it is clear, even now that this legislation has been amended, that there are a number of powers that remain in this bill that are of grave concern to me and to my colleagues in the Labor Party—and they are
why I will be voting against the passage of the legislation.

The bill gives ASIO powers that contravene basic human rights and affords ASIO a new role for which it was not established. I cannot support the bill because it gives ASIO the ability to detain and question people who are not even suspects, it gives ASIO the power to detain people without affording them the very basic right to legal advice, it permits the detention of children under the age of 18 under the same conditions as adults and it radically changes ASIO’s role in the defence of Australia. The bill changes ASIO from being essentially an intelligence-gathering agency to one that involves itself in criminal law and has the power to detain.

It should be noted that the unamended legislation was audacious enough to give ASIO the power to detain people incommunicado and indefinitely—and, as I pointed out earlier, including even children. Only after the pressure of the report of the Joint Parliamentary Standing Committee on ASIO, ASIS and DSD was the government prepared to change this amazing power that would have been the envy of many a police state. The joint parliamentary committee made a number of recommendations, most of which the government has accepted. The committee’s recommendations include: the requirement for legal representation by security-cleared lawyers, the establishment of strict guidelines for the detention and interview of detained persons and oversight by a parliamentary committee, protection from self-incrimination, the prohibition of the detention or interrogation of anyone under the age 18, accountability and reporting measures in relation to warrants, and a three-year sunset clause.

While the government has acceded to most of the recommendations of the JPC, there are still five points where the legislation remains unacceptable. The first is access to legal advice. The joint parliamentary committee recommended that all persons subjected to warrants be provided with lawyers who had been security cleared. Under the legislation presented to the committee, persons held in detention had no right to representation. The government has proposed an alternate and unacceptable regime where it would only be mandatory for detained persons to have legal representation after the first 48 hours. The second is the protocols for detention. The government is still insisting that the bill come into effect before such time as protocols on the detention and questioning of detainees are in place. There is no small irony in the fact that it took the government six months from 11 September last year until it introduced any anti-terrorism legislation and a further six months to debate the bill. Yet it is now rushing to make the powers in the bill operational without allowing sufficient time to put proper protocols in place.

The third is the detention of children. The government continues to insist that children under the age of 18 should be able to be detained. The fourth is a sunset clause. The government is resisting any sunset clause in the bill. However, there must be a formal process for review of this bill given the sweeping nature of the changes it makes. The fifth is that the government does not consider that is appropriate that the Inspector-General of Intelligence and Security should have the power to suspend interviews because of noncompliance or impropriety. Without making all the changes to the bill recommended in the joint parliamentary committee’s report, Labor cannot support the bill because it infringes basic human rights.

One question which we might want to ask is: do any of the recommendations that the government has not accepted substantially reduce Australia’s ability to fight terror? Clearly and most obviously the answer is no. There are ways to fight terrorism and to uphold the basic human rights that we are fighting for. It is this path that we must take. There are a couple of other issues that I want to touch on briefly. One of the issues that I am particularly concerned about is the proposal to detain persons who are not suspects. As I understand it there is no legal precedent for the detention of persons who are not suspected of involvement in a crime. In fact, it flies in the face of accepted legal principles. I do not think that the Australian community would tolerate that sort of measure.

It should be said that society will be judged by how it treats the weakest, includ-
ing those it seeks to incarcerate. I have grave concerns for how we will be judged if we allow the detention of children without suspicion of being involved in a crime. This is not just a gross injustice; it is wrong. Any injustice visited on anyone by Australia as a nation debases each of us. That is why we must fight injustice, not only for the sake of those subjected to it but also for our collective sake. Similarly, there is a basic level of respect which we must give to those who break the law. They have rights which need to be addressed and must be accommodated.

One of the fundamental changes that this legislation makes to the defence structures in Australia is that it gives ASIO sweeping new powers and, in so doing, gives ASIO a new role. ASIO is properly an intelligence-gathering organisation and that is what it should remain. The government’s plans under this bill would give ASIO the power to interrogate and detain. It is not a police force and it is certainly not a question which has been fully discussed throughout the community. Before these sorts of unprecedented powers for ASIO are passed into law they should at least be the subject of very wide public debate and discussion. As yet, there has not been sufficient debate or indeed public discussion about the role that ASIO should play in our nation’s security.

Furthermore, other organisations—in other words, police forces—that have the power to detain and interrogate have well established protocols governing the treatment of those who are detained. There are no such protocols established in this legislation. For the most part, ASIO is outside legislation concerning the treatment of detained persons, legislation in which these principles have been established elsewhere. You do not have to be Einstein to work it out. This puts ASIO in an unprecedented position of power, not only of coercion but of intimidation. It leaves the door wide open for abuse.

The joint parliamentary committee recommended that the provisions of the bill not come into effect until such time as protocols for the detention of persons are established. I cannot for the life of me understand how the Attorney or the government could not accept the validity of this argument. After all, we are supposed to be advocates of a modern democracy where fundamental civil and human rights are protected and respected. As I said earlier, what we are seeking to do here, or what the government seeks to do here, undermines those basic civil rights. For that reason, and for a number of other reasons, I will not be supporting this legislation.

I do commend to the House the second reading amendment moved by the member for Banks. This amendment notes the government’s response to the report of the joint parliamentary committee, notes that the government proposes that Australians not suspected of any offence can be detained by ASIO for questioning, notes that the government proposes those detained by ASIO do not have the right to legal advice for the first 48 hours of their detention, notes that the government proposes children can be detained by ASIO for questioning and notes that the government proposals will significantly change the role of ASIO by giving it powers of coercion and detention. The amendment expresses the view that this bill contains serious compromises to civil liberties and that alternative approaches should be more thoroughly explored in place of the measures proposed in the bill. I support the opposition’s amendment. I oppose the legislation.

Mr WILLIAMS (Tangney—Attorney-General) (9.47 p.m.)—In winding up this debate I would like to thank honourable members for their contributions to it. A number of issues were raised by members opposite on which I would like to offer some comment. The Leader of the Opposition has accused the government of playing wedge politics with the Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002. I reject this absurd suggestion outright. The government have gone to extraordinary lengths to work with the opposition on this bill. We provided the opposition with confidential drafts of the bill and briefings throughout the process of developing it. We have endeavoured to work with the opposition on the amendments that I will be moving to the bill. We have offered to meet with the opposition to discuss the government’s amendments and any residual
concerns that they have with the bill but that offer has yet to be taken up by the opposition. This is not about winning or losing political points. It is much more serious than that. This is a question of community safety. The government’s aim with the ASIO bill is clear: to protect the community against terrorism.

Opposition members have argued that the government’s response to the Parliamentary Joint Committee on ASIO, ASIS and DSD’s report is inadequate but we have in fact accepted the majority of recommendations in whole or in part. Where we have not been able to agree with a recommendation, we have put forward a workable and operational sensible alternative. Now the opposition are raising additional issues that were not raised by the parliamentary joint committee, which included senior members of the opposition. These additional issues were not raised with us by the opposition despite our repeated attempts to engage them on their concerns.

Labor has sought to portray the government’s willingness to listen and respond to public and parliamentary concerns about our counter-terrorism package as ‘backing down’. The government have consistently taken a responsible approach to strengthening Australia’s counter-terrorism capabilities. We are open and have been open to any reasonable proposals for new safeguards that do not weaken the key aim of the legislation, which is to strengthen our armoury against terrorism. Our record on amendments to the counter-terrorism package speaks for itself. The opposition, on the other hand, refuses to engage seriously on community safety. This important legislation is destined for political limbo in the Senate, where it will do little good for authorities trying to identify terrorist plots, because Labor refuses to engage seriously on the subject of community safety.

Opposition members have argued that the government intends to deny people detained under the bill access to a lawyer for 48 hours. That is not correct. All persons detained under the bill will have access to a security-cleared lawyer. Only in limited circumstances can that access be delayed and then only for up to 48 hours—delayed, not denied. The delay in accessing a lawyer can only occur if the Attorney-General is satisfied that a terrorism offence is being or is about to be committed. The delaying of access to a lawyer is a measure of last resort to protect the community from a terrorist act. Delaying access to a lawyer can only be done in relation to adults. A young person’s access to a lawyer cannot be delayed, and the bill does not apply to persons under 14 years at all.

The member for Banks and other members opposite made some extraordinary statements about the way children may be dealt with under the bill. They suggested that children will be treated like terrorists. They suggested that children would be held incommunicado. They paint a picture of worried parents not knowing where their children are. The member for Banks knows full well that this is not what is proposed and so should his colleagues equally know.

The government is mindful of the need to protect the interests of young people. That is why young people, it is proposed, will always be able to contact a security-cleared lawyer and a parent or guardian. They will not be able to be questioned unless the parent, guardian or other representative is present nor will young people be able to be questioned for longer than two hours without a break. Most importantly of all, young people will not be detained unless the Attorney-General is satisfied that it is likely that the young person will commit, is committing or has committed a terrorism offence.

The opposition have criticised the government for not agreeing to include a three-year sunset clause in the bill. They want the bill to automatically expire after three years. Do the opposition think that the threat of terrorism will have disappeared after three years? Do they think terrorists are just going to give up? International experts on terrorism agree that one thing we know about terrorists is that they are patient. They have time on their side and they can wait for the circumstances to be right to perpetrate a terrorist crime. Just because they have not acted in the past year does not mean that they do not have the capability or intent to do so. The armoury we build against terrorism must, therefore, be both strong and enduring. Of
As the threat environment evolves, we will need to review the appropriateness of our tools in the fight against terrorism. That is why the government proposed a sensible alternative to the committee’s recommendation. We proposed that, three years after it commences, the legislation be reviewed by the Parliamentary Joint Committee on ASIO, ASIS and DSD. This would allow the new measures to be reconsidered, without unnecessary and arbitrary time pressures.

We have also been treated to a range of comparisons between the bill and similar laws in other countries. According to the opposition, this bill goes further than any other law. This ignores the differences in the rationale for this law and the rationales for the laws in other jurisdictions. This bill is about the gathering of intelligence. The laws in other countries referred to by members of the opposition generally concern criminal investigations. If a person has information relevant to the gathering of intelligence in relation to a terrorism offence, the community can legitimately expect that that person should provide that information to the authorities. The opposition ignore the safeguards that are included in the bill and have no international parallel—the strict warrant procedure, for example, and the enhanced role for the Inspector-General of Intelligence and Security. Instead, the opposition have chosen to misrepresent the legislation and the extent of the safeguards we have included.

The most serious allegation made by the members opposite is that the bill will create the apparatus of a police state. I reject this suggestion outright. The opposition have chosen to cloud the debate by saying that it is not appropriate for ASIO to have powers of detention, conveniently ignoring the fact that it is already a condition of the bill that the police, not the officers of ASIO, take the people to be questioned into custody under these warrants. This is an obvious red herring. The enhancement of ASIO’s powers contained in the bill are a measured response to the new security environment. They provide ASIO with appropriate tools to protect the Australian community and, importantly, they are subject to safeguards which protect the fundamental rights and liberties of all Australians. The government have consistently taken a responsible approach to strengthening Australia’s counter-terrorist capabilities. The government’s aim with the ASIO bill is clear: it is to protect the community against terrorism.

This bill is an important element of the government’s counter-terrorism legislative package. On its passage, we will have a strong piece of legislation that will help us to attack terrorism at its source and to deal with terrorists. While there is no specific threat to Australia, our profile as a terrorist target has risen and we remain on heightened security alert. Our interests abroad also face a higher level of terrorist threat, as evidenced by the plan to attack the Australian High Commission in Singapore and the fact that recently we have seen the Australian Embassy in East Timor closed temporarily as a result of a terrorist threat.

To respond to this new security environment, we need to be well placed in terms of our operational capacities, infrastructure and legislative framework. Terrorism is not like ordinary crime. The way that terrorist networks are organised and the destruction that acts of terrorism can cause distinguish terrorism from other types of crime. The Howard government takes very seriously its responsibility to do everything it can to protect Australians and Australian interests against the threats of terrorism. In order to prevent potential perpetrators of terrorism offences from carrying out their crimes, we must enhance the powers of ASIO to gather relevant intelligence in relation to terrorism offences. Although ASIO can seek other types of search warrants, it is not presently empowered to obtain a warrant to question a person. In order to prevent terrorist attacks, it is crucial that we are able to question would-be perpetrators of terrorist offences or those who may have knowledge of planned terrorist attacks. The bill establishes a warrant process to allow ASIO to question a person who may have important information relating to a terrorist attack. A person subject to a warrant may be detained by police for up to 48 hours, in order to allow ASIO to question them. All persons detained under a warrant
will have the right to access a security-cleared lawyer, unless exceptional circumstances exist to delay access for a maximum of 48 hours.

Warrants will also specify others with whom the person may communicate in addition to a security-cleared lawyer. Warrants issued under the bill will be the tools of last resort. It is anticipated that they will be used rarely and only in extreme circumstances. The government is mindful of the important balance between the protection of national security and individual rights. The bill strikes an appropriate balance. We have worked hard to develop safeguards to ensure that ASIO’s powers are exercised reasonably and that individual rights are protected. For example, the bill expressly provides that the person subject to a warrant must be treated with humanity and respect for human dignity and must not be subjected to cruel, inhuman or degrading treatment. It contains significant penalties for officers who do not follow the stringent processes and safeguards set out in the bill.

The bill has been subject to substantial scrutiny by the Parliamentary Joint Committee on ASIO, ASIS and DSD and by the Senate Legal and Constitutional Legislation Committee. The parliamentary joint committee’s careful consideration of the bill was invaluable in assisting the government to refine it. The government listened to the concerns raised by the parliamentary joint committee and responded by adopting the majority of the committee’s recommendations, either in whole or in part. Where the government could not agree to particular recommendations, we developed appropriate alternative amendments, designed to implement the committee’s intention while ensuring the operational effectiveness of the bill.

Unlike the opposition, the government are committed to protecting Australia’s national security and punishing those who threaten Australia’s interests. It is disappointing that the opposition is not supporting the bill. The amendment moved by the member for Banks in this second reading debate shows the deep divisions within the opposition over this issue. The matters raised in that amendment do not indicate opposition to the government’s response to the committees’ reports; they indicate a fundamental opposition to the bill itself. If the opposition are opposed to the bill, they should show their true colours to the Australian people and oppose the bill outright. Instead, the opposition choose to misrepresent the legislation and the additional safeguards we have included. The government have offered to discuss these proposals with the opposition. The offer is yet to be taken up by the opposition.

Instead of making the tough decisions, the opposition have indicated their intent to refer the bill to yet another committee for consideration. The bill has already been closely examined by two parliamentary committees which have included senior Labor members and have taken into account extensive public submissions. Instead of facing up to the tough decisions and letting government get on with the job of protecting the community, they have chosen to hide behind an open-ended review. It is worth noting that neither of the two previous committees that have considered the bill thought such a review was necessary. The opposition are not ready, willing or capable of working with us to develop important tools to prevent and deter terrorist activity and better protect the community in the new security environment.

The opposition’s position is disingenuous at best. The opposition has been aware of the purpose of the bill since it was first proposed. It knows that the purpose of the bill is to arm ASIO with the tools it needs to gather important intelligence in relation to terrorism and to prevent potential perpetrators from carrying out their terrorist crimes. Senior members of the opposition have publicly supported this purpose, including the opposition members on the Parliamentary Joint Committee on ASIO, ASIS and DSD. The opposition is now raising concerns about the proposed role of ASIO—concerns that were not raised by the parliamentary joint committee. The opposition is also proposing to explore alternatives. Again, this was not thought necessary by the parliamentary joint committee.

The opposition conveniently ignores the significant safeguards in the bill. It conveniently glosses over the additional controls
that apply to the questioning of children. Instead, it has chosen to quote selectively from the government’s proposals and emotively from commentary on previous versions of the bill, conveniently ignoring the extensive additional safeguards proposed.

The ASIO bill is an important element of the package developed following the extensive review of Australia’s counterterrorism arrangements. This legislation was not created on a whim but in response to an identified need. Once again, Labor has no answers and has resorted to cheap shots at the government. Labor’s proposal to refer this bill to a third parliamentary committee with an open-ended invitation to reinvent the wheel is a cynical attempt to cover its own lack of policy when it comes to protecting the Australian community. In developing this legislation and the rest of the government’s counterterrorism legislative response, the government has shown its resolve to put in place measures to address the challenges we face both domestically and internationally, while being committed to the protection and preservation of human rights. We reject suggestions that in doing so we somehow traded security and human rights.

The counterterrorist legislation is needed to protect human rights. The victims of September 11 had rights too, such as the rights to life, physical security, freedom of association and freedom of religion. These rights were not respected by the terrorists and are as deserving of protection as any other right. When the bill is enacted, we will have appropriate laws to protect the community from terrorism and to ensure that the rights of individuals are not unnecessarily impeded. It is vital that Australia does not forget the catastrophic results of terrorism. We must not become dangerously complacent. The bill delivers on the Howard government’s commitment to ensure we are in the best possible position to protect Australians against the evils of terrorism. I commend the bill to the House.

Question put:
That the words proposed to be omitted (Mr Melham’s amendment) stand part of the question.

The House divided. [10.08 p.m.]

(The Deputy Speaker—Mr Hawker)

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AYES
Anderson, J.D.  Bailey, F.E.
Baldwin, R.C.  Bartlett, K.J.
Bishop, B.K.   Brough, M.T.
Cameron, R.A.  Charles, R.E.
Cobb, J.K.     Draper, P.
Elson, K.S.    Farmer, P.F.
Gallus, C.A.   Georgiou, P.
Hardgrave, G.D.
Hockey, J.B.   Hunt, G.A.
Jull, D.F.     Kelly, J.M.
King, P.E.     Lindsay, P.J.
Macfarlane, I.E.
McGauran, P.J.
Nairn, G. R.  Neville, P.C.
Pearce, C.J.   Pyne, C.
Ruddock, P.M.  Secker, P.D.
Smith, A.D.H.  Southcott, A.J.
Thompson, C.P.
Tollner, D.W.  Tuckey, C.W.
Vale, D.S.     Washer, M.J.

NOES
Albanese, A.N.  Bevis, A.R.
Byrne, A.M.    Cox, D.A.
Crosio, J.A.   Edwards, G.J.
Emerson, C.A.  Fitzgibbon, J.A.
Gibbons, S.W.  Griffin, A.P.
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Hoare, K.J. Irwin, J. Moylan, J. E. Nairn, G. R.
Jackson, S.M. Jenkins, H.A. Nelson, B.J. Neville, P.C.
Katter, R.C. Kerr, D.J.C. Panopoulos, S. Pearce, C.J.
King, C.F. Latham, M.W. Prosser, G.D. Pyne, C.
Lawrence, C.M. Livermore, K.F. Randall, D.J. Ruddock, P.M.
Macklin, J.L. McClelland, R.B. Schultz, A. Secker, P.D.
McFarlane, J.S. McLeay, L.B. Slipper, P.N. Smith, A.D.H.
McMullan, R.F. Melham, D. Somljay, A. Southcott, A.J.
Mossfield, F.W. Murphy, J. P. Stone, S.N. Thompson, C.P.
O’Connor, G.M. O’Connor, B.P. Ticehurst, K.V. Tonnor, D.W.
Plibersek, T. Price, L.R.S. Truss, W.E. Tuckey, C.W.
Quick, H.V. * Rudd, K.M. Vaile, M.A.J. Vale, D.S.
Roxon, N.L. Sercombe, R.C.G. Sidebottom, P.S. Washer, M.J.
Thomson, K.J. Smith, S.F. Swan, W.E. 
Wilkie, K. Ticehurst, K.V. Vamvakinou, M.
Zahra, C.J. 

