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Tuesday, 24 September 2002

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

CONDOLENCES

Georges, Former Senator George

The SPEAKER (2.01 p.m.)—I inform the House of the death on Monday, 23 September 2002 of George Georges, a former senator. George Georges represented the state of Queensland from 1968 to 1987. As a mark of respect to the memory of George Georges I invite honourable members to rise in their places.

Honourable members having stood in their places—

The SPEAKER—I thank the House.

QUESTIONS WITHOUT NOTICE

Foreign Affairs: Iraq

Mr CREAN (2.02 p.m.)—My question is to the Minister for Foreign Affairs. Is the minister aware of statements made today by the member for Herbert, when he said of possible Australian military support for US unilateral action against Iraq:

... for a nation to just unilaterally desire to go in without proper reason or proper support from the United Nations, I think puts that nation in the same basket as the terrorists.

In response to the journalist’s question that unilateral action by the United States would amount to the same moral position as terrorist activity, the member for Herbert said, ‘Yes, that is my view.’ Minister, do you endorse these views?

Mr DOWNER—Let me say at the outset that on this side of the House, since the beginning of the debate that we had in the parliament last week, we have endeavoured not to make political points on this serious issue. That question is an endeavour to make a political point. Equally, I suppose I could spend a good deal of my time standing at the dispatch box here drawing attention to a whole raft of contradictory statements made by the other side of the House, including contradictions between the opposition spokesman on foreign affairs and the Leader of the Opposition. But we have chosen not to do that because we have taken the position that this is a serious issue at a very serious time in international consideration of this issue when the parliament needs to reflect in a very balanced, mature and constructive way on the choices that lie ahead.

The government’s position is perfectly clear. The honourable member knows exactly what the government’s position is on this question. The government’s position, if the honourable member wants me to repeat it, is that we very much hope that there will be a new resolution passed through the Security Council during this week—or slightly beyond perhaps, but very soon—and that Iraq will comply with that Security Council resolution and will comply with all of its obligations under international law. It is not the view of the government that we should walk away from this extremely difficult and challenging issue. We will see the extent to which Iraq does comply with its international obligations. If in the end Iraq fails to comply with its international obligations, then obviously consideration for further action by the rest of the international community will have to be given.

Foreign Affairs: Zimbabwe

Ms JULIE BISHOP (2.05 p.m.)—My question is addressed to the Acting Prime Minister. Would the Acting Prime Minister inform the House of the outcome of the Commonwealth troika meeting in Nigeria?

Mr ANDERSON—I thank the honourable member for her question and acknowledge her very real interest in this matter. At the outset I seek to pay tribute to the Prime Minister as Chairman in Office of the Commonwealth. Honourable members will recall that the Prime Minister very successfully chaired a 19 March meeting in London of the Commonwealth leaders troika on Zimbabwe. At that stage the troika agreed to suspend Zimbabwe from the councils of the Commonwealth and called for a series of practical steps towards political reconciliation, electoral reform and sustainable land reform, subject to the rule of law, after an adverse report from Commonwealth electoral monitors on Zimbabwe’s presidential elections. As I believe the House is aware, Mr Howard has since convened a second troika meeting in Abuja, the capital of Nigeria, to review the
The apparent lack—the very regrettable lack—of progress since March.

The Commonwealth Group—Australia, Nigeria and South Africa—met last night in the capital of Nigeria to consider further action on the matter of Zimbabwe. A formal statement has been issued by the Commonwealth secretariat, which I will table. It has to be said, though, that while the 23 September meeting of the Commonwealth leaders troika on Zimbabwe did not go as far as Australia believed was warranted, we have made an appropriate and firm stand on Commonwealth values. The troika members expressed deep disappointment that President Mugabe refused to join them, despite a courteous and proper invitation in the normal way from the Prime Minister.

The troika heard a very sobering report from the Commonwealth Secretary-General on the ongoing and deeply disturbing situation in Zimbabwe, where the harassment of the political opposition, the press and sections of the judiciary continues and where division and hostility have increased regretfully in recent months. Deep regret has been expressed that the process of reconciliation in Zimbabwe attempted by the presidents of Nigeria and South Africa has stalled and that the Commonwealth Secretary-General has been unable to establish a dialogue with the government of Zimbabwe. The troika agreed that efforts to engage the government of Zimbabwe should continue. Australia supported the immediate full suspension of Zimbabwe from the Commonwealth. I want to make it plain that the outcome statement clearly reflects our position. Nigeria and South Africa, however, sought a further six months for Zimbabwe to respond to Commonwealth requirements before the review meeting in March of next year, when stronger measures may very well need to be considered.

Again I say that we applaud the Prime Minister in this place for taking a firm stand on Commonwealth values—a stand, I believe, that all Australians would applaud and would support very strongly. In relation to the possible imposition of sanctions, I discussed this a matter of minutes ago with the Prime Minister. I want to just say that the government have been keeping, and will continue to keep, this issue under constant review. We will continue to do so in the light of the outcomes from this meeting and reactions from Zimbabwe. We will discuss that matter further, as necessary, on his return. I table the communiqué.

Foreign Affairs: Iraq

Mr CREAM (2.09 p.m.)—My question is again to the Minister for Foreign Affairs. I refer again to statements today by the member for Herbert, when he said of possible Australian military support for US unilateral action against Iraq:

... for a nation to just unilaterally decide to go in without proper reason or proper support from the United Nations, I think puts that nation in the same basket as the terrorists

Further in the interview, he said:

On September 11 the United States felt that they had been personally wounded on their own home patch. The Iraqis will feel the same way if the United States comes into Iraq ... I cannot, under any way, support unilateral action by the United States ... in invading Iraq without the support of the United Nations.

Minister, will the government now tell the Australian people the specific grounds under which it would or would not consider supporting US unilateral action against Iraq?

Mr DOWNER—First of all, I repeat what I said earlier: in the context of the debate over the last two weeks on this difficult and very important issue, I honestly do think that it is very regrettable that the Leader of the Opposition thinks this is a great issue for party politicking.

Mr Crean—You didn’t think that two weeks previously.

The SPEAKER—The Leader of the Opposition has asked his question.

Mr DOWNER—I do think that it is very regrettable. The opposition said in July that it was regrettable that I had been engaged in party politicking on this issue, but today—

Mr Sibtopottom interjecting—

The SPEAKER—The member for Brad- don is not helping the chair.

Mr Pyne interjecting—

The SPEAKER—The member for Sturt!
Mr Pyne interjecting—

The SPEAKER—I should say so. If the Minister for Foreign Affairs would assist the chair, he has the call.

Mr DOWNER—The whole question of so-called American unilateral action against Iraq is entirely hypothetical because the United States administration has not made a decision to take military action against Iraq. It is a point that I think the House is fully aware of. Nobody in the United States administration—in particular the President, who is also the Commander-in-Chief—has made a decision to take unilateral action, as the Leader of the Opposition puts it, against Iraq. The situation is—and the Leader of the Opposition knows this only too well—that this is a matter currently before the Security Council. The Americans are working with Britain and a number of other countries to try to get a resolution through the Security Council.

To be asking questions which are entirely hypothetical and to be getting the government to answer hypothetical questions about circumstances that have not arisen is inappropriate. The government does not have a position on hypothetical situations; the government has a position on practical, real-world situations. The real-world situation here is perfectly clear. The real-world situation is that there is an endeavour to get a resolution through the Security Council. In conclusion, let me say that I think it is important that members of this House do what they can in their public advocacy to place as much pressure as they possibly can on Iraq to comply with their obligations under the United Nations Security Council resolutions. I do not think that we, as a parliament, should be straying into the area of the hypothetical. I think that we, as a parliament, should be maximising our pressure on Iraq and on Saddam Hussein to do what he and his government are required to do under international law.

Foreign Affairs: Iraq

Mr JOHNSON (2.14 p.m.)—My question is also addressed to the Minister for Foreign Affairs.

Mr Bevis interjecting—

The SPEAKER—Clearly both the member for Lingiari and the member for Brisbane are anxious to have the Chair take action. I will not disappoint them if they persist.

Mr JOHNSON—Would the minister inform the House of the diplomatic efforts our country is making to help bring an end to Iraq’s weapons of mass destruction program?