* denotes teller

Question agreed to.

Bill read a second time.

Consideration in Detail

Bill—by leave—taken as a whole.

Mr WILLIAMS (Tangney—Attorney-General) (10.16 p.m.)—by leave—I present

AYES

Anthony, L.J. Bailey, F.E. Andren, P.J. Bevis, A.R.
Baird, B.G. Baldwin, R.C. Burke, A.E. Byrne, A.M.
Barresi, P.A. Bartlett, K.J. Corcoran, A.K. Cox, D.A.
Billson, B.F. Bishop, B.K. Crean, S.F. Crosio, J.A.
Bishop, J.I. Brough, M.T. Danby, M. * Edwards, G.J.
Cadman, A.G. Cameron, R.A. Ellis, A.L. Emerson, C.A.
Causley, T.J. Charles, R.E. Evans, M.J. Fitzgibbon, J.A.
Ciobo, S.M. Cobb, J.K. George, J. Gibbons, S.W.
Dowmer, A.J.G. Cobb, J.K. Grierson, S.J. Griffin, A.P.
Dutton, P.C. Draper, P. Hall, J.G. Hatton, M.J.
Entsch, W.G. Elson, K.S. Hoare, K.J. Irwin, J.
Forrest, J.A. * Farmer, P.F. Jackson, S.M. Jenkins, H.A.
Gash, J. Gallus, C.A. Katter, R.C. Kerr, D.J.C.
Haase, B.W. Georgiou, P. King, C.F. Latham, M.W.
Hartseyker, L. Hardgrave, G.D. Lawrence, C.M. Livermore, K.F.
Hull, K.E. Hockey, J.B. Macklin, J.L. McClelland, R.B.
Johnson, M.A. Hunt, G.A. McFarlane, J.S. McLeay, L.B.
Kelly, D.M. Kelly, J.M. McMullan, R.F. Melham, D.
Kemp, D.A. King, P.E. Mossfield, F.W. Murphy, J. P.
Ley, S.P. Lindsay, P.J. O’Connor, B.P. O’Connor, G.M.
Lloyd, J.E. Macfarlane, I.E. Plibersek, T. Price, L.R.S.
McFarlane, J.S. McLeay, L.B. Quick, H.V. * Ripoll, B.F.
McMullan, R.F. Melham, D. Roxon, N.L. Rudd, K.M.
Mossfield, F.W. Murphy, J. P. Sercombe, R.C.G. Sidebottom, P.S.
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Roxon, N.L. Sercombe, R.C.G. Smith, S.F. Swan, W.E.
Thomson, K.J. Vamvakinou, M. Wilkie, K. Windsor, A.H.C.
Yarnie, C.J. Zahren, C.J.

NOES

Adams, D.G.H. Albanese, A.N.
Andren, P.J. Bevis, A.R. Burke, A.E. Byrne, A.M.
Corcoran, A.K. Cox, D.A. Crean, S.F. Crosio, J.A.
Danby, M. * Edwards, G.J. Ellis, A.L. Emerson, C.A.
Evans, M.J. Fitzgibbon, J.A. George, J. Gibbons, S.W.
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Smith, S.F. Snowdon, W.E. Swan, W.E. Tanner, L.
Thomson, K.J. Vamvakinou, M. Wilkie, K. Windsor, A.H.C.
Zahra, C.J. 

* denotes teller

Question agreed to.

Bill read a second time.
the supplementary explanatory memorandum to the bill and move government amendments (1) to (57):

(1) Clause 2, pages 2 and 3 (table items 2 to 7), omit the table items, substitute:

2. Schedule 1, items 1 to 8

The day after this Act receives the Royal Assent

3. Schedule 1, items 10 and 11

Immediately after the commencement of Division 72 of the Criminal Code

(2) Clause 2, page 3 (lines 7 to 18), omit subclauses (3) to (6).

(3) Schedule 1, item 8, page 5 (lines 19 and 20), omit the note.

(4) Schedule 1, item 9, page 5 (lines 21 to 27), omit the item.

(5) Schedule 1, item 10, page 5 (lines 30 and 31), omit the note.

(6) Schedule 1, item 11, page 6 (lines 7 and 8), omit the note.

(7) Schedule 1, items 12 to 14, page 6 (lines 9 to 30), omit the items.

(8) Schedule 1, item 24, page 8 (before line 25), before the definition of *Federal Magistrate*, insert:

> approved lawyer means a legal practitioner whom the Minister has approved under section 34AA.

(9) Schedule 1, item 24, page 8 (after line 26), after the definition of *Federal Magistrate*, insert:

> issuing authority means:

(a) a person appointed under section 34AB; or

(b) a member of a class of persons declared by regulations made for the purposes of that section to be issuing authorities.

(10) Schedule 1, item 24, page 9 (after line 1), after section 34A, insert:

**34AA Approved lawyers**

(1) The Minister may, by writing, approve a legal practitioner for the purposes of this Division.

(2) The Minister must not approve a legal practitioner unless:

(a) the practitioner is enrolled as a legal practitioner of a federal court or of the Supreme Court of a State or Territory and has been enrolled for at least 5 years; and

(b) the practitioner has, by writing, consented to being approved and the consent is in force; and

(c) the Minister has considered:

(i) a security assessment (as defined in Part IV) in respect of the practitioner; and

(ii) any other material that the Minister considers is relevant to the question whether to approve the practitioner.

(11) Schedule 1, item 24, page 9, after proposed section 34AA, insert:

**34AB Issuing authorities**

(1) The Minister may, by writing, appoint as an issuing authority a person who is:

(a) a Federal Magistrate; or

(b) a Judge.

(2) The Minister must not appoint a person unless:

(a) the person has, by writing, consented to being appointed; and

(b) the consent is in force.

(3) The regulations may declare that persons in a specified class are issuing authorities.

(4) The regulations may specify a class of persons partly by reference to the facts that the persons have consented to being issuing authorities and their consents are in force.

(12) Schedule 1, item 24, page 9 (lines 2 to 28), omit section 34B, substitute:

**34B Prescribed authorities**

(1) The Minister may, by writing, appoint as a prescribed authority a person who holds one of the following appointments to the Administrative Appeals Tribunal:

(a) Deputy President;

(b) senior member;

(c) member.

(2) The Minister must not appoint a person unless the person:

(a) is a Deputy President; or

(b) is enrolled as a legal practitioner of a federal court or of the Supreme Court of a State or Territory and has been enrolled for at least 5 years; and

(c) the practitioner has, by writing, consented to being appointed and the consent is in force; and

(d) the Minister has considered:

(i) a security assessment (as defined in Part IV) in respect of the practitioner; and

(ii) any other material that the Minister considers is relevant to the question whether to approve the practitioner.
Court of a State or Territory and has been enrolled for at least 5 years.

(13) Schedule 1, item 24, page 9 (after line 32), after subsection (1), insert:

(1A) To avoid doubt, this section operates in relation to a request for the issue of a warrant under section 34D in relation to a person, even if such a request has previously been made in relation to the person.

(14) Schedule 1, item 24, page 10 (after line 17), after paragraph (3)(b), insert:

(ba) that all of the acts (the adopting acts) described in subsection (3A) in relation to a written statement of procedures to be followed in the exercise of authority under warrants issued under section 34D have been done; and

(15) Schedule 1, item 24, page 10 (lines 19 and 20), omit “immediately taken into custody, brought before a prescribed authority”, substitute “taken into custody immediately, brought before a prescribed authority immediately”.

(16) Schedule 1, item 24, page 10 (line 28), omit “produce.”, substitute “produce; and”.

(17) Schedule 1, item 24, page 10 (after line 28), after paragraph (3)(c), insert:

(d) if the person has been detained under this Division—that the warrant to be requested would not authorise the person to be detained under this Division for a period that would result in the person being detained under this Division for a continuous period of more than 168 hours.

(18) Schedule 1, item 24, page 10 (after line 30), after subsection (3), insert:

(3A) The adopting acts in relation to a written statement of procedures to be followed in the exercise of authority under warrants issued under section 34D are as follows:

(a) consultation of the following persons by the Director-General about making such a statement:

(i) the Inspector-General of Intelligence and Security;

(ii) the Commissioner of Police appointed under the Australian Federal Police Act 1979;

(iii) the President of the Administrative Appeals Tribunal;

(b) making of the statement by the Director-General after that consultation;

(c) approval of the statement by the Minister;

(d) presentation of the statement to each House of the Parliament;

(e) briefing (in writing or orally) the Parliamentary Joint Committee on ASIO, ASIS and DSD (whether before or after presentation of the statement to each House of the Parliament).

(19) Schedule 1, item 24, page 10 (before line 31), before subsection (4), insert:

(3B) In consenting to the making of a request to issue a warrant authorising the person to be taken into custody immediately, brought before a prescribed authority immediately for questioning and detained, the Minister must ensure that the warrant to be requested is to permit the person to contact an approved lawyer at any time when the person is in custody or detention under this Division in connection with the warrant.

(3C) However, subsection (3B) does not apply if the Minister is satisfied on reasonable grounds that:

(a) the person is 18 or older; and

(b) it is likely that a terrorism offence is being committed, or is about to be committed, and may have serious consequences; and

(c) it is appropriate in all the circumstances that the person not be permitted to contact a legal adviser; and

(d) the warrant to be requested either:

(i) is not to authorise, in conjunction with one or more other warrants issued under section 34D earlier, detention of the person under this Division for a continuous period of more than 48 hours; or

(ii) is to permit the person to contact an approved lawyer at any time when the person is in custody or detention under this Division in connection with the warrant after the end of such a continuous period or after a specified time that is before the end of such a continuous period.
(20) Schedule 1, item 24, page 10 (line 31), after “consented”, insert “under subsection (3)”.  
(21) Schedule 1, item 24, page 10 (line 32), omit “a prescribed authority”, substitute “an issuing authority”.  
(22) Schedule 1, item 24, page 11 (lines 1 to 12), omit subsection (5), substitute:  
(5) The Director-General may request the warrant only by giving the material described in subsection (4) to an issuing authority who is a Judge or a member of a class specified by the regulations for the purposes of section 34AB if the person could be detained for a continuous period of more than 96 hours under this Division in connection with the warrant requested and warrants issued earlier.  
Note: Subsection (5) can apply only if, before the request is made, at least 2 warrants have been issued in relation to the person under this Division.  
(23) Schedule 1, item 24, page 11 (line 14), omit “A prescribed authority”, substitute “An issuing authority”.  
(24) Schedule 1, item 24, page 11 (line 19), omit “prescribed authority”, substitute “issuing authority”.  
(25) Schedule 1, item 24, page 11 (line 22), omit “offence.”, substitute “offence; and”.  
(26) Schedule 1, item 24, page 11 (after line 22), at the end of subsection (1), add:  
(c) the issuing authority is satisfied that there are reasonable grounds for believing that the warrant does not authorise the person to be detained under this Division for a period that would result in the person being detained under this Division for a continuous period of more than 168 hours.  
(27) Schedule 1, item 24, page 11 (line 24), omit “prescribed authority”, substitute “issuing authority”.  
(28) Schedule 1, item 24, page 11 (lines 30 to 32), omit “immediately taken into custody by a police officer, brought before a prescribed authority”, substitute “taken into custody immediately by a police officer, brought before a prescribed authority immediately”.  
(29) Schedule 1, item 24, page 12 (lines 1 to 3), omit subparagraph (2)(b)(ii), substitute:  
(ii) permit the person to contact identified persons at specified times when the person is in custody or detention authorised by the warrant.  
(30) Schedule 1, item 24, page 12 (lines 11 to 19), omit subsection (4), substitute:  
(4) The warrant may identify someone whom the person is permitted to contact by reference to the fact that he or she is an approved lawyer or has a particular legal or familial relationship with the person. This does not limit the ways in which the warrant may identify persons whom the person is permitted to contact.  
Note 1: The warrant may identify persons by reference to a class. See subsection 46(2) of the Acts Interpretation Act 1901.  
Note 2: Section 34F permits the person to contact the Inspector-General of Intelligence and Security and the Ombudsman while the person is in custody or detention, so the warrant must identify them.  
(31) Schedule 1, item 24, page 12 (line 21), omit “prescribed authority”, substitute “issuing authority”.  
(32) Schedule 1, item 24, page 12 (line 37), omit “prescribed authority”, substitute “issuing authority”.  
(33) Schedule 1, item 24, page 13 (after line 2), after section 34D, insert:  
34DA Person taken into custody under warrant to be immediately brought before prescribed authority  
If the person is taken into custody by a police officer exercising authority under the warrant, the officer must make arrangements for the person to be immediately brought before a prescribed authority for questioning.  
(34) Schedule 1, item 24, page 13 (line 20), omit “Police.”, substitute “Police;”.  
(35) Schedule 1, item 24, page 13 (after line 20), at the end of subsection 34E(1), add:  
(f) the fact that the person may seek from a federal court a remedy relating to the warrant or the treatment of the person in connection with the warrant;
(g) whether there is any limit on the person contacting others and, if the warrant permits the person to contact identified persons at specified times when the person is in custody or detention authorised by the warrant, who the identified persons are and what the specified times are.

(36) Schedule 1, item 24, page 13 (after line 23), at the end of section 34E, add:

(3) At least once in every 24-hour period during which questioning of the person under the warrant occurs, the prescribed authority before whom the person appears for questioning must inform the person of the fact that the person may seek from a federal court a remedy relating to the warrant or the person in connection with the warrant.

(37) Schedule 1, item 24, page 14 (lines 1 to 3), omit paragraph (d), substitute:

(d) a direction permitting the person to contact an identified person (including someone identified by reference to the fact that he or she is an approved lawyer or has a particular legal or familial relationship with the person) or any person;

(38) Schedule 1, item 24, page 14 (after line 9), at the end of subsection (2), add “However, the prescribed authority may give a direction that is not covered by paragraph (a) or (b) if he or she has been informed under section 34HA of a concern of the Inspector-General of Intelligence and Security and is satisfied that giving the direction is necessary to address the concern satisfactorily.”.

(39) Schedule 1, item 24, page 14 (after line 24), after paragraph (4)(a), insert:

(aa) a person being detained for a continuous period of more than 168 hours starting when the person first appeared before a prescribed authority for questioning under another warrant that was issued under section 34D earlier; or

(40) Schedule 1, item 24, page 15 (line 6), omit “a prescribed authority”, substitute “an issuing authority”.

(41) Schedule 1, item 24, page 17 (line 15), omit “or a terrorism offence”.

(42) Schedule 1, item 24, page 18 (after line 2), at the end of Subdivision B, add:

34HA Suspension of questioning etc. in response to concern of Inspector-General of Intelligence and Security

(1) This section applies if the Inspector-General of Intelligence and Security is concerned about impropriety or illegality in connection with the exercise or purported exercise of powers under this Division in relation to a person specified in a warrant issued under section 34D.

(2) When the person is appearing before a prescribed authority for questioning under the warrant, the Inspector-General may inform the prescribed authority of the Inspector-General’s concern. If the Inspector-General does so, he or she must also inform the Director-General of the concern as soon as practicable afterwards.

(3) The prescribed authority must consider the Inspector-General’s concern.

(4) The prescribed authority may give a direction deferring:

(a) questioning of the person under the warrant; or

(b) the exercise of another power under this Division that is specified in the direction;

until the prescribed authority is satisfied that the Inspector-General’s concern has been satisfactorily addressed.

Note: The prescribed authority may give directions under section 34F instead or as well. These could:

(a) deal with the Inspector-General’s concern in a way satisfactory to the prescribed authority; or

(b) deal with treatment of the person while questioning is deferred; or

(c) provide for release of the person from detention if the prescribed authority is satisfied that the Inspector-General’s concern cannot be satisfactorily addressed within the remainder of the period for which the person may be detained under the warrant.

(43) Schedule 1, item 24, page 19 (line 33), omit “10”, substitute “14”.
Schedule 1, item 24, page 20 (line 2), omit “10”, substitute “14”.

Schedule 1, item 24, page 21 (after line 22), after section 34N, insert:

34NA Special rules for young people
Rules for persons under 14
(1) A warrant issued under section 34D has no effect if the person specified in it is under 14.
(2) If a person appears before a prescribed authority for questioning as a result of the issue of a warrant under section 34D and the prescribed authority is satisfied on reasonable grounds that the person is under 14, the prescribed authority must, as soon as practicable:
(a) give a direction that the person is not to be questioned; and
(b) if the person is in detention—give a direction under paragraph 34F(1)(f) that the person be released from detention.
(3) Subsection 34F(2) does not prevent the prescribed authority from giving a direction in accordance with paragraph (2)(b) of this section.
Rules for persons who are at least 14 but under 18
(4) If the Director-General seeks the Minister’s consent to request the issue of a warrant under section 34D in relation to a person and the Minister is satisfied on reasonable grounds that the person is at least 14 but under 18, the Minister may consent only if he or she is satisfied on reasonable grounds that:
(a) it is likely that the person will commit, is committing or has committed a terrorism offence; and
(b) the draft warrant to be included in the request will meet the requirements in subsection (6).
(5) An issuing authority may issue a warrant under section 34D relating to a person whom the authority is satisfied on reasonable grounds is at least 14 but under 18 only if the draft warrant included in the request for the warrant meets the requirements in subsection (6).
Note: Section 34D requires that a warrant issued under that section be in the same form as the draft warrant included in the request.
(6) If subsection (4) or (5) applies, the draft warrant must:
(a) if the warrant authorises the person to be taken into custody and detained—permit the person to contact, at any time when the person is in custody or detention authorised by the warrant:
(i) a parent or guardian of the person; and
(ii) if it is not acceptable to the person to be questioned in the presence of one of his or her parents or guardians—another person who meets the requirements in subsection (7); and
(iii) an approved lawyer; and
(b) authorise the Organisation to question the person before a prescribed authority:
(i) only in the presence of a parent or guardian of the person or, if that is not acceptable to the person, of another person who meets the requirements in subsection (7); and
(ii) only for continuous periods of 2 hours or less, separated by breaks directed by the prescribed authority.
Note: The prescribed authority may set the breaks between periods of questioning by giving appropriate directions under paragraph 34F(1)(e) for the person’s further appearance before the prescribed authority for questioning.
(7) The other person must:
(a) be able to represent the person’s interests; and
(b) as far as practicable in the circumstances, be acceptable to the person and to the prescribed authority; and
(c) not be one of the following:
(i) a police officer;
(ii) the Director-General;
(iii) an officer or employee of the Organisation;
(iv) a person approved under subsection 24(1).
(8) If a person appears before a prescribed authority for questioning under a warrant issued under section 34D and the prescribed authority is satisfied on reasonable grounds that the person is at least 14 but under 18, the prescribed authority must, as soon as practicable:

(a) inform the person that the person:
   (i) may request that one of the person’s parents or guardians or one other person who meets the requirements in subsection (7) be present during the questioning; and
   (ii) may contact the person’s parents or guardians and another person who meets the requirements in subsection (7), at any time when the person is in custody or detention authorised by the warrant; and
   (iii) may contact an approved lawyer at any time when the person is in custody or detention authorised by the warrant; and

(b) if the person requests that one of the person’s parents or guardians be present during the questioning—direct everyone proposing to question the person under the warrant not to do so in the absence of the parent or guardian; and

(c) if the person does not request that one of the person’s parents or guardians be present during the questioning—direct everyone proposing to question the person under the warrant not to do so in the absence of another person (other than the prescribed authority) who meets the requirements in subsection (7); and

(d) direct under paragraph 34F(1)(d) that the person may contact someone described in subparagraph (a)(ii) or (iii) of this subsection at any time described in that subparagraph; and

(e) direct everyone proposing to question the person under the warrant that questioning is to occur only for continuous periods of 2 hours or less, separated by breaks directed by the prescribed authority.