Mr DOWNER—Firstly, I thank the member for Ryan for his sensible and considered question, because on this side of the House this is an issue that we treat very seriously. This is a profound and grave issue that the parliament needs to address, and I am glad that the member for Ryan has taken that approach. Let me say that a solution to the crisis that now confronts the world over Iraq must be a solution that allows United Nations weapons inspection teams unfettered and timely access for the destruction of Iraq’s weapons of mass destruction capabilities. We are working, particularly in New York through our ambassador and our mission there, with a number of countries and, of course, with the United Nations as well. In addition, today the Prime Minister will be meeting with the British Prime Minister, Tony Blair, in London. He will also be meeting with Jack Straw, the British Secretary of State for Foreign and Commonwealth Affairs. I would draw the House’s attention to the fact that, this afternoon Australian time, the British government will be releasing their dossier on Iraq’s weapons of mass destruction.

For the convenience of the House, tomorrow I will table the document in the House so that honourable members will have the opportunity to read the document. You could get it off the web site and so on, but we want to facilitate honourable members’ capacity to look at the document because I am sure that they will find it very interesting reading. In the meantime—as I mentioned in answer to an earlier question—consideration is still under way in New York, particularly amongst the P5, the five permanent members of the Security Council, of a new resolution to put through the Security Council either during this week or possibly a little later.
It is certainly our view that it would be optimal for the new resolution to be agreed by the Security Council before the United Nations mission, UNMOVIC, and its Executive Chairman, Dr Hans Blix, meet with the Iraqis. This meeting is to take place in Vienna next week, beginning on 30 September. It is important that that resolution be a strong and definitive one about Iraq’s responsibility to allow those inspectors unfettered access and freedom of movement around Iraq as well—not to put in place obstacles to the movement of the inspectors. It certainly needs to strengthen the inadequacies of the earlier memorandum of understanding between Iraq and the United Nations Secretary-General which left room for restrictions, in particular on access to presidential palaces. I have said this before, but in Iraq the President has defined as presidential palaces something in the vicinity of 42 palaces, which I would say to the House is a lot of palaces.

Opposition members interjecting—

Mr DOWNER—I am glad that the opposition takes this issue so seriously! The fact is, of course, that these presidential palaces are not palaces in the colloquial understanding of the term but, in many cases, are very large compounds and clearly can be used for the hiding of documentation and even weapons of mass destruction capabilities. So I do think the new resolution is important in order to address the inadequacies and the inadequate conditions, for that matter, under which UNSCOM, UNMOVIC’s predecessor, had to operate.

In conclusion, yesterday I met with representatives from two countries who are elected members of the Security Council. I met with the Vice Minister for Foreign Affairs of Mexico and also the new High Commissioner for Mauritius. I took the opportunity to stress to both of them the government’s view that it is important that the Security Council takes decisive action in the form of a new resolution. I think the government are doing everything they can to try to encourage both a peaceful solution and a solution which is consistent with international law and Security Council resolutions. We will continue to work as best we can at that. I think we can look forward, during the next few days, not just to a new Security Council resolution—because I am optimistic that that will get through; I think in the end the Russians will see the benefit of agreeing to a new Security Council resolution—but also to tabling in the parliament the British dossier on Iraq’s weapons of mass destruction capabilities.

Aviation: Ansett Australia

Mr McCLELLAND (2.20 p.m.)—My question is to the Minister for Employment and Workplace Relations. Minister, can you confirm that in August 2001, the month before the Ansett collapse, Ansett executives were paid a total of $3.3 million in bonuses and that these payments are still being investigated by the Ansett administrators? Do you also recall, shortly after Ansett collapsed, telling this House:

The idea that senior management in Ansett should be paying themselves huge bonuses at the time that they were flying their airline into the ground borders on the obscene.

Minister, if it was so obscene, why has the government not backdated its legislation to enable administrators to claw back unreasonable bonuses to the day of the Prime Minister’s announcement on 4 June 2001—that is, before the Ansett bonuses were paid?

Mr ABBOTT—I thank the member for Barton for his question. I would be the last member of this House to defend the conduct of the Ansett management team prior to the Ansett collapse. I think everything that has emerged about the conduct of Ansett in the months, and perhaps the years, prior to that commercial tragedy suggests that it was badly managed. So I would be the last—

Mr Crean—So backdate it.

The SPEAKER—The minister has the call. He is responding to the question. He will be heard in silence.