Note: The prescribed authority may set the breaks between periods of questioning by giving appropriate directions under paragraph 34F(1)(e) for the person’s further appearance before the prescribed authority for questioning.

(9) Subsection 34F(2) does not prevent the prescribed authority from giving a direction in accordance with paragraph (8)(d) of this section.

(46) Schedule 1, item 24, page 21, after proposed section 34NA, insert:

34NB Offences of contravening safeguards

(1) A person commits an offence if:
   (a) the person has been approved under section 24 to exercise authority conferred by a warrant issued under section 34D; and
   (b) the person exercises, or purports to exercise, the authority; and
   (c) the exercise or purported exercise contravenes a condition or restriction in the warrant on the authority; and
   (d) the person knows of the contravention.

Penalty: Imprisonment for 2 years.

(2) A person commits an offence if:
   (a) the person is a police officer; and
   (b) the person engages in conduct; and
   (c) the conduct contravenes section 34DA; and
   (d) the person knows of the contravention.

Penalty: Imprisonment for 2 years.

(3) A person commits an offence if:
   (a) the person is identified (whether by name, reference to a class that includes the person or some other means) in a direction given by a prescribed authority under paragraph 34F(1)(c), (d), (e) or (f) or subsection 34HA(4), 34NA(2) or (8) or 34V(3) as a person who is to implement the direction; and
(b) the person engages in conduct; and
(c) the conduct contravenes the direction; and
(d) the person knows of the contravention.

Penalty: Imprisonment for 2 years.

(4) A person commits an offence if:
(a) the person engages in conduct; and
(b) the conduct contravenes paragraph 34F(9)(c) or subsection 34H(4) or 34J(2); and
(c) the person knows of the contravention.

Penalty: Imprisonment for 2 years.

(5) A person (the searcher) commits an offence if:
(a) the searcher is a police officer; and
(b) the searcher conducts a strip search of a person detained under this Division; and
(c) the search is conducted:
   (i) without either the approval of a prescribed authority or the consent of the detained person; or
   (ii) in a way that contravenes subsection 34M(1); and
(d) the searcher knows of the lack of approval and consent or of the contravention.

Penalty: Imprisonment for 2 years.

(6) A person (the searcher) commits an offence if:
(a) the searcher is a police officer who is conducting or has conducted a strip search of a person detained under this Division; and
(b) the searcher engages in conduct; and
(c) the conduct contravenes subsection 34M(4); and
(d) the searcher knows of the contravention.

Penalty: Imprisonment for 2 years.

(7) In this section:
   engage in conduct means:
   (a) do an act; or
   (b) omit to perform an act.

(47) Schedule 1, item 24, page 21 (before line 31), before paragraph (a), insert:
   (aa) a copy of any draft request given to the Minister under subsection 34C(2) in seeking the Minister’s consent to request the issue of a warrant under section 34D;

(48) Schedule 1, item 24, page 21 (line 34), omit “Division.”, substitute “Division;”.

(49) Schedule 1, item 24, page 21 (after line 34), at the end of section 34Q, add:
   (d) a statement describing any action the Director-General has taken as a result of being informed of the Inspector-General’s concern under section 34HA.

(50) Schedule 1, item 24, page 22 (line 6), omit “prescribed authority”, substitute “issuing authority”.

(51) Schedule 1, item 24, page 22 (after line 19), after section 34S, insert:

34SA Status of issuing authorities and prescribed authorities

(1) An issuing authority or prescribed authority has, in the performance of his or her duties under this Division, the same protection and immunity as a Justice of the High Court.

(2) If a person who is a member of a court created by the Parliament has under this Division a function, power or duty that is neither judicial nor incidental to a judicial function or power, the person has the function, power or duty in a personal capacity and not as a court or a member of a court.

(52) Schedule 1, item 24, page 22 (after line 26), at the end of Subdivision C, add:

34U Involvement of lawyers

(1) This section applies if the person (the subject) specified in a warrant issued under section 34D contacts another person as a legal adviser (whether the adviser is an approved lawyer or not) as permitted by the warrant or a direction under paragraph 34F(1)(d).
Contact to be able to be monitored

(2) The contact must be made in a way that can be monitored by a person exercising authority under the warrant.

Breaks in questioning to give legal advice

(3) The prescribed authority before whom the subject is being questioned must provide a reasonable opportunity for the legal adviser to advise the subject during breaks in the questioning.

Note: The prescribed authority may set the breaks between periods of questioning by giving appropriate directions under paragraph 34F(1)(e) for the person’s further appearance before the prescribed authority for questioning.

(4) The legal adviser may not intervene in questioning of the subject or address the prescribed authority before whom the subject is being questioned, except to request clarification of an ambiguous question.

Removal of legal adviser for disrupting questioning

(5) If the prescribed authority considers the legal adviser’s conduct is unduly disrupting the questioning, the authority may direct a person exercising authority under the warrant to remove the legal adviser from the place where the questioning is occurring.

(6) If the prescribed authority directs the removal of the legal adviser, the prescribed authority must also direct under paragraph 34F(1)(d) that the subject may contact an approved lawyer other than the legal adviser. Subsection 34F(2) does not prevent the prescribed authority from giving the direction under paragraph 34F(1)(d) in accordance with this subsection.

Communications by legal adviser

(7) The legal adviser commits an offence if:

(a) while the subject is being detained under this Division (whether in connection with the warrant or another warrant issued under section 34D), the adviser communicates to a third person information relating to the questioning or detention of the subject under this Division in connection with any of those warrants; and

(b) the communication is not authorised:

(i) by a prescribed authority under subsection (8); or

(ii) by a provision of the regulations (if any) made for the purposes of subsection (10); and

(c) the third person is not:

(i) a prescribed authority; or

(ii) a person exercising authority under any of those warrants; or

(iii) the Inspector-General of Intelligence and Security; or

(iv) the Ombudsman.

Penalty: Imprisonment for 2 years.

(8) The prescribed authority may authorise the legal adviser to communicate to another person specified by the authority specified information relating to the questioning or detention of the subject in connection with the warrant. An authorisation must not be inconsistent with the regulations (if any) made for the purposes of subsection (10).

(9) The prescribed authority must not refuse to authorise the legal adviser to communicate to a member or Registrar (however described) of a federal court, for the purposes of seeking a remedy relating to the warrant or the treatment of the subject in connection with the warrant, information relating to the questioning or detention of the subject in connection with the warrant.

(10) The regulations may make provision in relation to communications by legal advisers of persons specified in warrants issued under section 34D of information relating to their questioning or detention under this Division in connection with the warrants.

(11) The regulations must not prevent a legal adviser from communicating to a member or Registrar (however described) of a federal court, for the purposes of seeking a remedy relating to the warrant or the treatment of a person in connection with such a warrant, information relating to the questioning or
detention of the person in connection with the warrant.

If legal adviser also represents young person

(12) If section 34V also applies to the legal adviser in another capacity in relation to the subject, this section does not apply to conduct of the legal adviser in that other capacity:

(53) Schedule 1, item 24, page 22, after proposed section 34U, insert:

34V Conduct of parents etc.

(1) This section applies in relation to a person (the representative) who:

(a) is either:

(i) the parent or guardian of a person (the subject) specified in a warrant issued under section 34D; or

(ii) another person who meets the requirements in subsection 34NA(7) in relation to the subject; and

(b) either:

(i) is or has been contacted by the subject as permitted by the warrant or a direction under paragraph 34F(1)(d); or

(ii) is or has been present when the subject was before a prescribed authority for questioning under the warrant.

(2) If a prescribed authority considers the representative’s conduct is unduly disrupting questioning of the subject, the authority may direct a person exercising authority under the warrant to remove the representative from the place where the questioning is occurring.

(3) If the prescribed authority directs the removal of the representative, the prescribed authority must also:

(a) inform the subject that the subject:

(i) may request that one of the subject’s parents or guardians or one other person who meets the requirements in subsection 34NA(7), other than the representative, be present during the questioning; and

(ii) may contact a person covered by subparagraph (i) to request the person to be present during the questioning; and

(b) if the subject requests that one of the subject’s parents or guardians, other than the representative, be present during the questioning—direct everyone proposing to question the subject under the warrant not to do so in the absence of the parent or guardian; and

(c) if the subject does not request that one of the subject’s parents or guardians, other than the representative, be present during the questioning—direct everyone proposing to question the subject under the warrant not to do so in the absence of another person (other than the prescribed authority) who meets the requirements in subsection 34NA(7); and

(d) direct under paragraph 34F(1)(d) that the subject may contact a person covered by subparagraph (a)(i) of this subsection to request the person to be present during the questioning.

Subsection 34F(2) does not prevent the prescribed authority from giving the direction under paragraph 34F(1)(d) in accordance with this subsection.

(4) The prescribed authority may permit the representative to communicate to another person specified by the authority specified information relating to the questioning or detention of the subject in connection with the warrant.

(5) The representative commits an offence if:

(a) while the subject is being detained under this Division (whether in connection with the warrant or another warrant issued under section 34D), the representative communicates to a third person information relating to the questioning or detention of the subject under this Division in connection with any of those warrants; and

(b) a prescribed authority has not given permission for the communication; and

(c) the third person is not:

(i) a parent, guardian or sibling of the subject; or

(ii) a prescribed authority; or
(iii) a person exercising authority under any of those warrants; or
(iv) the Inspector-General of Intelligence and Security; or
(v) the Ombudsman.

Penalty: Imprisonment for 2 years.

(6) A person commits an offence if:
(a) the representative, or a parent, guardian or sibling of the subject, communicated to the person information relating to the questioning or detention of the subject under this Division in connection with a warrant issued under section 34D; and
(b) the person is a parent, guardian or sibling of the subject; and
(c) while the subject is being detained under this Division (whether in connection with the warrant mentioned in paragraph (a) or another warrant issued under section 34D), the person communicates the information to another person; and
(d) the other person is not:
   (i) a parent, guardian or sibling of the subject; or
   (ii) the representative; or
   (iii) a prescribed authority; or
   (iv) a person exercising authority under any of those warrants; or
   (v) the Inspector-General of Intelligence and Security; or
   (vi) the Ombudsman.

Penalty: Imprisonment for 2 years.

34X Jurisdiction of State and Territory courts excluded

(1) A court of a State or Territory does not have jurisdiction in proceedings for a remedy if:
   (a) the remedy relates to a warrant issued under section 34D or the treatment of a person in connection with such a warrant; and
   (b) the proceedings are commenced while the warrant is in force.

(2) This section has effect despite any other law of the Commonwealth (whether passed or made before or after the commencement of this section).

(56) Schedule 1, page 23 (after line 9), after item 27, insert:

27A After subsection 94(1)
Insert:

(1A) The report must include a statement of:
   (a) the total number of requests made under section 34C to issuing authorities during the year for the issue of warrants under section 34D; and
   (b) the total number of warrants issued during the year under section 34D; and
   (c) the total number of warrants issued during the year that meet the requirement in paragraph 34D(2)(a) (about requiring a person to appear before a prescribed authority); and
   (d) the total number of warrants issued during the year that meet the requirement in paragraph 34D(2)(b) (about authorising a person to be taken into custody, brought before a prescribed authority and detained).

27B At the end of section 94
Add:

(5) The Minister may not delete from a report a statement described in subsection (1A).

27C Application of amendments of section 94

The amendments of section 94 of the Australian Security Intelligence Organisation Act 1979 made by this Schedule apply to each report for a year ending after the commencement of this item.
(57) Schedule 1, page 23, after proposed item 27C, insert:

**Intelligence Services Act 2001**

27D Before paragraph 29(1)(c) Insert:

(bb) to review, as soon as possible after the third anniversary of the day on which the Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Act 2002 receives the Royal Assent, the operation, effectiveness and implications of amendments made by that Act; and

The Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002 is an important element in the government’s counterterrorism legislative package. It will enhance the capacity of ASIO to combat terrorism by giving it powers to collect intelligence that may substantially assist in the investigation of terrorism offences. The government has proposed amendments to the bill to respond to the recommendations of the Parliamentary Joint Committee on ASIO, ASIS and DSD and the Senate Legal and Constitutional Legislation Committee and make a number of additional minor amendments.

Of the 15 recommendations made by the parliamentary joint committee, the government has accepted 10 in full. The government has proposed the following amendments to implement those recommendations. Warrants will only be able to be issued by federal magistrates, federal judges or an authority prescribed by regulations—recommendations 1 and 2. Warrants that will result in detention of a person for more than 96 hours can be issued only by a federal judge or an authority prescribed by regulations—recommendations 1 and 2. Warrants that will result in detention of a person for more than 96 hours can be issued only by a federal judge or an authority prescribed by regulations—recommendation 1. Questioning under a warrant will take place before a legally qualified member of the Administrative Appeals Tribunal—recommendation 1. The maximum period of detention will be seven consecutive days, 168 hours—recommendation 3. The Director-General of Security must seek the Attorney-General’s consent before requesting all warrants, including further warrants, in relation to the same individual—recommendation 4. A detained person must be immediately brought before a prescribed authority—recommendation 5. The information disclosed under a warrant must not be used as evidence against the person in criminal proceedings for a terrorism offence—recommendation 8. There will be penalties for officials who fail to comply with the bill’s provisions: failure to comply will be an offence punishable by a maximum of two years imprisonment—recommendation 9. Warrant statistics must be included in ASIO’s unclassified annual report—recommendation 11. The prescribed authority must advise the detained person of their right to seek a remedy from a federal court when the person first appears before the prescribed authority and at least once in every 24-hour period during which they are questioned—recommendation 15.

Where the government has not been able to accept the committee’s recommendations in full because they potentially undermine the effective operation of the legislation, the government has developed a sensible and operationally appropriate alternative to address the concerns raised. The committee recommended in recommendation 6 that persons detained under a warrant should have access to legal representation drawn from a pool of security cleared lawyers. The government has agreed to allow all persons subject to a warrant to have access to a security cleared lawyer approved by the Attorney-General. The lawyers must be security cleared in order to ensure that the sensitive information to which they may be exposed is properly protected. Some in the opposition have suggested that the government would be handpicking lawyers and that it is not appropriate to deny people their own choice of lawyer. This is in contrast to the views expressed by senior members of the opposition such as Senator Robert Ray. During the parliamentary joint committee’s inquiry, Senator Robert Ray recognised that it would be dangerous and silly to allow a detained person to contact any lawyer off the street. Why didn’t the members of the opposition heed the views of such a senior and experienced Labor figure?

In exceptional circumstances, the Attorney-General will be able to delay access to a
lawyer for up to 48 hours. This power may only be exercised in relation to adults. In order to delay access to a lawyer, the Attorney-General must be satisfied that it is likely that a terrorism offence is being or is about to be committed and that the offence may have serious consequences. It is completely untrue to suggest, as some members of the opposition have, that all persons detained will have their access to a lawyer delayed. Clearly this is a power to be exercised as a last resort in order to protect the Australian community from acts of terrorism. After 48 hours or a shorter period determined by the Attorney-General, a person detained under a warrant will have the absolute right to contact an approved lawyer. In order to protect the sensitive information that would be discussed during questioning and to minimise disruption to the interview process, contact with security cleared lawyers will be subject to a number of conditions set out in the amendments.

In recommendation 10, the committee recommended that no person under the age of 18 be questioned or detained under the bill. The government recognises that there are concerns about the application of the bill to children. For these reasons, the government is proposing amendments so that the bill does not apply to persons under the age of 14 and for a special regime for the protection of young people, with additional safeguards to apply to persons between 14 and 18. However, the government considers that it may be necessary, in exceptional circumstances, to obtain information from people between 14 and 18. The age of criminal responsibility is 14 years. There are known instances of persons under the age of 18 being actively involved in terrorist activity, including suicide bombings. Under the government’s amendments, the minimum age for the subject of a valid warrant is 14. If a person appears before a prescribed authority and is, in the opinion of the prescribed authority, under the age of 14, they must not be questioned and must be released immediately. A warrant in relation to a person who is at least 14 but under 18 can be issued only if the Attorney-General is satisfied that it is likely that the person will commit, is committing or has committed a terrorism offence. (Extension of time granted)

Members opposite have painted a picture of children disappearing off the streets without their parents’ knowledge. They are perfectly aware that this is never going to be the case. Young people will have a guaranteed right of access to a lawyer, parent, guardian or other representative, the Inspector-General of Intelligence and Security, and the Commonwealth Ombudsman. A young person subject to a warrant will be able to be questioned only in the presence of a parent, guardian or another representative and may not be questioned for more than two hours without a break. If a person who appears before a prescribed authority is, in the opinion of the prescribed authority, at least 14 years old but under 18 years old, the prescribed authority must ensure that the young person is afforded all of their rights. As with lawyers, special rules have been developed to ensure that sensitive information is not disclosed without authorisation and that the interview process is not unduly interrupted.

Recommendation 7 is that the bill be amended to provide for the development of protocols that would govern the custody, detention and interview process and that the legislation not commence until the protocols are in place. The amendments set out the process by which a written statement dealing with the custody, detention and interview of persons must be put in place. The written statement must be developed by the Director-General of Security in consultation with the Inspector-General of Intelligence and Security, the Commissioner of the Australian Federal Police and the President of the Administrative Appeals Tribunal. The statement must be approved by the Attorney-General, presented to each house of parliament and outlined in a briefing to the Parliamentary Joint Committee on ASIO, ASIS and DSD.

Making the commencement of the legislation contingent upon the creation of protocols is inappropriate. Commencement of legislation should not hinge on the completion of an administrative act. The government’s amendment has the same practical effect. A valid warrant will not be able to be issued unless written procedures dealing with
the custody, detention and interview of persons are in place. This is a more appropriate way of achieving the objective of the committee to have protocols for the detention and questioning of people.

In recommendation 12, the parliamentary joint committee recommended that the bill include a sunset clause so that it would automatically terminate after three years. In the government’s view, there is no justification for the bill to be subject to a sunset clause. The international and domestic security environment has changed forever, and we cannot say for certain at what point in time, if any, the provisions of the bill will no longer be necessary. International experts on terrorism, such as Matthew Devost, the President of the Terrorism Research Centre, remind us that we must avoid complacency. In a recent appearance on the Sunday Sunrise program, Mr Devost noted that terrorists have time on their side. They can be patient and wait until the circumstances are right for a terrorist attack. It is simply not possible to say that in three years time ASIO will no longer need an enhanced intelligence-gathering capacity.

Terrorists are not going to just give up and the threat is not going to go away. Just because terrorists have not acted in the past year does not mean that they lack the capability or the intent to do so. The best way to prevent the horror of a terrorist attack in Australia is to ensure that we do not allow the circumstances to exist in which a terrorist attack could succeed. We cannot become complacent after three years and expose ourselves to a higher level of risk. It is not appropriate to simply allow the legislation to automatically expire after some arbitrary time period. A preferable approach is to introduce a more formalised review process that would allow the legislation to be carefully considered in the absence of arbitrary time pressures. The amendment will require the Parliamentary Joint Committee on ASIO, ASIS and DSD to review the operation, effectiveness and implications of the amendments made by the Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002 as soon as possible after the third anniversary of the legislation receiving royal assent.

Recommendation 14 of the committee’s report was for the bill to be amended to provide the Inspector-General of Intelligence and Security with the power to suspend an interview under a warrant on the basis of noncompliance with the law or the occurrence of an impropriety. The committee further recommended that the inspector-general should immediately report the nature of such cases to the committee. The government has not accepted this recommendation. It would be inconsistent with the roles of the inspector-general and the prescribed authority to allow the inspector-general to suspend an interview. The prescribed authority is there to ensure that the interview is conducted appropriately and that the subject of the warrant is afforded his or her rights. However, the government proposes an alternative amendment to implement the substance of the committee’s recommendation. The inspector-general will be able to inform the prescribed authority (Extension of time granted) and the director-general of any concerns he or she may have about impropriety or illegality in connection with the exercise of powers under a warrant.

Where the inspector-general informs the prescribed authority of such a concern, the prescribed authority must consider the inspector-general’s concern and may give a direction deferring the questioning of the person or the exercise of any other power until satisfied that the inspector-general’s concern has been satisfactorily addressed. In the event that the inspector-general expresses a concern about impropriety or illegality, the Director-General of Security must furnish the inspector-general with a statement describing any action the director-general has taken as a result of being informed about the concern.

There are a number of additional minor government amendments to the bill. Clause 2 and schedule 1 to the bill are amended to simplify the commencement of the bill. An amendment deals with High Court and Federal Court rules and another deals with the jurisdiction of state and territory supreme
courts. I commend the amendments to the House.

Mr MELHAM (Banks) (10.29 p.m.)—Labor will not oppose the government’s amendments to the Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002 during the consideration in detail stage. As I indicated in my speech on the second reading, these amendments go some way towards giving effect to recommendations by the Parliamentary Joint Committee on ASIO, ASIS and DSD, but they do not go anywhere near far enough, and they do not address Labor’s fundamental concerns about this extraordinary piece of legislation. I will return to this point in my speech on the third reading, where I will also take the opportunity to respond to some remarks of the Attorney-General, including his somewhat intemperate essay in the Australian newspaper today.

ADJOURNMENT

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

That the House do now adjourn.

Ferguson, Mr Jack

Mr MELHAM (Banks) (10.30 p.m.)—Today I attended the mass of thanksgiving for Jack Ferguson. It was a moving service. Much has been said and written about the life of Jack Ferguson. Tonight, I want to share with the House some personal reflections. I joined the ALP because of the vision of Gough Whitlam. Within the ALP, I joined the Left in New South Wales because of Jack Ferguson and his family.

In particular, I remember my first associations with both Laurie and Martin in Young Labor. They always maintained principled positions within the ALP. It was not hard to support the Fergusons and what they stood for, both within the ALP and in terms of the people whom they fought for and represented. Jack never forgot his roots. Rodney Cavalier reminded me today that the last official ALP function that Jack Ferguson attended was a garden party in Bowral, at Rodney’s home. It was a fundraiser for the Southern Highlands branch of the ALP. Neville Wran was the guest speaker and I was fortunate to have been there. Jack Ferguson and Neville Wran were a dynamic duo and were unbeaten in three successive elections.

The experiences that I had with Jack gave me an insight into what a marvellous human being he was. I marvelled at Jack’s ability to communicate with people from all walks of life. He enjoyed a beer and a pie with the battlers in the leger and the paddock. I watched him telling stories in the committee rooms of the Australian Jockey Club at Randwick. He had a remarkable memory for detail, he never forgot a face and was good with names. The memories that I have are similar to those of any son being taken out for the day by his dad. Jack and I liked going to the races. I feel privileged to have experienced that side of Jack. I would then deliver him home to his wonderful wife, Mary, and would delight in the wonderful family atmosphere of the Ferguson home.

Even though you have gone from us, Jack, rest assured you are with me every day of my life. I extend my deepest sympathy and condolences to Jack’s wife, Mary—I know that her faith sustains her at this time—and to Jack’s children, Laurie, Martin, Deborah, Andrew and Jennifer, and to the rest of the Ferguson family.

Honourable members—Hear, hear!

Environment: Sustainable Development

Mr PYNE (Sturt) (10.34 p.m.)—This evening I would like to take the opportunity to comment on the government’s approach to sustainable development. Maintaining sustainable development is an ongoing challenge for all nations, including Australia. Tackling this issue is of continual concern to Australia, and implementing the principles of sustainable development has been carried out through a range of constructive approaches since the first Earth Summit in 1992. Australia is moving in a positive direction on this issue. The Australian assessment report of the World Summit on Sustainable Development concluded that Australia does have the necessary processes in place to achieve our targets on sustainable development, despite our opposition to ratifying the Kyoto protocol.
Each country is faced with differing circumstances that guide the way in which they approach sustainable development, and Australia is no exception. We, as an island nation, are concerned with the responsibility of three oceans and of a large and important industrial business sector. We have a unique responsibility to ourselves and to close Pacific island nations to protect and sustain an extensive marine and land environment. The issue of sustainability is one that concerns us internationally, and the government is sensitive to the delicate environmental habitats of its close island nations. We continue to support these island nations financially by assisting them in achieving sustainable development economically and socially.

We are also including all the stakeholders domestically. This is particularly apparent in Australia through Agenda 21 and the National Strategy for Ecologically Sustainable Development. If members are interested, then I would urge them to look at programs such as WasteWise, Coastcare, Waterwatch Australia and the Greenhouse Challenge. Each one of these programs demonstrates this government’s long-term dedication to sustainable development. Sustainable development requires the assistance of not only federal government but also specific stakeholders and the community as a whole. Governments at federal, state and territory levels must act in coordination with one another on sustainable development if we are to be successful in securing natural habitats and heritage for future generations.

The Sydney Harbour Federation Trust Act 2001 and the Lake Eyre Basin Intergovernmental Agreement Act 2001 have been created with specific reference to the objectives and principles of sustainable development. It is important that this coordinated approach continue. Analysis is showing that sustainable development is possible without ratification of the Kyoto protocol. Australia has in place a number of mechanisms for measuring, monitoring and, importantly, supporting our national progress towards sustainability. Taking what we have achieved to date and what we stand to achieve, it must be recognised that sustainable development is an ongoing process well past 2012. We as a government and the Australian community must continually look to improve on our efforts.

Finally, as the Minister for the Environment and Heritage implied in the Financial Review on 16 August 2002, our industries will no doubt require further government support to reach their commitments in this area in the time frame stipulated by the Kyoto protocol. I support this, as it will put the infrastructure in place to drive us further forward towards our goals. The Earth Summit that occurred recently in Johannesburg comes as a timely reminder to all of us that sustainable development remains a significant challenge. It serves as a timely reminder to Australia that we now have an opportunity to refocus our efforts in confronting these challenges and demonstrate our resolve to achieve them.

Military Detention

Ms JACKSON (Hasluck) (10.38 p.m.)—During World War I thousands of Dalmatians living in Western Australia were interned on Rottnest Island for the duration of the war. The Dalmatians—or Austrian Slavs, as they are sometimes referred to—originated from the Dalmatian coast in Croatia, which in 1914 was considered part of the Austrian Empire. When war broke out in Europe in 1914 Austria was deemed to be on the side of the Germans, and thus an enemy of the British Empire and Australia. Subsequently, the Dalmatians’ association with the Austrian Empire ensured that they came under suspicion from the authorities, and it was not long before thousands of men were interned at Rottnest.

The conditions of their confinement were far from comfortable and during this period many families were torn apart. Fathers, brothers and sons were rounded up and sent to the prisoner of war camp at Rottnest, while mothers, wives and children were left to fend for themselves. Many of those interned at Rottnest were later transferred to the internment camps at Liverpool in New South Wales. At the end of the war they were deported to Yugoslavia instead of being allowed to reunite with their families.

You can only imagine what kind of effect this experience had on the Western Austra-
lian Dalmatian families of the early 1900s. I have spoken to some of the relatives and descendants of those interned Dalmatians, and all they want is for this part of Australia’s history to be recognised. They are saddened that this important part of their family’s history has not been widely acknowledged in the Australian community, and they want the injustice suffered by their ancestors brought out into the open.

What makes this passage of history particularly unjust is that many of these Dalmatian families were pioneers of Western Australia. Austrian Slavs had been arriving in Western Australia during the 1850s, notably in the goldfields of Kalgoorlie, where they were employed in mining and pastoral jobs. Often low paid and working in dangerous conditions, these people helped to lay the foundations for a sustainable Western Australian economy. These migrants had arrived in Australia with few possessions, seeking a new life. Most workers and their families were illiterate and worked hard for the little that they had.

By the time war broke out, these families had become settled in their new, adopted country. More importantly, most had little or no allegiance to Germany, despite their tenuous connection to the country via the Austrian Empire. So these families, who considered Western Australia to be their home, were being subjected to separation—and, for some, internment—for the duration of the war due to an apparent association with Germany. This must have been a horrific experience for them, especially considering the fact that many members of the Dalmatian community were openly against the actions being undertaken by Germany.

In contrast to the treatment of those in Australia, Dalmatians living in New Zealand had become settled in their new, adopted country. More importantly, most had little or no allegiance to Germany, despite their tenuous connection to the country via the Austrian Empire. So these families, who considered Western Australia to be their home, were being subjected to separation—and, for some, internment—for the duration of the war due to an apparent association with Germany. This must have been a horrific experience for them, especially considering the fact that many members of the Dalmatian community were openly against the actions being undertaken by Germany.

In contrast to the treatment of those in Australia, Dalmatians living in New Zealand were only required to register with their local police station at regular intervals and were not interned at prisoner of war camps like their Australian cousins. There are a number of theories as to why Australian Dalmatians received such harsh treatment. The common assumption is that the social climate of the time played a part in the course of action being undertaken. Columnist Andre Malan recently wrote about this issue in the West Australian newspaper, where he stated:

There is little doubt that xenophobia and patriotic fervour played a big part in the treatment of the Dalmatians in Australia.

Mr Malan went on to say:

The episode left a lingering resentment that occasionally comes to the surface in the Slav community. They do not want compensation or any grand gestures, simply an acknowledgment of what happened.

There has been some historical work undertaken on this issue, particularly by the author Mary Stenning in her comprehensive work Austrian Slavs: Internment Camps of Australia’s World War I. However, acknowledgment of this history amongst the wider community is still lacking.

As a way of bringing this history out into the open, some members of the Slav community in my electorate of Hasluck have applied to the Rottnest Island Authority for a commemorative plaque to be placed on the sites where their ancestors were interned, so that the Western Australian community at least can become more aware of the history surrounding their community. I would urge the Rottnest Island Authority to consider seriously their request and play a part in easing the hurt and frustration felt by these members of the Western Australian community. I have also raised this matter recently with the Prime Minister, to whom I have written seeking his assistance to ensure that this important part of Australia’s history is told and not merely swept under the carpet. I look forward to his response and hope that the Commonwealth is able to offer some answers and acknowledgment to the Australian Dalmatian community.

Queensland: Law and Justice

Mr DUTTON (Dickson) (10.43 p.m.)—Tonight I want to speak to the House in relation to an undermining of public confidence in the law and order process in Queensland. It is a process that is multifaceted, and I want to discuss a couple of those issues tonight which, in particular, are of great concern to the people of Dickson. Recently, there has been a considerable amount of media speculation in relation to the Chief Magistrate in Queensland, a person by the name of Di Fin-
ingleton. Ms Fingleton was an appointment of the Beattie government; in fact, an appointment under the former Attorney-General, Matt Foley. It was a political appointment in every sense of the word, and the people of Queensland have suffered ever since.

The appointment of Ms Fingleton to the position of Chief Magistrate in Queensland has to a great extent undermined public confidence in the law and order process in Queensland. It is an issue which is—

Mr Melham—Mr Speaker, I rise on a point of order. I know that the member for Dickson is a new member, but I believe he is very much in breach of the standing orders in regard to the matters that he is raising and I draw that your attention.

The SPEAKER—As the member for Banks would have noted, I was in fact drawing forward myself to caution the member about any reflections on the judiciary in any critical comments that he may make. I will listen carefully to his remarks.

Mr DUTTON—My concern, Mr Speaker, goes to the Beattie government and what seems to be a determination to undermine public confidence in the law and order process in Queensland. The second concern I raise is in relation to the conduct of the CMC, the Crime and Misconduct Commission, within Queensland. There has also been media speculation in relation to this matter and a fair amount of speculation from both the members of the legal fraternity and law and order establishments within Queensland that the CMC, through some deliberate process operated by the Beattie government, seems to lack the political will to investigate claims of corruption within the Queensland public service.

There are a number of issues at the moment which are of considerable concern to the people of Queensland which have not been properly investigated by the CMC. It is not just a question of a lack of funding by the Beattie government but it seems to be a deliberate policy adopted by the Beattie government to steer the CMC away from investigations that they should properly be carrying out. This whole process is being overseen, if not adopted, by the Attorney-General in Queensland. The Attorney-General has obviously had some media attention in relation to these and other matters in recent weeks.

My concern is that we are embarking down a track in Queensland where we may see a return to the bad old days when corruption, particularly within the Public Service, was at the fore. I think that the people of Queensland deserve more from their state government. They are not receiving leadership from the Attorney-General in Queensland and certainly not from Premier Beattie, who paints himself to be the great defender of the common cause but who has a lot to answer for. If this problem is not addressed by the Queensland government as a matter of haste then I think the people of Queensland should be calling the Beattie government to account.

Greenway Electorate: Blacktown Migrant Resource Centre

Mr MOSSFIELD (Greenway) (10.48 p.m.)—I rise tonight to inform the House of an organisation in my electorate that is doing an outstanding job of helping the local community. I speak of the Blacktown Migrant Resource Centre, which was established in 1984 and has since that time helped literally hundreds and thousands of people from the migrant community in Western Sydney. Their mission statement is to promote and assist the development of a multicultural society through ensuring equal access, opportunity and participation for all migrants and refugees. They do an outstanding job of living up to that mission statement.

In Greenway there are over 150 ethnic groups. Over a quarter of the population was born outside Australia, so you can see how vital the work is. Last financial year alone the migrant resource centre saw over 11,700 people face to face, dealt with a further 9,500 clients over the phone and held 48 information sessions on a range of different topics. Seventy-one different groups utilised the centre’s resources and the centre’s resources are as diverse as our community itself: the Italian women’s fellowship, the Maltese welfare group, the Baha’i com-
community of Blacktown, the Blacktown Chinese fellowship, the Sydney Australian Filipino citizens, the Serbian citizens group, the united Australian Egyptian community and the Sri Lanka Arts Council of Australia, to name but a few. All these, and more, are provided for through the centre’s core funded positions—a remarkable achievement. But as the advertising man once said, ‘But wait, there’s more.’

On top of the core funding work there is the community settlement services program that assists emerging communities in the process of settlement. Australia has a history of migrant settlement and some communities who have been here for many years are firmly established, like the Greeks, Italians and many others, for example. They have strong local networks and well-established lines of communication with members of their community. Recent arrivals have the support mechanisms they need within easy reach. The emerging communities are groups that are much more recent and do not have the established networks within the community. At the Blacktown Migrant Resource Centre the emerging communities include the Ghanaian and West African communities, the Sudanese community and the Tamil community. People from these areas have been arriving in small but steady numbers over recent years and their communities add to the diversity and richness of Australian culture.

The culture shock upon arrival is huge, particularly arrivals from an area such as West Africa, as members can imagine. Without the established community networks that the older cultures have, the BMRC and its CSS program are vital to ensuring that members of these communities gain the support that they need. There are many other programs that the Blacktown Migrant Resource Centre run. Some are state funded, others federally funded, and all with the aim of living up to the mission statement I spoke of at the beginning of my speech.

The Blacktown Migrant Resource Centre has already had to move once because it outgrew its initial premises. The centre recently asked for extra funding to expand into adjoining office space in their current location but the department denied the funding request. As more and more people settle in Blacktown, one of the fastest growing areas of Sydney, the workload at the BMRC will only increase. The centre is a vital and integral part of our community. Irene Ross, the centre’s coordinator, and her team of dedicated staff should be congratulated on the marvellous job that they are doing. I look forward to working with them long into the future and helping to create the wonderful, diverse and rich multicultural society that many Australians both new and old wish to build.

My speech tonight is designed to strengthen the services that are available to new migrants in Australia. It is not only the people from the emerging African nations who need assistance but also many skilled migrants who come here with high qualifications who find themselves employed in education, business and in social security. These people need to be advised of the particular cultures that exist in Australia. Occasionally language and general terminology create friction between people from different ethnic backgrounds. Organisations such as the migrant resource centres combine the range of services that new arrivals in this country need to fit into Australian culture.

**Cowper Electorate: Coffs Harbour**

Radiotherapy Unit

Mr HARTSLUKER (Cowper) (10.53 p.m.)—Cancer is one of the most hideous diseases which medical science is attempting to cure. The suffering of cancer patients is a subject of great concern in our community. Most of us are touched in some way by cancer. Most of us know someone who has been diagnosed with cancer—a friend, a relative or a neighbour. Whilst all patients suffer, patients in regional and rural Australia have the added emotional and financial burden of travelling long distances to gain treatment. They not only have to face the challenges which cancer provides but also have to do that in isolation, without the support of family and friends.

I welcome the release of the Baume report entitled *A vision for radiotherapy*, which provides a review of the current position with regard to radiotherapy and provides
details of the action required to improve the quality of life for cancer sufferers. There is an urgent and compelling need for the provision of a radiotherapy unit on the North Coast of New South Wales, and I am pleased to see that this has been recognised in this report. The report states that action must be taken to improve the availability of radiotherapy to patients living in rural and regional Australia through outreach services and better reimbursement of travel and accommodation expenses. There is a need to increase the number of regional and rural facilities. The report notes that the need on the North Coast of New South Wales appears immediate.