Mr ABBOTT—person to defend the conduct of that management and those senior executives. This government believe in protecting workers’ entitlements, and we have done that in a way which has never been done before by any previous Australian government. We believe in protecting workers’ entitlements, but we do not believe in retro-
spective legislation. We believe that retrospective legislation offends all the usual principles of natural justice. If members opposite are that concerned about retrospective rip-offs, I suggest the first thing the Leader of the Opposition and the member for Barton should do is demand that their own party hand back the money they ripped off from Australian taxpayers through the Centenary House deal.

Rural and Regional Australia: Drought

Mr JOHN COBB (2.23 p.m.)—My question is addressed to the Minister for Agriculture, Fisheries and Forestry. Will the minister advise the House of assistance measures being made available by this government to farming families and their communities during the current drought conditions in rural and regional Australia? Is the minister aware of any alternative policies in relation to this issue?

Mr TRUSS—I thank the member for Parkes for his question and acknowledge the deep effect that the drought has had in his own electorate and his continuing interest in securing relief and support for farmers facing difficulties. As was reported to the House yesterday, the Australian Bureau of Agricultural and Resource Economics, in its forecast announced yesterday, predicted a $6 billion downturn in gross farm production and a $3.8 billion reduction in net farm incomes. This will obviously have a very significant impact on farmers themselves and on their rural communities, and, indeed, when farmers do not have that amount of money to spend, it also affects their capacity to purchase services and supplies in the cities. So it has an impact on our nation as a whole.

I have noted that some reports in the press suggest that there may be food shortages and dramatic price increases. I think those statements are somewhat dramatic. We need to put some of these things into perspective. There is only about 4c worth of wheat in a loaf of bread. Even if wheat went up 20 per cent, it would still mean only a 1c increase in the price of bread. There are similar tales in relation to other produce on the supermarket shelves. There will obviously be some upward pressure on prices as a result of shortages but, in the tradition of the past, Australian farmers will continue to make sure that there is adequate food and fibre for all Australians. We export two-thirds of what we produce, so there will be plenty of food and drink for Australians even through these difficult times.

Some families are facing particular difficulties, and we need to be in a position to provide assistance to them. Yesterday, my parliamentary secretary announced the provision of $8.2 million in funding to support 62 financial counselling services in rural areas to make sure that they will be able to continue their excellent work in helping families in distress. The Farm Help program is also helping quite a number of families. Over $2 million has already been paid out to farming families this financial year, providing welfare assistance to those in particular need. As the Acting Prime Minister mentioned yesterday, farmers have over $1 billion in the Farm Management Deposit Scheme which will help them fund their own way through the difficult times ahead. That scheme is a very valuable scheme—

Mr Crean—Set up by me.

Mr Crean—No, it was not!

Mr TRUSS—You utterly destroyed it.

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

Mr TRUSS—It seems that the Leader of the Opposition is trying to reinvent history. It is clearly a scheme that was originally introduced by a coalition government. It was effectively destroyed by Labor and was reinvigorated under this government. It is now demonstrating its capacity to make a worthwhile contribution in these difficult times. Once again we have the ill-informed interjections from the opposite side.

The honourable member asked me whether there were any other alternative policies around. Ironically, we have had two media releases on drought put out in the last couple of days. They clearly demonstrate that there are no alternative policies in relation to drought. Senator O’Brien, who is the opposition spokesman on these matters, has put out a press release blaming everybody
else but offering absolutely nothing himself in relation to assistance for farmers. In fact, his press release contains at least four errors of fact, statements that are simply wrong, yet that is the basis of Labor’s policy. He probably tried to get something through the shadow cabinet, but agriculture ministers usually miss out when they go to the shadow cabinet. Their proposals well and truly fall on infertile ground in that sort of territory. Shadow minister Senator O’Brien suggested that the first thing that the government ought to do is to introduce comprehensive reform of the exceptional circumstances arrangements. He acknowledged that I had been working on that for the last couple of years. What he seems to have forgotten is that it was his Labor mates at the state level who stamped that out last month. They said they will not be a part of the reform. So, if anyone is concerned about the reform of the exceptional circumstances arrangements, Senator O’Brien should start with his Labor state mates.

Mr Sidebottom—You’ve done nothing. You’re puffed up.

The SPEAKER—Order, the member for Braddon!