The residents of the electorate of Cowper, which I represent, know all too well the difficulties faced by cancer patients who have to drive for hours to obtain treatment. I know the people of my electorate welcomed the announcement in the federal budget of funding of $72.7 million over four years to fund up to six radio-oncology centres in regional and rural areas. The provision of a radio-oncology facility in Coffs Harbour is vital to my electorate and the neighbouring electorates. There is widespread community support for this unit. In Coffs Harbour a radiotherapy steering committee has been established. There is a need on the Mid North Coast of New South Wales for a radio-oncology unit to be located in Coffs Harbour. The committee have on the table an offer of land and substantial financial support for the provision of a radio-oncology facility for our region. My office has received many letters of support for a facility in Coffs Harbour, which have been passed on to the Minister for Health and Ageing, Senator Patterson. The citizens of Coffs Harbour and the surrounding areas have secured over 21,750 signatures in support of a radio-oncology unit for Coffs Harbour. I understand that we have received another 100 signatures today. There is an urgent need on the Mid North Coast of New South Wales for a radio-oncology unit to be located in Coffs Harbour. Capital funds have been provided in the federal budget. There is enormous community support. Both the radiotherapy steering committee and I will be working very hard to secure this much needed facility for our region.

Social Welfare: Age Pensions

Mr MURPHY (Lowe) (10.56 p.m.)—Before parliament resumed last week I met with two of my more senior constituents who had recently lost their age pension due to the application of the government’s assets test. Not very long ago they paid $70,000 for a small property to use for family holidays. Following the boom in property values, particularly in New South Wales, their holiday shack was recently valued at $450,000. I would describe this couple as victims of this boom or, more accurately, victims of an age pension means test that is not taking this property boom into consideration. Unfortunately, their experience is not unique. I have a number of other constituents faced with this kind of assessment at a time in their lives when they should be being rewarded for their commitment to Australia.

In my view, the government is getting it horribly wrong when age pensioners who have worked hard, paid taxes and purchased a cabin for simple family holidays suddenly have their entire pension ripped away. We all know the assets test is necessary to ensure a fair social security system. However, the government is failing age pensioners in my electorate of Lowe—indeed, across Australia—when a couple with what I stress is a holiday shack lose their pension because of Sydney’s overvalued property prices while at the same time couples with $1 million in...
assets can still get the full age pension because no assets test applies to money put into a complying private pension or annuity.

I refer the Minister for Family and Community Services to my question No. 920, which is outstanding on the Notice Paper since last Monday, which draws attention to this very issue that I am raising again tonight. I call on the government to undertake as a matter of urgency a review of the assets test as it applies to property. Age pensioners deserve a lot better than the callous disregard the government seems to reserve for the most vulnerable in our community.

Question agreed to.

House adjourned at 10.59 p.m.

NOTICES

The following notices were given:

Ms Ellis to move:

Mr McClelland to present a bill for an act to amend the Workplace Relations Act 1996, and for related purposes.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Aviation: Sydney (Kingsford Smith) Airport

(Question No. 383)

Mr Murphy asked the Minister for Transport and Regional Services, upon notice, on 16 May 2002:

1. Further to the answer to part (4) of question No. 33 (Hansard, 14 May 2002, page 2028) what is his authority for his response that a small number of persons have been abusing the free call facility by lodging hundreds of calls each month.

2. Where do these complainants live.

3. What independent and objective investigation has he undertaken to satisfy himself of the veracity of the alleged other members of the public who have objected to this behaviour as they believe it can give a distorted picture of how the noise is actually distributed between the suburbs.

4. Where do these other members of the public live.

5. Are these other members of the public members of the Liberal Party.

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

1. and (2) Noise complaint data for Sydney Airport is published by Airservices Australia in the monthly Sydney Airport Operational Statistics report which can be viewed on the Airservices Australia website at http://www.airservices.gov.au/mediainfo/index.htm. This report provides a breakdown of the complaints by suburb and by number of complainants and is provided to the members of the Sydney Airport Community Forum (SACF) each month. The data in the reports shows that particularly prior to the change in the noise enquiry telephone number in late 2001 a relatively small number of people were lodging very high numbers of complaints.

2. At the 31st meeting of SACF held on 14 August 2001 members discussed the Noise Enquiry Unit and the skew that occurs in the statistics when individual callers make many calls in a month. I am advised that an example was cited of one caller making 600 calls in a month.

3. The members of SACF live in a number of suburbs to the north, south, east and west of Sydney Airport.

4. I am not aware of the political affiliations of all the members of SACF.

Foreign Affairs: Israeli Defence Force

(Question No. 483)

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

1. Has his attention been drawn to the report in the Australian Jewish News of 31 May 2002 that Australians are being recruited to work with the Israeli army; if so (a) is he able to say whether Australians are being recruited to work with the Israeli army and (b) has he ascertained who is recruiting Australians for the Israeli army?

2. Is he also able to say whether this recruitment is in breach of the Crimes (Foreign Incursions and Recruitment) Act 1978; if so, what action has he taken to enforce the law?

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

1. Items in the Australian Jewish News regarding the recruitment of Australian citizens to Israel for the purposes of military training and for recruitment to the Israeli army have been drawn to my attention.

   I am also aware of the report in the Herald-Sun that the Head of the General Palestinian Delegation has passed to the Australian Federal Police (AFP) a list of names of Australians who have allegedly served in the Israeli Defence Forces.

   However, I am advised by the AFP that, based on their investigations, there is no evidence to support suggestions that Australians are being recruited into the Israeli Military Service.

2. It is not appropriate for me to answer this question as it is not the purpose of Questions on Notice to provide legal advice.
FOREIGN AFFAIRS: ISRAELI DEFENCE FORCE

(Question No. 535)

Mrs Irwin asked the Attorney-General, upon notice, on 18 June 2002:

1. Is he aware of recent claims that a number of Australian citizens or permanent residents have travelled to Israel to work with the Israeli army?

2. What are the provisions of the Crimes (Foreign Incursions and Recruitment) Act concerning the recruitment of Australian citizens to serve with an armed force in a foreign state?

3. Has he or any of his officers opened an investigation into claims that Australian citizens or permanent residents have been recruited to work with Israeli army units; if not, why not.

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

1. I am aware of some of the recent claims that a number of Australian citizens or permanent residents have travelled to Israel to work with the Israeli army. Items in the Australian Jewish News regarding the recruitment of Australian citizens to Israel for the purposes of military training and for recruitment to the Israeli army have been drawn to my attention.

I am also aware of the report in the Herald-Sun that the Head of the General Palestinian Delegation has passed to the Australian Federal Police a list of names of Australians who have allegedly served in the Israeli Defence Forces.

2. It is not appropriate for me to answer this question as it is not the purpose of Questions on Notice to provide legal advice.

3. I have not, nor have any of my officers, opened an investigation into claims that Australian citizens or permanent residents have been recruited to serve with an armed force in a foreign state. Any breach of Australian law is a matter for the Australian Federal Police. It would be inappropriate for me to comment on specific investigations or actions taken to enforce the law.

However, I am advised that the Australian Federal Police (AFP) received correspondence alleging that Australian nationals were being recruited into the Israeli Military Service. The AFP has completed an investigation and has advised that there is no evidence to support the claim that this recruitment of Australian nationals has occurred.

AVIATION: SYDNEY (KINGSFORD SMITH) AIRPORT

(Question No. 607)

Mr Murphy asked the Minister for Transport and Regional Services, upon notice, on 26 June 2002:

1. Has his attention been drawn to an article titled Noise Targets missed Northern suburbs still bear aircraft brunt in the 24 June 2002 edition of the Daily Telegraph by Tory Maguire.

2. Were 26.3% of take-offs and landings in the north sector in May 2002.

3. Is he able to say whether the new Sydney Airport Community Forum (SACF) chairperson, Senator the Hon Marise Payne, said (a) she would look for new ways to meet the targets, (b) she would like to see SACF, Airservices Australia and other stakeholders keep striving to meet the targets and (c) that the disparity is a result of the safety imperatives, including pilots concerns about crosswind dangers using the east-west runway at times, and requirements for minimum spacing of aircraft.

4. What is the relevance of pilot concern with respect to use of the east-west runway and why is concern a criterion for non-use of the east and west approaches and departures to and from Sydney Airport when there is no scientific or reasonable basis to hold such concern.

5. Is it safe to use east and west aircraft arrival and departure modes under the operational parameters for aircraft movements at Sydney Airport; if so, should those modes be used in fulfilling the Governments LTOP targets.

6. What are the safety criteria upon which use of a particular runway mode is assessed.

7. Which take-off and landing modes are relevant modes for east and west arrivals and departures for Sydney Airport.

8. What minimum operational limits in terms of aircraft safety are required for the safe use of the modes referred to in part (7).
(9) Were these minimum operational limits in terms of aircraft safety known to the then Minister for Transport and Regional Services when the former Minister exercised his power to make his Ministerial Direction which brought the Long Term Operating Plan (LTOP) into effect; if so, will he provide the technical data and scientific information relied upon by the former Minister to determine the operational factors for the use of the east-west runway at Sydney Airport.

(10) In light of the SACF Chairpersons media comments, can the LTOP targets for total aircraft movements to the north, east and west of Sydney Airport ever be achieved in light of prevailing meteorological and other environmental factors; if so, when and how will those targets be achieved.

(11) Are the LTOP targets reasonable in light of the scientific data relied upon at the time the LTOP was made; if so, why is it that the LTOP targets have never been achieved in the history of its implementation.

(12) Why does the LTOP continue to be asserted as the answer to Sydney Airports aircraft noise problems, when the people residing to the north of the airport, especially those residents living in the electoral division of Lowe, continue to have their noise sharing and respite hopes dashed by perpetually unmet LTOP targets.

(13) Were there 69 complaints from six households in Summer Hill during May 2002.

(14) Is the new complaints line for aircraft noise now a toll line; if so, will the imposition of a fee inhibit the number of complaints about aircraft noise.

(15) Was the number of complaints in May 2001 from Summer Hill and Ashfield 539 and 636, respectively.

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

(1) Yes.

(2) Yes.

(3) Yes. I understand that Senator Marise Payne provided comments on LTOP to that effect to Tory Maguire of Daily Telegraph which were quoted in the newspaper article “Noise targets missed. Northern suburbs still bear the aircraft brunt” of 24 June 2002.

(4) The relevance of any pilot concern is that, in considering use of the east-west runway or any other runway when it is nominated by ATC, the pilot needs to take account of particular factors relevant to that flight including maximum crosswind/downwind component. Such criteria are set by CASA or the company based on detailed consideration of aircraft operating parameters. By and large, pilots accept the runway as nominated, but on infrequent occasions they may need to use another runway.

(5) Yes, subject to the safety criteria provided in part (6) and the view of the pilot as detailed in part (4); the east and west aircraft arrival and departure modes are currently used as part of LTOP.

(6) The safety criteria upon which use of a particular mode is assessed is maximum permissible crosswind and/or downwind in existence and operational complexity introduced to the air traffic system.

(7) The relevant take-off and landing modes are as follows:

Modes 5, 7, 12, 13 and 14A.

(8) The following maximum crosswind/downwind components apply to ATC nominated runways at Sydney airport:

DRY RUNWAYS
- Maximum crosswind 20kts
- Maximum downwind 5kts

WET RUNWAYS
- Maximum crosswind 15kts
- Maximum downwind 5kts

Additionally, for jet arrivals ATC will not nominate runways other than RUNWAY 16R or 34L when the runways are wet with a downwind component.

(9) At the time the former Minister made his Ministerial Direction on the Long Term Operating Plan for Sydney Airport in July 1997 the maximum crosswind limit published in the Aeronautical Information Publication (AIP) was 25 knots. Following concerns raised by the International Federation of Airline Pilots Association (IFALPA) the limits were changed to those in my answer to question 8 in December 2000.
(10) to (12) I have dealt with these matters exhaustively in response to questions previously asked by the Honourable member.

(13) There were 69 complaints from 6 complainants in Summer Hill during May 2002.
(14) I refer the honourable member to the answer to part (4) of question No. 33.
(15) There were 539 complaints from 10 complainants in Summer Hill and 317 complaints from 8 complainants in Ashfield during May 2001.

Aviation: Sydney (Kingsford Smith) Airport
(Question No. 609)

Mr Murphy asked the Minister for Transport and Regional Services, upon notice, on 26 June 2002:

(1) What is the total cost to date of the Precision Runway Monitor (PRM) System project for Sydney Airport?
(2) Have the annual delay savings expected from the commissioning of the PRM project north of Sydney Airport been calculated over the forthcoming 5 and 10 years, respectively; if not, why not; if so, what are the resulting figures?
(3) What did the inquiry into the PRM project north of Sydney Airport cost?

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

Airservices Australia has advised the following.

(1) The cost of the Precision Runway Monitor (PRM) System for Sydney Airport has been estimated at around $18m.
(2) No. Airservices advise that it has not calculated the annual delay savings over the forthcoming 5 and 10 years. However, in section 6.5.2 of the ‘Report of the Commission of Inquiry into a Precision Runway Monitor for Sydney Airport’ of April 2000 by Dr D F McMichael, the airlines provide some estimates of fuel savings.
(3) Airservices’ consultancy costs for the Commission of Inquiry into the Precision Runway Monitoring project north of Sydney Kingsford Smith Airport were $270,412.00. These costs were incurred solely in relation to the Inquiry, which was run by Environment Australia.

Aviation: Sydney (Kingsford Smith) Airport
(Question No. 610)

Mr Murphy asked the Minister for Transport and Regional Services, upon notice, on 26 June 2002:

(1) Did the Third Runway Environmental Impact Statement (EIS) cover impacts of aircraft movements at Sydney Airport not exceeding 303,900 aircraft movements per annum.
(2) Has a cost-benefit analysis for expansion of Sydney Airport or a Sydney region multiple airport system been conducted; if so, when; if not, why not.
(3) Does the 2001 Sydney Airports Corporation Limited annual report state that aircraft movements at Sydney Airport totalled 317,339, and in 2000 aircraft movements totalled 293,110.
(4) During 2001, did the total annual movements at Sydney Airport exceed the number of movements assessed in the Third Runway EIS.
(5) Was the most recent EIS for Sydney Airport rendered obsolete when traffic at the airport exceeded 303,900 movements sometime prior to June 2001.
(6) Has Sydney Airport no formal environmental assessment of current or future impacts.
(7) Has he forfeited the ability to prevent Sydney Airport from reverting to almost 100% parallel runway usage by failing to maintain political control of the airport.
(8) Is it a fact that he or any future Minister for a relevant portfolio cannot guarantee that relevant laws will never be amended or repealed during the 99 year lease for Sydney Airport.
(9) Is it also a fact that the Long Term Operating Plan (LTOP) cannot be sustained for an indefinite period because (a) the only air traffic modes that enable Sydney Airport to reach 80 movements per hour are those modes that revert to parallel runway operations and (b) in reaching an 80 air-
craft movements per hour, only parallel runway use can be expected when the airport approaches that ultimate capacity.

(10) If he allows Sydney Airport to reach the ultimate capacity of 80 movements per hour over 17 hours, will Sydney residents, especially those to the north of the airport, be exposed to the noise impacts of parallel runway operations at Sydney Airport every day, that is, approximately 700 landings per day and 700 take offs per day.

(11) What was the percentage of non-jet movements which formed part of the 303,900 movements covered by the Third Runway EIS.

(12) Did each issue of the Briefing Notes on Sydney Airport make the assumption that approximately 40% of the movements at the airport are by non jet aircraft.

(13) Did the road show video for the LTOP state that 40% of the aircraft will be propeller aircraft and thus take a different path to jet aircraft

(14) Has the real percentage now fallen to approximately 35 per cent; if not, what is the current actual percentage.

(15) Is the Third Runway EIS the most recent formal environmental impact statement that has been prepared for Sydney Airport; if not, (a) what is the name of the most recent formal EIS for Sydney Airport and (b) where may a copy of this EIS be obtained.

(16) Did regional and general aviation traffic movements at Sydney Airport fall from 113,235 (38.36 per cent of total movements) in 2000 to 109,024 (34.36 per cent of total movements) in 2001; if not, what are the correct total movements.

(17) How many non-jet aircraft movements were there at Sydney Airport during the Sydney Airport Corporations reporting years of 2000 and 2001.

(18) What percentage of aircraft movements classified as domestic at Sydney Airport during the Sydney Airport Corporations reporting years 2000 and 2001 were non-jet movements.

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

(1) to (4), (5) and (11) The Third Runway Environmental Impact Statement was prepared for a specific project and operational assumptions contained within it have been superseded by subsequent Government decisions and policy measures.

(2) No. There has been no requirement to undertake such an analysis.

(3) Yes.

(6) and (15) In relation to aircraft operations, an environmental impact assessment of the Long Term Operating Plan was completed in 1997 and a Commission of Inquiry into a Precision Runway Monitor for Sydney Airport was completed in 2000. These processes were carried out in accordance with the provisions of the Environment Protection (Impact of Proposals) Act 1974.

(7) Sydney Airport remains subject to the same regulatory regime that existed prior to privatisation.

(8) Yes. A Government cannot bind the actions of a future Government.

(9) (10) and (13) I have dealt with these matters exhaustively in response to questions previously asked by the Honourable Member.

(12) Yes.

(14) The current percentage of propeller driven aircraft is 37 per cent.

(16) Yes. These are the figures published in the Sydney Airports Corporation Limited 2001 Annual Report.


(18) Aviation statistics compiled by the Bureau of Transport and Regional Economics indicate that for the year 1999-00, 47.4 per cent of domestic and regional scheduled regular public transport airline aircraft movements at Sydney Airport were non-jet aircraft movements. The equivalent figure for the year 2000-01 was 44.3 per cent.

Aviation: Sydney (Kingsford Smith) Airport

(Question No. 611)

Mr Murphy asked the Minister for Transport and Regional Services, upon notice, on 26 June 2002:
Further to the answer to question No. 16 (Hansard, 14 May 2002, page 2027), is it his understanding that the Sydney Airport Community Forum (SACF) believes that the Long Term Operating Plan (LTOP) is fully implemented; if not, what is his understanding of SACF’s current view of the LTOP in terms of its current stage of development.

(2) In light of the announcement made on 25 June 2002 that the new airport lessee and successful bidder is Southern Cross Consortium at a price of $5.588 billion, has he fulfilled his predecessors repeated promises that Sydney Airport would not be sold until that airports aircraft noise problems have been solved.

(3) What provisions within the sale of Sydney Airport to Southern Cross compel that airport lessee company to comply with State environmental laws, in particular, laws, by-laws, codes, policies and other instruments which govern noise pollution, air quality and traffic levels emanating in, to, from or otherwise related to that airport.

(4) If no provisions exist, when will those provisions be made; if it is not intended to make such provisions, why not.

(5) Is the airport railway still under-performing in relation to original predictions of airport passenger traffic.

(6) What percentage of the estimated 4,250 passengers per day who currently use the railway train are actually travelling to and from the airport.

(7) Was the original prediction for the train to handle approximately 8% of all airport passengers.

(8) Is it world best practice for approximately 40% of all airport passengers to travel by public transport to and from an airport.

(9) Do the new owners of Sydney Airport, Southern Cross Consortium, have a conflict of interest in that other related interests such as Infrastructure Trust Australia and its subsidiary owners of feeder motorways such as the Airport Motorway and the M5 Motorway, may demand financial compensation should the airport train take business away from the motorways in future.

(10) Is he able to guarantee that (a) State laws, by-laws and other instruments governing air quality and (b) world’s best practice in environmental management of Sydney Airport, will be complied with.

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

(1) and (2) I have dealt with these matters exhaustively in response to questions previously asked by the Honourable Member.

(3) and (4) Under the Airport Lease Sydney Airports Corporation Limited is required to comply with all relevant Commonwealth, State and local government legislation relating to the airport site. The administration and enforcement of State environmental laws in NSW is the responsibility of the NSW State Government.

(5) to (7) I would suggest the Honourable Member contact the operators of the railway or the NSW Department of Transport.

(8) Best practice ground transport to and from major airports requires that provision is made for all forms of public transport, including rail. The degree to which the community uses public transport depends on the relative speed, reliability, price, convenience, safety and comfort of the available public transport options.

(9) This is not a matter that falls under the purview of my portfolio.

(10) (a) See my answer to questions 3 and 4. (b) Sydney Airports Corporation Limited have publicly committed to world class environmental management.

Aviation: Sydney (Kingsford Smith) Airport

(Question No. 629)

Mr Murphy asked the Minister for Transport and Regional Services, upon notice, on 27 June 2002:

(1) Has his attention been drawn to an AAP report on 25 June 2002 titled Sydney Airport could see reduction in aircraft noise.
(2) Did he say that local residents should be reassured the Government had no intention of changing its noise policy and residents of Sydney could be confident that the sale of the airport will not change the Government’s noise policy in any way as it retains full regulatory control.

(3) Is it a fact that the Sydney Airport Long Term Operating Plan has failed to achieve its 17% target for sharing aircraft noise to the north of the airport since its introduction in 1997; if so, what action will be taken to reduce the levels of aircraft noise currently being experienced by residents of north of Sydney Airport, including those in the electoral divisions of Grayndler and Lowe.

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

(1) Yes.

(2) Yes.

(3) I have dealt with these matters exhaustively in response to questions previously asked by the honourable member.

Aviation: Sydney (Kingsford Smith) and Bankstown Airports
(Question No. 631)

Mr Murphy asked the Minister for Transport and Regional Services, upon notice, on 27 June 2002:

(1) Further to the answer to question No. 23 (Hansard, 14 May 2002, page 2030), what provisions, if any, has he made to prevent Bankstown Airport from attracting smaller, slower aircraft traffic from Sydney Airport, in order to comply with the various urban and rural policies and promises made by the Government and its agencies that non-jet aircraft movements at Sydney Airport will be maintained at levels of 40% of total movements.

(2) Has his attention been drawn to an article titled Prepare for landing, dated 15 August 2001, in the Australian Financial Review; if so, (a) has the Government given assurances that non-jet aircraft will not be forced out of Sydney Airport to Bankstown and other reliever airports and (b) is he aware of public fear that privatisation of Sydney Airport will lead to unprecedented and unpublicised future expansion of Sydney Airport by regional aircraft being forced by various means out of Sydney Airport.

(3) Were two runway extensions conducted at Bankstown Airport during 1996 and 1997, which extended the operational lengths of the 11C/29C and 18/36 runways by over 300m; if not, have other runway extensions been conducted at Bankstown Airport; if so, (a) when and (b) what are their lengths and other specifications.

(4) Did the middle parallel 11C/29C runway for Bankstown Airport have its pavement reconstructed and its operational length extended from 1111m to 1415m in 1996-97.

(5) Has his attention been drawn to an article by Ian Thomas titled Clearing for take-off in the Australian Financial Review of 7 August 1998, at page 33; if so, (a) is he able to confirm the existence of a Federal Airports Corporation discussion paper concerning a $5 million runway extension at Bankstown Airport and (b) will he provide a copy of the discussion paper to the public.

(6) Is he able to say whether during the 2001 Federal election the Hon John Fahey distributed a leaflet in the electoral division of Macarthur that suggested that if regional and other smaller flights were to divert to Bankstown then a second airport may not be required for decades to come.

(7) Is he aware of a meeting in 1998 involving Bankstown Councillor Ian Stromborg and the Federal Member for Banks, the Hon Daryl Melham, in which Bankstown Airport management discussed plans to extend a runway and build a new and enlarged terminal.

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

(1) and (2) I have repeatedly and publicly asserted the Government’s commitment to ensuring that regional airlines continue to enjoy access to Sydney (Kingsford Smith) Airport.

(3) and (4) There were no runway extensions carried out in 1996/97. In 1962 Runway 18/36 was 1018 metres in length. As funds became available the runway was gradually sealed to an operational length of 800 metres. Work on this runway was completed in 1996/97.
The 11/29 runway was originally 1460 metres in length. As funds became available the runway was gradually sealed to an operational length of 1415 metres. Work on this runway was completed in 1996/97.

It should be noted that the type and mix of aircraft traffic over the past 10 years at Bankstown Airport has not changed.

(5) Yes. (a) and (b) Departmental officers have attempted to locate such a document, however, as the date, title and other specific details of such a document have not been provided, this has not been possible.

(6) This is a matter for the Hon John Fahey.

(7) No.

**Immigration: Asylum Seekers**

(Question No. 641)

Ms Gillard asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 19 August 2002:

Has his attention been drawn to reports that tapes of interviews between departmental officials and asylum seekers are being sold to people smugglers and used to coach asylum seekers in the Middle East and Pakistan; if so, (a) has he investigated this matter; if so, what has he found and (b) how are the tapes made available for sale.

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

Yes, I am aware that some protection visa interview tapes are finding their way into the hands of people smugglers overseas and are being used to coach applicants to fabricate claims to achieve a favourable migration outcome.

(a) As soon as my Department became aware of the problem it was fully investigated. It was found to be part of a well-established scam which included a high degree of identity fraud. The people smugglers involved were also sending clients to visit towns and villages in places such as Afghanistan to assist clients to maintain both their false identities and the credibility of their bogus claims for asylum that they presented on arrival in Australia.

(b) Prior to this investigation it had been the practice of my Department to provide copies of protection visa interview tapes to applicants and/or their representatives. As a result of the investigation, my Department has implemented a range of strategies to minimise this abuse in the program. As part of that strategy, on January of this year I decided to cease the practice of providing copies of interview tapes to clients and their representatives.

**Immigration: Asylum Seekers**

(Question No. 653)

Ms Gillard asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 19 August 2002:

(1) Has $5.6 million been allocated in the 2002-2003 Budget to assist in the reception and administration of those successful asylum seekers processed offshore and subsequently provided temporary protection or humanitarian visas.

(2) What precisely is this allocated money for.

(3) Who, and how many people, will be brought to Australia from Nauru and Papua New Guinea.

(4) Will anyone who was on the MV Tampa be brought to Australia.

(5) What sum has been made available for the Regional Cooperation Agreement referred to in the Budget.

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

(1) The 2002-03 budget provided $1.4m a year over four years (see the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) Portfolio Budget Statements page 59) to assist in the reception and administration of those successful asylum seekers processed offshore and subsequently provided with temporary protection or humanitarian visas.
The funding reported in answer to part (1) comprises two components. The first component of $1.1m a year over four years is for reception in Australia and associated internal transfer costs for those asylum seekers who are brought to Australia under temporary protection or temporary humanitarian visas (TPVs and THVs). The second component of $0.3m per year over four years is to provide a living allowance for those released on TPVs or THVs until such time as they are able to receive benefits from Centrelink.

Australia has indicated it will take its fair share of refugees from Nauru and Papua New Guinea. 152 persons who have been found to be refugees are already in Australia and hold temporary humanitarian visas. My Department has given resettlement priority to refugees with immediate family links to Australia. The 152 resettled in Australia to date include 136 with immediate family members in Australia and an additional 16 refugees who were of particular humanitarian concern or for other reasons were assessed as requiring urgent resettlement.

The final number of people to be resettled in Australia will depend on the final number of persons found to be refugees (some review outcomes are still outstanding) and the level of resettlement by other countries.

The United Nations High Commissioner for Refugees (UNHCR) is responsible for processing the refugee claims of all but one asylum seeker from the MV Tampa caseload. To date, the UNHCR has not sought Australia’s assistance in resettling anyone from the MV Tampa. The single DIMIA processed case is currently under consideration for possible migration to Canada.

A total amount of $75.4m over four years has been made available in the 2002-03 DIMIA budget for the Regional Cooperation Agreement. There are two components to this funding. The first component of $4m a year over four years is to increase the capacity of Indonesia and other SE Asian countries to identify and disrupt illegal migration, including people smuggling. The second component of $14.4m a year over four years is to provide support to the UNHCR and the International Organisation for Migration (IOM) to process, accommodate and resettle asylum seekers who have been intercepted in countries of transit.

Aviation: Security
(7 Question No. 665)

Mr Murphy asked the Minister for Transport and Regional Services, upon notice, on 19 August 2002:

(1) In light of the recent US Government alerts issued through its Federal Aviation Administration to aircraft owners concerning possible terrorist attacks, have any similar alerts been issued in Australia in relation to security at our general aviation airports; if not, why not.

(2) Has security been upgraded at (a) Bankstown airport and (b) other general aviation airports in Australia; if so, what action has been taken; if not, why not.

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

(1) The Department of Transport and Regional Services has moved to alert Australian general aviation to the security issues raised by the September 11 attacks in the United States. The Department issued a general alert on 27 September 2001 addressing all airport, airline and aircraft operators and owners. This alert was distributed through the Australian Airports Association (AAA), as a Notice to Airmen (NOTAM) and through the Regional Airlines Association of Australia. A revised version of this alert was posted by Airservices Australia through the Aeronautical Information Service on 1 November 2001. Aeronautical Information Publication (AIP) Supplement H41/01 requested increased vigilance by all members of the industry. In particular, section 2.1 states ‘All members of the aviation industry, including general aviation, charter, crop duster, helicopter and local airport operators should be particularly vigilant…’.

(2) Bankstown airport and other general aviation airports in Australia have upgraded their security in a measured response to the security issues raised by the September 11 attacks. Bankstown airport has installed new gates around the perimeter of the aerodrome, completed a NSW Police Department risk assessment and has a NSW Police presence on-site. Measures at other general aviation airports across the country are proportional to their levels of risk.
Communications: Media Ownership
(Question No. 673)

Mr Murphy asked the Minister representing the Minister for Communications, Information Technology and the Arts, upon notice, on 19 August 2002:

(1) Further to paragraph 1 of the reply to part (2) of question No. 574 and paragraph 1 of the reply to part (5) of question No. 448, why would the removal, separately, of Australia’s foreign media ownership laws not encourage competition and ensure that diversity of opinion and information was maintained.

(2) Further to paragraph 2 of the reply to part (2) of question No. 574, paragraph 1 of the reply to part (5) of question No. 448, part (2) of the reply to question No. 566, paragraph 1 of the reply to parts (2) to (5) of question No. 447 and part (8) of the reply to question No. 446, can the Minister demonstrate that the removal, separately, of Australia’s foreign media ownership laws will limit the Australian media sector to an outdated structure; if so, how.

(3) Further to paragraph 2 of the reply to part (2) of question No. 574, paragraph 1 of the reply to part (5) of question No. 448, part (2) of the reply to question No. 566, paragraph 1 of the reply to parts (2) to (5) of question No. 447 and part (8) of the reply to question No. 446, how would the removal, separately, of Australia’s foreign media ownership laws limit (a) capacity for new media owners to enter Australia’s media market and (b) improved competition to Australia’s existing media proprietors who own and control newspapers, magazine, television stations and radio stations in Australia.

(4) Further to paragraph 2 of the reply to part (2) of question No. 574, paragraph 1 of the reply to part (5) of question No. 448, part (2) of the reply to question No. 566, paragraph 1 of the reply to parts (2) to (5) of question No. 447 and part (8) of the reply to question No. 446, why would potential new media owners, currently restricted by Australia’s foreign media ownership laws, not have the ability to respond to a rapidly evolving and converging international media environment, were Australia’s foreign media ownership laws, separately, removed.

(5) Further to paragraph 3 of the reply to part (2) of question No. 574 and paragraph 1 of the reply to part (5) of question No. 448, why is it necessary to remove Australia’s foreign media ownership laws and, at the same time, make changes to Australia’s cross-media ownership laws to achieve increased competition in Australia’s media market.

(6) Further to paragraph 3 of the reply to part (2) of question No. 574 and paragraph 1 of the reply to part (5) of question No. 448, would not the removal of Australia’s foreign media ownership laws, alone, provide increased competition to the media proprietors presently operating in Australia’s media market; if not, why not.

Mr McGauran—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable member’s question:

(1) Simultaneous reform of the foreign and cross-media ownership rules will enhance diversity and competition by increasing the potential pool of media owners while at the same time allowing greater flexibility in business structures. This will in turn encourage the delivery of innovative new services. Lifting only foreign ownership limitations will restrict the ability of Australian companies to generate sufficient domestic size and scope to compete internationally, and may limit their access to capital in comparison with foreign competitors.

Foreign owners are also subject to cross-media ownership restrictions; therefore, retaining the existing cross-media rules whilst repealing restrictions on foreign ownership would still limit the capacity of foreign owners to invest in convergent business models. This may in turn act as a disincentive for investment, and place Australia at a competitive disadvantage in relation to other countries with more liberalised regulatory frameworks.

(2) to (6) See answer to Part (1).

Communications: Media Ownership
(Question No. 674)

Mr Murphy asked the Minister representing the Minister for Communications, Information Technology and the Arts, upon notice, on 19 August 2002:
Further to the reply to part (2) of question No. 566, part (1) of the reply to question No. 448, paragraph 1 of the reply to parts (2) and (5) of question No. 447 and part (8) of the reply to question No. 446, did the Government spell out to the people of Australia before the last Federal election that, in committing to reform Australia’s media ownership laws, the Howard Government would introduce legislation into Parliament which would allow a media proprietor to own and control newspapers, magazines, television stations and radio stations in the one licence area; if so, when and where; if not, why not.

Mr McGauran—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable member’s question:

The Government’s election policy document, “Broadcasting for the 21st Century”, clearly stated the Government’s intention to reform Australia’s media ownership laws. The election policy document plainly describes a proposed new system, to be based on exemptions from the cross-media rules, subject to undertakings on editorial separation and levels of local news.

The document also states that under the Government’s preferred media ownership regime, media acquisitions would be governed by the Trade Practices Act and the Foreign Acquisitions and Takeovers Act, as well as the cross-media exemption undertakings.

The document therefore clearly envisages a situation where media proprietors are exempted from the existing rules relating to cross-media ownership which prevent the proprietors from owning a set of media operations in the same licence area.

The Government is committed to reforming Australia’s media ownership laws in a manner that will both encourage competition and ensure a diversity of opinion and information is maintained. Without reform, the current media ownership laws will limit the Australian media sector to an outdated structure with little or no capacity for new players, improved competition, or the ability to respond to a rapidly evolving and converging international media environment.

Communications: Media Ownership
(Question No. 674)

Mr Murphy asked the Minister representing the Minister for Communications, Information Technology and the Arts, upon notice, on 19 August 2002:

Further to the reply to part (1) of question No. 448, paragraph 1 of the reply to parts (2) to (5) of question No. 447 and part (8) of the reply to question No. 446, did the Government, or the Coalition, clearly state in election policy documents published before the last Federal election that the Government’s proposed reform of Australia’s media ownership laws envisaged that a media proprietor would be permitted to control newspapers, magazines, television stations and radio stations in the one licence area; if so, where.

Mr McGauran—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable member’s question:

The answer to this question is provided in the answer to question No. 674.

Communications: Media Ownership
(Question No. 675)

Mr Murphy asked the Minister representing the Minister for Communications, Information Technology and the Arts, upon notice, on 19 August 2002:

Further to the reply to part 7 of question No. 447, what are the other major influences on national identity and culture.

(2) Are any of these influences more significant than media organisations’ capacity to influence our national identity and culture; if so, what are they.

(3) Are there any influences more significant than media organisations’ capacity to influence public opinion and the way Australian citizens vote in federal elections; if so, what are they.

Mr McGauran—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable member’s question:
and (2) Other significant influences on national identity and culture in addition to the media include: climate, geography, education, national history, religion, demographics and sport. The relative influence of these factors is a matter of opinion.

(3) There are many significant factors that influence voting in federal elections, including the media. The relative influence of these factors is a matter of opinion.

Veterans: Repatriation Private Patient Scheme
(Question No. 682)

Mr Murphy asked the Minister for Veterans’ Affairs, upon notice, on 19 August 2002:

(1) How many medical specialists withdrew from the Repatriation Private Patient Scheme (RPPS) in (a) 1998, (b) 1999, (c) 2000 and (d) 2001.

(2) How many medical specialists have withdrawn from the RPPS so far in 2002.

(3) What are the reasons for the withdrawal by the medical specialists from the RPPS.

(4) What is the Government doing to encourage full participation of medical specialists in the RPPS.

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

(1) (a), (b), (c) and (d) The Department of Veterans’ Affairs provides free hospital treatment to eligible veterans and war widow/widowers through the Repatriation Private Patient Scheme (RPPS). The Scheme provides hospital services for entitled beneficiaries as private patients in public and private hospitals. The Department of Veterans’ Affairs does not have contracts with individual medical specialists treating veterans so they are under no obligation to advise the Department of Veterans’ Affairs if they do not wish to provide services under the RPPS. Therefore, we do not know how many medical specialists have stopped providing services under the RPPS for these years.

(2) To date in 2002, we have received advice from 77 medical specialists advising they will no longer provide services under the RPPS.

(3) The reasons for withdrawals from the RPPS given by medical specialists include:

- rising Medical Indemnity costs;
- private patient remuneration rates; and
- time taken for payment processing.

(4) The provision of medical services to veterans is a high priority for the Government, and it is fully committed to providing veterans with access to quality, timely health care.

However, the level of remuneration for specialists treating members of the veteran community cannot be separated from the broader issues currently impacting upon the medical community generally, in particular medical indemnity insurance issues.

The Government is fully aware of the concerns of medical specialists and that these matters are under careful consideration by the Government.

Immigration: Asylum Seekers
(Question No. 692)

Mr Martin Ferguson asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 19 August 2002:


(2) Were there incidents of people jumping ships in 2001-2002; if so, (a) how many people did so, (b) what was the cost of detention and removal of these people, (c) how many of these people lodged immigration applications and (d) what was the (i) nature, (ii) outcome and (iii) country of origin of each applicant.