Mr TRUSS—He then went on to suggest that we should have buffer zones around the EC areas so there are not rigid lines that cut one producer off and make another eligible. Again, where has he been for the last couple of years? The last three declarations have all had buffer zones surrounding them and the arrangements for New South Wales, if that area is eventually declared, will also have a buffer zone to make sure that there are not rigid boundaries. He then went on to suggest that we should deal promptly with the New South Wales EC application and assess it quickly. Was he asleep when we announced last week that the application has already been referred to the National Rural Advisory Council for consideration and that, in the interim, we will be providing welfare assistance to the people who are affected? Clearly, Labor are asleep at the wheel. They have no responses whatsoever in relation to helping farmers in need.

I note that another press release came from the shadow minister for the environment. He has a magic cure for droughts: sign the Kyoto accord and then, suddenly, all droughts will end. That is his proposal. If we sign the Kyoto protocol, it will suddenly rain more and farmers will have no problems! I suggest that the shadow minister for the environment should talk to Senator O’Brien so that the Labor Party can have a policy in relation to exceptional circumstances.

Mr Sidebottom—You’re a goose.

The SPEAKER—The member for Braddon is warned!

Mr TRUSS—The clear reality is that Labor has no answers on these issues. It is the same old thing. Clearly, if farmers want a caring government that is going to respond to these issues of concern, they need to go to a coalition who will always be there and be responsive to their needs.

Taxation: Life Insurance

Ms KING (2.30 p.m.)—My question is to the Acting Prime Minister, and I refer to the answer just given by the Leader of the House where he said that the government does not believe in retrospective legislation. Acting Prime Minister, are you aware that on 11 September the Minister for Revenue and Assistant Treasurer, Senator Helen Coonan, announced amendments to income tax laws intended to benefit life insurance companies? Are you also aware that the minister promised that these amendments—which are yet to be drafted—will be backdated to 1 July 2000, some 27 months ago? Acting Prime Minister, why is it okay to backdate legislation that benefits big insurance companies but not okay to backdate legislation that benefits workers who have been robbed of their entitlements by corporate mismanagement?

Mr ANDERSON—I thank the honourable member for her question and make the observation at the outset that—as the previous spokesman from this side referred to—as a general principle retrospective legislation which goes to the provision of penalties is something that we do not regard as fair and appropriate. Where penalties are concerned, we seek to make reasonable laws as circumstances unfold.
I note that, on this whole area of workers’ entitlements, I do not think I could think of an area where the Australian Labor Party have been more hypocritical. They had 13 or 14 years in government and never tackled this issue. They continue by their silence to support the outrageous claims made by the ACTU that we have not done anything to help Ansett workers when in reality we have put in the most far-reaching and substantial set of workers’ entitlements arrangements that any government has overseen in this country—arrangements that have seen well over $300 million paid to Ansett workers, for whom we had a great deal of pity. We on this side were prepared to do things for the very workers you say you stand up for, workers that you, in 13 years of government, never moved to help.

We have acknowledged the need to act in the case of those company directors who claim outrageous bonus payments—and frankly there have been too many instances of outrageous bonus payments and what have you. That legislation has been fore-shadowed by the Prime Minister. But, as we have clearly indicated, we do not believe that it is appropriate, where penalties are involved, to introduce retrospective law. I suspect the overwhelming bulk of Australians would support and uphold that principle.

**Roads: Scoresby Freeway**

Mr BILLSON (2.33 p.m.)—My question, and that of my colleagues from Aston and Deakin, is addressed to the Acting Prime Minister and Minister for Transport and Regional Services. Is the Acting Prime Minister aware of recent statements by the Victorian government regarding the proposed Scoresby Freeway? Did Victoria consult the Commonwealth government on these major announcements? Would he also advise the House how these latest developments will affect the federal government’s commitment to the Scoresby Freeway project?

Mr ANDERSON—I thank the honourable member and note his very real interest in this matter. We do believe indeed that the Scoresby Freeway is a vitally important project for the development of Victoria. I can see people in the gallery who plainly want it to happen. We want it to happen as well. It is good to see some Victorians here. That is why we put serious money on the table for this project, including $68 million for this financial year to kick it off, and that is on the table now. I record my very real disappointment that we are not going to be able to spend our $68 million this year.