(3) How many ship jumpers have been granted protection visas each year from 1996-97 and from July 2000 to May 2001, and of these, are there still some in progress and not finalised.
For each of the last 10 financial years, (a) how many ship jumpers were there and (b) what payments under the Migration Act were made by shipping companies for the cost of detention and removal of each ship jumper.

Is there a requirement under the Customs Act to notify his Department of all ship entries and the number of crew on each ship; if not, what action has his Department taken to change this in light of the terrorism attacks of 11 September 2001 and the need to protect Australia’s borders.

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

Shipping companies are liable for the cost of detention and removal of crew who desert their vessels and become unlawful non-citizens in Australia. The Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) does not record data on the cost to each shipping company of detention and removal of deserters.

Yes, (a) 43. (b) $22,200. (c) 30. (d) (i) 28 Protection Visa applications; 1 Bridging Visa E (BVE) application; 1 Special Category Visa (SCV) application. (ii) 15 Protection Visa applications refused; 1 BVE granted; 1 SCV granted; all other applications continue to be processed. (iii) Of the persons refused Protection Visas 10 were from Bangladesh, 2 from India, 2 from Iran and 1 from Egypt; the 1 SCV applicant was from New Zealand; the 1 BVE applicant was from Sri Lanka; of the persons whose applications are still being processed 4 are from Iran, 3 from Egypt, 3 from Turkey, 1 from Bangladesh, 1 from Myanmar, and 1 from Pakistan.

Statistical reports on deserters are not available prior to October 2000 when new procedures for the recording of deserters were put in place. Of the persons who deserted ship between July 2000 and May 2001, 1 was granted a protection visa, and there are no unfinalised protection visa applications from that time.

See answer to part (3) above. (a) 2001/02 43 deserters; 2000/01 69 deserters; and 1999/00 65 deserters. (b) Shipping companies are liable for the cost of detention and removal of crew who desert their vessels and become unlawful non-citizens in Australia. DIMIA does not record data on the cost to each shipping company of detention and removal of deserters.

There is no requirement under the Customs Act to notify DIMIA of all ship entries and the number of crew on each ship. However, the Australian Customs Service (ACS) checks details of all crew and passengers on each ship entering Australia against ACS and DIMIA alert lists and reports to DIMIA if there are any persons of concern on the ship. These procedures were in place prior to the events of 11 September 2001, and continue to be enforced.

Immigration: Stowaways

Mr Martin Ferguson asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 19 August 2002:

Further to the answer to part (2) of question No. 526, why are shipping companies not required to pay infringement notices each time they bring a stowaway into the country.

Why is no cost recovery required of shipping companies for unlawful non-citizens in detention who come into the country as stowaways.

Are airlines who bring in unauthorised or undocumented arrivals prosecuted with an infringement of $5,000 as well as detention costs associated with the time of processing protection applications.

Who covers the cost of detention while these stowaways are in the country awaiting a decision.

What is the reason for the discrepancies between the infringements by airlines and shipping companies.

Are crew entering the country on foreign ships covered by special purpose visas.

Is it still the case under the regulation that the visa also provides that the ship will depart Australia to a place outside Australia during the course of the voyage; if so, how is this regulation monitored and enforced by his Department or the Australian Customs Service (ACS) at each port.

Does his Department and ACS keep data regarding the entry and exit requirement of ships to ensure no breaches occur; if not, why has this not been considered.

Mr Ruddock—The answer to the honourable member’s question is as follows:
(1) Shipping companies are required to pay infringement penalties for bringing stowaways into the country. However, if the ship's master gives advance notification that a stowaway is on board and prevents the stowaway from leaving the ship, an infringement is not applied. This policy is applied to ensure that there is an incentive to notify the presence of the stowaway.

(2) Shipping companies are liable for the costs of maintaining in detention a stowaway who does not seek to engage our protection obligation. They are also responsible for removing stowaways whose protection visa applications have been unsuccessful.

(3) Yes, the carrier will generally be infringed if they bring in a person who does not have the appropriate documents or visa for entry into Australia. However, there may be instances when a carrier will not be infringed. For example, if the carrier is able to show that the person held the appropriate documents/visa at the time of boarding, but later destroyed them in transit, and the carrier acted in good faith when allowing the person to board.

(4) The majority of stowaways are restricted to the vessel while it is in port and are removed from Australia on the vessel on which they arrived. If a stowaway makes an application for a protection visa and is assessed as possibly invoking Australia’s protection obligations, carriers are not required to meet detention costs until the person’s claims have been fully assessed. When the person is found not to engage Australia’s protection obligations, the carrier is liable to meet detention costs from the date of final decision until the date of removal.

(5) Infringements are applied to both airlines and shipping companies for the carriage of improperly documented passengers. The circumstances in which an infringement is not applied are described above.

(6) Provided a crew member is on the crew list of a ship engaged in commercial trade or carriage of passengers that enters Australia at a proclaimed port, the crew member will be taken to hold a Special Purpose Visa.

(7) Yes, this is still the case. The Australian Customs Service monitors shipping through Australian ports and is in the process of enhancing the mechanisms for the reporting to the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) of ship movements.

(8) Foreign ships engaged in trade are required to report arrivals and departures from Australian ports to the Australian Customs Service, which maintains data. In addition, the Department of Transport and Regional Services requires that foreign vessels seeking to obtain a coasting trade permit must provide advance notice of the ports between which they intend to carry cargo.

Telecommunications: Mobile Phone Services

(Question No. 832)

Mr Murphy asked the Minister representing the Minister for Communications, Information Technology and the Arts, upon notice, on 21 August 2002:

(1) Is it a fact that in regions like the Riverina and the North West Slopes and Plains of New South Wales, mobile telephone receptions are appalling outside of the outskirts of the main town centres in those areas; if not, why not.

(2) What guarantees can the Minister give to the people of Australia that mobile telephone receptions will be accessible to all Australians before the time of the next Federal election, irrespective of their place of abode.

Mr McGauran—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable member’s question:

(1) The Government believes that full and open competition in Australia’s telecommunications market is the best way to give Australians access to a wide range of high quality, low cost telecommunications services, including mobile phone services. The decision to provide mobile phone coverage is largely a commercial matter for carriers. As with any other business, in making the decision to provide coverage in a particular area a mobile phone carrier will consider a range of factors including cost structures, demand, site availability and economic viability of the service.

With respect to reception, mobile phone signals can be interfered with by a variety of factors which may affect a user’s ability to obtain or maintain a signal at any given time or in any particular place. Things that may interfere with mobile phone reception include mountainous or hilly terrain, road cuttings, buildings, tunnels and electromagnetic energy from other sources (for ex-
ample, atmospheric conditions, other radiocommunications signals and devices, and electrical equipment). Interference can cause line drop outs, patchy coverage (blackspots) and “scratchy” reception. It affects mobile phone reception in both metropolitan and country areas.

As a result, there will always be some limitations to the coverage provided by terrestrial mobile phone networks. On the other hand, satellite mobile phone networks cover 100% of the Australian landmass and population.

In order to extend mobile coverage in regional, rural and remote areas, the Government is providing targeted funding support to improve terrestrial mobile telephone coverage. These programs have improved mobile phone coverage in the Riverina and North West regions as follows:

- the $25 million Mobile Phones on Highways program is extending terrestrial mobile phone services along a number of major Australian highways, including the Sturt, Newell and Hume Highways in the Riverina region and the Newell Highway in the North West region.
- the $250 million Networking the Nation program has allocated around $40.5 million to mobile phone projects around Australia. In the Riverina region, areas around Ardlethan, Ariah Park, Batlow, Coleambally, Coolamon, Goolgowi, Hillston and Lockhart have received, or are about to receive improved terrestrial mobile phone coverage. In the North West region, areas around Brewarrina, Burren Junction, Collarenebri, Come By Chance, Coolah, Coonabarabran, Cryon, Mendooran, Mt Aquila and Rowena have received, or are about to receive improved terrestrial mobile phone coverage.
- the Towns over 500 program is rolling out terrestrial mobile phone coverage to the Riverina towns and surrounding areas of Adelong, Darlington Point, Ganmain and The Rock; and to the North West region towns and surrounding areas of Barradine, Binnaway and Dunedoo.
- the $50 million Regional Mobile Phone Program incorporating towns with populations of less than 500 and spot coverage along highways are targeting the Barellan area in the Riverina and the Guerie, Goodooga, Gulargambone and Wongarbon areas in the North West; and the Sturt and Cobb Highways in the Riverina region and the Mitchell, Golden and Barrier Highways in the North West region for improved terrestrial mobile phone coverage. This program is also providing a subsidy up to $1,100 (including GST) for a satellite mobile phone to eligible people who live and work in areas without terrestrial mobile phone coverage.

(2) The GSM and CDMA terrestrial mobile phone networks currently cover up to 97.5% of the Australian population and 13.7% of the Australian landmass. This is expected to increase to more than 98% coverage of the population and around 18% coverage of the landmass upon completion of the rollout of Commonwealth funded infrastructure under the targeted funding initiatives outlined above.

Satellite mobile phone services cover 100% of the population and landmass, including the external territories. The Government has established, under the Regional Mobile Phones Program, the $2.1 million satellite phone subsidy scheme for those unable to access terrestrial mobile phone networks. The scheme provides up to $1,100 (including GST) to assist eligible people who live and work in areas without terrestrial mobile phone coverage to purchase a satellite phone handset.

Communications: Media Ownership
(Question No. 833)

Mr Murphy asked the Minister representing the Minister for Communications, Information Technology and the Arts, upon notice, on 21 August 2002:

(1) Did the Minister see a report on page 2 of The Age on 19 August 2002 that the Minister is reshaping the detail of proposals to remove domestic and foreign media ownership restrictions after a few helpful suggestions from Government senators and that the new look legislation will include safeguards for regional markets to stop one proprietor owning all the media.

(2) Did any of those suggestions indicate that it was not in the public interest or good for the democracy of Australia to make laws that will allow media proprietors to own and control newspapers, television stations and radio stations in the one licence area like Sydney, Melbourne, Brisbane, Adelaide, Perth, Canberra, Darwin, Hobart and Launceston.

(3) Will the Minister introduce amendments to the Broadcasting Services Amendment (Media Ownership) Bill 2002 to prohibit a media proprietor from owning and controlling newspapers, televi-
Mr McGauran—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable member’s question:

(1) Yes. The article refers to recommendations made in the Senate Environment, Communications, Information Technology and the Arts Legislation Committee’s Report on the Broadcasting Services Amendment (Media Ownership) Bill 2002.

(2) The Senate Committee recommended that the Bill should be amended to permit co-ownership of only two of the three forms of media (that is, radio, television and newspapers) in a regional market. The Committee judged that this would be an appropriate response to the different economics experienced by regional media, and would recognise the concerns about undue concentration of ownership in regional Australia. The Committee did not make any similar recommendations in its majority report about metropolitan media. It stated that this measure would help to secure the financial viability of regional media, by allowing for enhanced economies of scale and a larger revenue base and therefore greater profitability.

(3) The Committee’s recommendations concerning ownership of all the three forms of media (that is, radio, television and newspapers) related only to regional markets. The Government is giving careful consideration to the recommendations and whether amendments to the Bill should be introduced.

Citizenship and Multicultural Affairs: Anglicare Funding

(837)

Mr Laurie Ferguson asked the Minister for Citizenship and Multicultural Affairs, upon notice, on 22 August 2002:

(1) What funding has been provided by his Department to ANGLICARE in each State in (a) 1996-97, (b) 1997-98, (c) 1998-99 (d) 1999-2000, (e) 2000-2001 (f) 2001-2002 and (g) 2002-2003.

(2) For the years referred to in part (1), what was the (a) title and description of each project managed by ANGLICARE, (b) relevant funding program, (c) sum of funding provided each year and (d) location of the project.

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

<table>
<thead>
<tr>
<th>Year</th>
<th>QLD</th>
<th>NSW</th>
<th>VIC</th>
<th>TAS</th>
<th>SA</th>
<th>WA</th>
<th>ACT</th>
<th>NT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1996-1997</td>
<td>nil</td>
<td>$54,276</td>
<td>nil</td>
<td>nil</td>
<td>nil</td>
<td>nil</td>
<td>nil</td>
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<tr>
<td>1997-1998</td>
<td>45,500</td>
<td>$329,000</td>
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<td>1998-1999</td>
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<td>nil</td>
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<td>nil</td>
<td>$68,225</td>
<td>nil</td>
</tr>
<tr>
<td>1999-2000</td>
<td>nil</td>
<td>$408,644</td>
<td>$16,920</td>
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<tr>
<td>2000-2001</td>
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<td>$376,156</td>
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<td>2001-2002</td>
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<tr>
<td>2002-2003</td>
<td>nil</td>
<td>$110,900</td>
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<td>nil</td>
<td>nil</td>
<td>nil</td>
<td>nil</td>
<td>$96,800</td>
</tr>
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</table>
(2) 1996-1997

<table>
<thead>
<tr>
<th>(a) Title</th>
<th>Anglican Home Mission Society.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b) Program</td>
<td>Grants in Aid Scheme (GIA)</td>
</tr>
<tr>
<td>(c) Amount</td>
<td>$54,276</td>
</tr>
<tr>
<td>(d) Location</td>
<td>Sydney</td>
</tr>
</tbody>
</table>

1997-1998

<table>
<thead>
<tr>
<th>(a) Title</th>
<th>Assistance to newly arrived refugees and humanitarian entrants.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description</td>
<td>Provision of case management, counselling, family support, social and recreational activities etc.</td>
</tr>
<tr>
<td>(b) Program</td>
<td>GIA</td>
</tr>
<tr>
<td>(c) Amount</td>
<td>$280,000</td>
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<tr>
<td>(d) Location</td>
<td>Sydney</td>
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</table>

<table>
<thead>
<tr>
<th>(a) Title</th>
<th>Assistance to migrants of Non English Speaking Background.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description</td>
<td>Assist, support and resource small and emerging communities to facilitate the settlement process and ensure access to service provision; resource/assist mainstream service providers to develop policies &amp; implement services which are appropriate for elderly women &amp; minorities in the Inner West.</td>
</tr>
<tr>
<td>(b) Program</td>
<td>GIA</td>
</tr>
<tr>
<td>(c) Amount</td>
<td>$49,000</td>
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<tr>
<td>(d) Location</td>
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</tbody>
</table>

1998-1999

<table>
<thead>
<tr>
<th>(a) Title</th>
<th>Overcoming Barriers to Cross-Cultural Ministry.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description</td>
<td>Promote cross cultural acceptance within the church and acceptance of people from different cultural/racial backgrounds.</td>
</tr>
<tr>
<td>(b) Program</td>
<td>Living in Harmony (LIH)</td>
</tr>
<tr>
<td>(c) Amount</td>
<td>$29,750</td>
</tr>
<tr>
<td>(d) Location</td>
<td>Sydney</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(a) Title</th>
<th>Tracks to the Future.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description</td>
<td>Address housing as an area of cultural tension between Aboriginal and non-Aboriginal Australians.</td>
</tr>
<tr>
<td>(b) Program</td>
<td>LIH</td>
</tr>
<tr>
<td>(c) Amount</td>
<td>$21,150</td>
</tr>
<tr>
<td>(d) Location</td>
<td>Melbourne</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(a) Title</th>
<th>Assistance to migrants of Non English Speaking Background.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description</td>
<td>Worker extension from 1997-1998.</td>
</tr>
<tr>
<td>(b) Program</td>
<td>Community Settlement Services (CSS)</td>
</tr>
<tr>
<td>(c) Amount</td>
<td>$56,027</td>
</tr>
<tr>
<td>(d) Location</td>
<td>Sydney</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(a) Title</th>
<th>Assistance for socially isolated groups.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description</td>
<td>Provide language and literacy to parents within their children’s school environment.</td>
</tr>
<tr>
<td>(b) Program</td>
<td>CSS</td>
</tr>
<tr>
<td>(c) Amount</td>
<td>$68,225</td>
</tr>
<tr>
<td>(d) Location</td>
<td>Balga, WA</td>
</tr>
<tr>
<td>(a) Title</td>
<td>Case Management Services.</td>
</tr>
<tr>
<td>Description</td>
<td>Provide intensive case management services for refugees with family issues including women at risk.</td>
</tr>
<tr>
<td>(b) Program</td>
<td>Integrated Humanitarian Settlement Strategy (IHSS)</td>
</tr>
<tr>
<td>(c) Amount</td>
<td>$200,000</td>
</tr>
<tr>
<td>(d) Location</td>
<td>Sydney</td>
</tr>
</tbody>
</table>

1999-2000

| (a) Title | Overcoming Barriers to Cross-Cultural Ministry. |
| Description | Promote cross cultural acceptance within the church and acceptance of people from different cultural/racial backgrounds. |
| (b) Program | LIH |
| (c) Amount | $23,800 |
| (d) Location | Sydney |

| (a) Title | Tracks to the Future. |
| Description | Address housing as an area of cultural tension between Aboriginal and non-Aboriginal Australians. |
| (b) Program | LIH |
| (c) Amount | $16,920 |
| (d) Location | Melbourne |

| (a) Title | Establish and maintain a culturally and linguistically appropriate information, referral and casework service for newly arrived refugee and humanitarian entrants. |
| Description | Provide assistance to newly arrived migrants and humanitarian entrants from Southern and Eastern Sudan, Nuba Mountains and other areas of Sudan. Assist mainstream organisations to be responsive to the needs of the target community; ensure that the community receives information and opportunities to assist them to obtain employment. |
| (b) Program | CSS |
| (c) Amount | $47,921 |
| (d) Location | Sydney |

| (a) Title | Provision of settlement services for migrants and refugees. |
| Description | Provide information, counselling and other settlement services to migrants and refugees (not covered through IHSS) in the top end of the NT. |
| (b) Program | CSS |
| (c) Amount | $140,000 |
| (d) Location | Ludmilla, NT |

| (a) Title | Development of a settlement plan. |
| Description | Develop a settlement plan for refugees, with strategies developed by agencies and the community to address settlement problems and assist community integration. |
| (b) Program | CSS |
| (c) Amount | $16,000 |
| (d) Location | Hobart |

| (a) Title | Development of community structures and social support networks; provision of information and settlement support services. |
| Description | Support the development of community structures and social sup- |
port networks. Ensure appropriate and up to date information and settlement support services are provided; improve the responsiveness of mainstream and multicultural services to increase access and develop best practice models of service to newly arrived small and emerging communities (particularly those from refugee/humanitarian backgrounds) settling in Sydney. Ensure Inner West services meet the needs of elderly and youth of culturally diverse backgrounds.

(b) Program CSS
(c) Amount $56,923
(d) Location Sydney

2000-2001

(a) Title Overcoming Barriers to Cross-Cultural Ministry.
(b) Program LIH
(c) Amount $5,950
(d) Location Sydney

(a) Title Tracks to the Future.
(b) Program LIH
(c) Amount $4,230
(d) Location Melbourne

(a) Title Establish and maintain a culturally and linguistically appropriate information, referral and casework service for newly arrived refugee and humanitarian entrants.
(b) Program CSS
(c) Amount $48,687
(d) Location Sydney

(a) Title IHSS contract for provision of Migrant services.
(b) Program IHSS
(c) Amount $263,685
(d) Location Sydney

(a) Title Provision of settlement services for migrants and refugees.
(b) Program CSS
(c) Amount $120,000
(d) Location Ludmilla, NT
(a) Title Development of community structures and social support networks; provision of information and settlement support services.

Description Support the development of community structures and social support networks. Ensure appropriate and up to date information and settlement support services are provided; improve the responsiveness of mainstream and multicultural services to increase access and develop best practice models of service to newly arrived small and emerging communities (particularly those from refugee/humanitarian backgrounds) settling in Sydney. Ensure Inner West services meet the needs of elderly and youth of culturally diverse backgrounds.

(b) Program CSS
(c) Amount $57,834
(d) Location Sydney

2001-2002
(a) Title Provision refugee and migrant settlement services.

Description Provide settlement information services to refugees and migrants who live in the urban, rural and remote areas of the Top End of the NT.

(b) Program CSS
(c) Amount $94,881
(d) Location Ludmilla, NT

(a) Title Assistance for new arrivals from southern Sudan, Nuba Mountains and other areas of Sudan.

Description To provide recent arrivals from Southern Sudan, Nuba Mountains and other areas of Sudan affected by war, with services to enhance their settlement and participation in Australian society, and to encourage self-reliance and independence and ensure that service providers are responsive to the needs of the target group.

(b) Program CSS
(c) Amount $49,700
(d) Location Sydney

(a) Title Community development for small and emerging communities in the inner west of Sydney.

Description Enable small and emerging communities throughout Sydney to develop their capacity to gain access to relevant settlement services, develop community structures, social support networks, programs and resources; and to build the capacity of mainstream and multicultural workers and services to be responsive to the needs of the target group.

(b) Program CSS
(c) Amount $59,000
(d) Location Sydney

(a) Title IHSS contract for provision of Migrant services.

(b) Program IHSS
(c) Amount $818,227
(d) Location Sydney

(a) Title IHSS contract for provision of Migrant services.

(b) Program IHSS
(c) Amount $46,585
(d) Location Toowoomba

2002-2003
(a) Title Provision refugee and migrant settlement services.
Description Provide settlement information services to refugees and migrants who live in the urban, rural and remote areas of the Top End of the NT.
(b) Program CSS
(c) Amount $96,800
(d) Location Ludmilla, NT

(a) Title Assistance for new arrivals from southern Sudan, Nuba Mountains and other areas of Sudan.
Description To provide recent arrivals from Southern Sudan, Nuba Mountains and other areas of Sudan affected by war, with services to enhance their settlement and participation in Australian society, and to encourage self-reliance and independence and ensure that service providers are responsive to the needs of the target group.
(b) Program CSS
(c) Amount $50,700
(d) Location Sydney

(a) Title Community development for small and emerging communities in the inner west of Sydney.
Description Enable small and emerging communities throughout Sydney to develop their capacity to gain access to relevant settlement services, develop community structures, social support networks, programs and resources; and to build the capacity of mainstream and multicultural workers and services to be responsive to the needs of the target group.
(b) Program CSS
(c) Amount $60,200
(d) Location Sydney

**Australian Federal Police: National Memorial**
(Answer No. 839)

Ms Jann McFarlane asked the Minister representing the Minister for Justice and Customs, upon notice, on 22 August 2002:

(1) What is the nature of the Government’s support for a national police memorial.
(2) What sum will be provided by the Federal Government to establish this memorial.
(3) What is the expected completion date of the proposed national police memorial.

Mr Williams—The Minister for Justice and Customs has provided the following answer to the honourable member’s question:

(1) Following strong endorsement of a national police memorial by the Australasian Police Ministers’ Council in June 2001, I announced on 28 September 2001 the establishment of a national police memorial in Canberra to commemorate and pay tribute to Australian police officers killed in the line of duty. The Federal Government is providing support to the memorial in a number of ways:
   • through the Australian Federal Police (AFP), chairing the National Police Memorial Working Group; and
   • through the National Capital Authority, participating in the Working Group and providing project management and co-ordination services.

The Working Group currently comprises the AFP Chair, a State and Territory police representative, and a Police Association representative. The working group will soon expand to include additional members, reflecting the Government’s commitment to an inclusive process and to making this a truly national memorial.

(2) The memorial will be funded by one third contributions from the Commonwealth, Police Associations, and States and Territories. The Federal Government will contribute up to $800,000 to the memorial, which is expected to cost approximately $2.4 million.
We expect the memorial will be completed by late 2004, early 2005 – a very acceptable timeframe for projects of this type.

**Communications: Regional Services**

*(Question No. 840)*

Mr Murphy asked the Minister representing the Minister for Communications, Information Technology and the Arts, upon notice, on 22 August 2002:

(1) Did he announce on 16 August 2002 that the Howard Government had established an independent inquiry to further review telecommunications services to regional, rural and remote Australia.

(2) Are the members of the inquiry team Mr Dick Estens, Ms Jane Bennett and Mr Ray Braithwaite.

(3) Is the Minister able to say whether Mr Estens is, or has been, a member of the National Party or the Liberal Party or any other political party; if so, which party.

(4) Is the Minister able to say whether Ms Bennett is, or has been, a member of the National Party or the Liberal Party or any other political party; if so, which party.

(5) Is the Minister able to say whether Mr Braithwaite was the National Party Member for the electoral division of Dawson between 1975 and 1996.

(6) Will the report of the inquiry have any influence over the Howard Government’s deliberations to fully privatise Telstra; if so, how; if not, why not.

(7) How can the people of Australia have any confidence in the Minister’s announcement of 16 August 2002 that the further inquiry into telecommunication services in regional, rural and remote Australia is independent.

Mr McGauran—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable member’s question:

(1) Yes, the Minister announced in independent inquiry – the Regional Telecommunications Inquiry (RTI) to further review telecommunications services to regional, rural and remote Australia on 16 August 2002.

(2) Mr Dick Estens is the chair of the Inquiry. The other members are Ms Jane Bennett and Mr Ray Braithwaite.

(3) At the time the Minister announced the Inquiry he had no knowledge of Mr Estens being a member of any political party. He is now aware that Mr Estens is a member of the National Party.

(4) The Minister has no knowledge of Ms Bennett being a member of any political party.

(5) Yes, Mr Braithwaite was the National Party Member for the electoral division of Dawson between 1975 and 1996.

(6) The Government has clearly stated that it will not proceed with any further sale of its shareholding in Telstra until it is fully satisfied that arrangements are in place to deliver adequate telecommunications services to all Australians. The Government’s immediate focus has been on delivering its response to the earlier Telecommunications Service Inquiry and to ensure commitments under the Networking the Nation and Social Bonus programs are met.

The Regional Telecommunications Inquiry has been established to conduct an independent review of telecommunications services to regional, rural and remote areas of Australia. The Government first needs to receive the Report of the Inquiry and consider how it might respond to the findings and any recommendations that might emerge from the Inquiry. It is premature to speculate on the outcomes of the Inquiry process and the timing of any possible further sale of Telstra.

(7) The Inquiry is an independent inquiry that will report to the Government on 8 November 2002. All members of the Inquiry have been appointed on their own merits to provide an independent assessment of telecommunications services. The Inquiry sought public submissions on 23 August 2002 to inform its assessment of the adequacy of services.

**World Trade Organisation: Government Procurement Agreement**

*(Question No. 843)*

Mr Latham asked the Minister for Foreign Affairs, upon notice, on 22 August 2002:
(1) Was the plurilateral Agreement on Government Procurement adopted under the auspices of the World Trade Organisation at Marrakesh on 15 April 1994.

(2) Did the Agreement enter into force on 1 January 1996.

(3) Is he able to say which countries have become parties to the Agreement?

(4) Which Departments have discussed Australia's accession to the Agreement?

(5) On what occasions, in what circumstances and with what results have Ministers or officials discussed Australia's accession with their counterparts in other countries.

Mr Downer—The answer to the honourable member's questions is as follows:

(1) The first Agreement on Government Procurement (GPA) was signed in 1979 and entered into force in 1981. It was amended in 1987, with the amended version entering into force in 1988. In parallel with the Uruguay Round, Parties to the Agreement held negotiations to extend the scope and coverage of the Agreement. The current WTO GPA was signed in Marrakesh on 15 April 1994.

(2) Yes.

(3) Signatories to the WTO GPA are: Austria, Belgium, Canada, Denmark, European Communities, Finland, France, Germany, Greece, Hong Kong China, Iceland, Ireland, Israel, Italy, Japan, Korea, Liechtenstein, Luxembourg, Netherlands, Netherlands with respect to Aruba, Norway, Portugal Singapore, Spain, Sweden, Switzerland, United Kingdom, and United States.

(4) My Department has had no discussions regarding Australia's accession to the WTO GPA.

(5) Australia is not actively considering acceding to the WTO GPA.

Fuel: Liquefied Natural Gas

(Question No. 851)

Mr Fitzgibbon asked the Minister for Industry, Tourism and Resources, upon notice, on 26 August 2002:

(1) Has he received advice on the likely impact on liquefied natural gas (LNG) prices of the contract secured by the North West Shelf partners to sell LNG into China?

(2) Has he been advised that the world market for LNG is heading into an oversupply situation?

(3) What advice has he received in relation to the impact of the looming oversupply situation on the economic viability of developing natural gas resources in the Timor Sea?

(4) Has he received advice that the China contract, its impact on LNG prices, and the looming oversupply situation, makes the lower-price floating LNG plant option of Shell and Woodside more likely?

(5) Is it only economically viable to bring gas from the Greater Sunrise field for domestic use if an LNG facility is constructed on-shore?

(6) What is the likely impact of the China contract on the economic viability of the construction of an LNG plant in the Northern Territory to process Greater Sunrise gas?

(7) Has he received advice that the looming oversupply situation and its impact on LNG prices makes the construction of a 5th LNG train on the Burrup Peninsula unlikely before 2010?

(8) Does Australia need an expanded and more diversified domestic gas market?

(9) Are more diversified gas development opportunities including an expanded domestic gas market critical to Australia's gas sector and domestic industrial development; if so, what action is he taking to address these issues?

(10) Is the China FOB price for LNG under the recently secured North West Shelf contract 30% lower than the equivalent contracts Australian companies have with Japanese customers?

(11) What impact is the lower China price likely to have on future contract negotiations with Japan, Korea and Taiwan?

(12) Does he expect that these lower gas prices will flow on to Australia's domestic market customers such as those processing minerals or using gas to fuel power generation?

(13) Does the China-North West Shelf contract give the Chinese partners full rights to shipping transport?

(14) What representations did he make to secure shipping rights for Australian vessels?
(15) Will the shipping rights provide China with an added advantage in the spot market for LNG and what advice has he received regarding the likely downward pressure that advantage will put on LNG prices?

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

(1) Yes.
(2) No.
(3) I have received advice that the development of natural gas resources in the Timor Sea is progressing.
(4) No.
(5) I understand the Sunrise Joint Venture partners are currently conducting a review to determine whether bringing Sunrise gas onshore is an economically viable option.
(6) See my response to Question 5.
(7) No.
(8) The development of an expanded and more diversified national gas market would be desirable.
(9) Natural gas, as a integral component in the nation’s energy mix, is being addressed through a number of channels, including through the Ministerial Council on Energy and the Parer Review.
(10) I cannot comment, as these figures are commercial-in-confidence.
(11) Market participants expected the China LNG deal to influence Asia-Pacific LNG prices.
(12) Domestic gas prices are set by supply and demand quite remote from the supply of LNG to China.
(13) I understand the Chinese have a right to participate in shipping.
(14) The Government made representations based, in part, on our proven track record with Japan.
(15) The spot market for LNG is separate from the ALNG-China deal.

Calwell Electorate: Tertiary Studies
(Question No. 867)

Ms Vamvakinou asked the Minister for Education, Science and Training, upon notice, on 27 August 2002:

(1) How many people residing in the electoral division of Calwell are currently enrolled in tertiary studies.
(2) How many of these students reside within the postcode areas of (a) 3036, (b) 3037, (c) 3038, (d) 3043, (e) 3046, (f) 3047, (g) 3048, (h) 3049, (i) 3059, (j) 3060, (k) 3061, (l) 3064, (m) 3427 and (n) 3428.
(3) How many of these students have an outstanding or accumulated Higher Education Contribution Scheme (HECS) debt.
(4) How many students with an outstanding or accumulated HECS debt reside in each of the postcode areas of (a) 3036, (b) 3037, (c) 3038, (d) 3043, (e) 3046, (f) 3047, (g) 3048, (h) 3049, (i) 3059, (j) 3060, (k) 3061, (l) 3064, (m) 3427 and (n) 3428.
(5) How many people residing in the electoral division of Calwell but not enrolled in tertiary studies have an outstanding or accumulated HECS debt.

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

(1) Information on tertiary students is only available by postcode, not by electoral boundaries. As seven suburbs in the electorate of Calwell have the same postcode as suburbs that are outside the electorate, it is not possible to provide data on the number of people residing only in the electorate of Calwell who are enrolled in tertiary studies.
(2) Tertiary students includes students who are enrolled at universities and students who are enrolled in vocational education and training at institutions such as TAFE.

Numbers of students enrolled in tertiary studies in each postcode in the electorate of Calwell in 2001

<table>
<thead>
<tr>
<th>Postcode Area</th>
<th>University enrolments</th>
<th>Vocational Education and Training</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>3036</td>
<td>312</td>
<td>529</td>
<td>841</td>
</tr>
<tr>
<td>Postcode Area</td>
<td>University enrolments</td>
<td>Vocational Education and Training</td>
<td>Total</td>
</tr>
<tr>
<td>---------------</td>
<td>-----------------------</td>
<td>----------------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>3037*</td>
<td>460</td>
<td>1,671</td>
<td>2,131</td>
</tr>
<tr>
<td>3038</td>
<td>1,032</td>
<td>2,372</td>
<td>3,404</td>
</tr>
<tr>
<td>3043*</td>
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<td>1,531</td>
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<td>3046*</td>
<td>654</td>
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</tr>
<tr>
<td>3048</td>
<td>367</td>
<td>1,867</td>
<td>2,234</td>
</tr>
<tr>
<td>3049</td>
<td>206</td>
<td>739</td>
<td>945</td>
</tr>
<tr>
<td>3059</td>
<td>312</td>
<td>638</td>
<td>950</td>
</tr>
<tr>
<td>3060*</td>
<td>217</td>
<td>830</td>
<td>1,047</td>
</tr>
<tr>
<td>3061</td>
<td>116</td>
<td>509</td>
<td>625</td>
</tr>
<tr>
<td>3064*</td>
<td>390</td>
<td>2,291</td>
<td>2,681</td>
</tr>
<tr>
<td>3427*</td>
<td>56</td>
<td>213</td>
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</tr>
<tr>
<td>3428*</td>
<td>26</td>
<td>86</td>
<td>112</td>
</tr>
<tr>
<td>TOTAL</td>
<td>5,017</td>
<td>17,667</td>
<td>22,684</td>
</tr>
</tbody>
</table>

* There are suburbs included in these postcodes that are not in the electoral boundaries of Calwell.

The Australian Taxation Office (ATO) has provided the following information by postcode on the numbers of students enrolled in semester one 2002 who have a HECS debt, and those who are not currently enrolled but have a HECS debt.

The number of university students and former university students residing in postcodes within the electorate of Calwell who have a HECS debt

<table>
<thead>
<tr>
<th>Postcode Area</th>
<th>University enrolments</th>
<th>Students enrolled who have a HECS debt</th>
<th>People not enrolled who have a HECS debt</th>
</tr>
</thead>
<tbody>
<tr>
<td>3036</td>
<td>312</td>
<td>197</td>
<td>274</td>
</tr>
<tr>
<td>3037*</td>
<td>460</td>
<td>366</td>
<td>667</td>
</tr>
<tr>
<td>3038</td>
<td>1,032</td>
<td>791</td>
<td>1,065</td>
</tr>
<tr>
<td>3043*</td>
<td>551</td>
<td>381</td>
<td>663</td>
</tr>
<tr>
<td>3046*</td>
<td>654</td>
<td>428</td>
<td>868</td>
</tr>
<tr>
<td>3047</td>
<td>318</td>
<td>287</td>
<td>410</td>
</tr>
<tr>
<td>Postcode Area</td>
<td>University enrolments</td>
<td>Students enrolled who have a HECS debt</td>
<td>People not enrolled who have a HECS debt</td>
</tr>
<tr>
<td>---------------</td>
<td>-----------------------</td>
<td>---------------------------------------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td>3048</td>
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<td>3049</td>
<td>206</td>
<td>152</td>
<td>243</td>
</tr>
<tr>
<td>3059</td>
<td>312</td>
<td>219</td>
<td>300</td>
</tr>
<tr>
<td>3060*</td>
<td>217</td>
<td>137</td>
<td>267</td>
</tr>
<tr>
<td>3061</td>
<td>116</td>
<td>85</td>
<td>138</td>
</tr>
<tr>
<td>3064*</td>
<td>390</td>
<td>320</td>
<td>525</td>
</tr>
<tr>
<td>3427*</td>
<td>56</td>
<td>54</td>
<td>46</td>
</tr>
<tr>
<td>3428*</td>
<td>26</td>
<td>17</td>
<td>27</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>5,017</strong></td>
<td><strong>3,723</strong></td>
<td><strong>5,986</strong></td>
</tr>
</tbody>
</table>

* There are suburbs included in these postcodes that are not in the electoral boundaries of Calwell.

**Australian Broadcasting Corporation**

(Question No. 881)

Mr Murphy asked the Minister representing the Minister for Communications, Information Technology and the Arts, upon notice, on 29 August 2002:

(1) Did the Minister see an editorial titled “The ABC needs its own ombudsman” on page 14 of The Age newspaper on Wednesday, 28 August 2002.

(2) Could an Australian Broadcasting Corporation (ABC) ombudsman operate like the police ombudsman, accepting the more serious complaints that cannot be resolved in other ways.

(3) Will the Minister consider legislating for an ABC ombudsman; if so, when; if not, why not.

Mr McGauran—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable member’s question:

(1) Yes

(2) and (3) The ABC has recently strengthened its complaints handling processes to enable it to identify, respond to and report on complaints in a more transparent and impartial manner. All program complaints will now be channelled through a single unit, ABC Audience & Consumer Affairs, which is independent of ABC programming. In addition, an internal Complaints Review Executive has been appointed to:

- adjudicate on complaints where the complaints unit cannot reach agreement with internal ABC areas about a response to a complaint;
- review complaints where an audience member expresses concern or dissatisfaction with a response received from the complaints unit; and
- in extraordinary circumstances, inquire into serious complaints in the first instance.

The ABC remains subject to rigorous external and independent review and scrutiny. Currently, complaints about ABC matters can be referred to an Independent Complaints Review Panel for consideration. Complainants may also complain to the Australian Broadcasting Authority about possible breaches of the ABC’s Code of Practice.

I am satisfied that the ABC’s enhanced processes will further strengthen its accountability, while maintaining its independence.