The honourable member has asked whether we had been kept up to date by Victoria on what was happening. I have to say that that is a good question. I had to write to the Victorian government twice, asking for a copy of the business case. Last Friday, six months after it was originally due, my department was finally briefed on the Victorian business case. I have to say we still only have part of it. But they told us at that time that they were considering combining the state contribution not for Scoresby alone but for two projects, Scoresby and the Eastern Freeway extension, together into a private partnership. At the same time, they reassured us that they would be kept separate for the purposes of us and our commitment.

Something must have happened over the weekend because yesterday the Victorian transport minister announced their intention to combine the Eastern Freeway extension into the Scoresby development. Not only that, in what I think would have to be described as a very transparent move, they renamed the project without consulting us. They renamed it after two marginal Victorian seats. There you go: if that is not opportunism, I do not know what is.

But there are some serious problems with this. By rolling the Eastern Freeway project into the Scoresby Freeway, regrettably construction will not begin on either project—remember, we do not construct these things; Victoria does— until mid 2004, two years away. That is two years after we were told construction would begin, when we have our money on the table. We want to see bulldozers on the ground working and that is what we have put our money up for. This is just another excuse, it seems to us, for Victoria not to put its money up. That is a real concern. The honourable member asked me how this development would affect the Commonwealth’s commitment. I just want to say that we remain committed to the original
project, despite the incompetence of the Bracks Labor government.

Let us work through a couple of other issues. Less than 12 months ago, we were told that the Scoresby Freeway would cost $890 million. Now we are told it will cost $1.4 billion. That is a more than 50 per cent increase. The question needs to be asked: how can we trust these figures when the goalposts keep moving on us? I know that the members for Deakin, Aston, La Trobe and Dunkley, not to mention other people in Victoria, want this project delivered. They want it under way. I have to pose the question as to whether the Leader of the Opposition has been doing his job and having a quiet word to his cronies in Victoria: ‘Just get on with it, Steve. You look a bit as though you can’t deliver, Steve.’

Ironically, and in conclusion, I note that this announcement has come at the same time that the Bracks government has been running self-congratulatory advertisements on television in Victoria, telling people how the state is doing so much in building infrastructure. The ad says: ‘The Scoresby Freeway is a huge incentive. It will save heaps of travel time. Faster access to the port, Melbourne airport and the Hume. You can’t get better infrastructure than this.’ The ad should say: ‘You can’t get better infrastructure than this because Steve Bracks is a ditherer and can’t make a decision.’

Mr Zahra interjecting—

The SPEAKER—Order! I warn the member for McMillan!

Mr ANDERSON—That is what it ought to say. If Steve Bracks cannot make a decision, he ought to move aside for someone who can and who can get on with this project.

Taxation: Tobacco Excise

Taxation: Family Payments

Mr CREAN (2.40 p.m.)—My question is to the Acting Prime Minister. How can the government not act to recover an estimated $250 million in unpaid tobacco excise from tobacco wholesalers and retailers but continue to defend its flawed family tax benefit system, which sees it clawing back more than $500 million each year from struggling families? Acting Prime Minister, why is the government concerned about the impact of retrospective action on tobacco companies—not to impose a penalty but to recover a windfall—while not hesitating to strip families’ tax returns to recover payments families have already spent on essential items to help bring up their kids? Isn’t this the case of one rule for the tobacco industry and another for Australians struggling under financial pressure?

Mr ANDERSON—The first point I would make, when you talk about clawing back $500 million from Australian families, is that we have increased family tax benefits to the tune of $2 billion. They are up, not down. We have sought to be more generous.

Mr Crean interjecting—

Mr ANDERSON—He immediately concedes the point; that is what he just did. We have substantially increased tax benefits to Australian families. They are very much better off under the set of arrangements we have put in place.

Mr Crean interjecting—

The SPEAKER—Order! By any measure, I have in question time exercised a great deal of tolerance to the Leader of the Opposition, who persistently interjects. The Acting Prime Minister has the call. Under a number of standing orders, most notably standing order 55, he has the right to be heard without interjection.

Mr ANDERSON—As members of the House may recall, over five years ago—this issue has suddenly arisen now; it might have something to do with a state election—the High Court, in a case called Hammond, decided that the legislative scheme implemented by the states and the territories was invalid. What did the states do to try to address the problem of a $5 billion revenue shortfall? They came to the Commonwealth. What did the Commonwealth do? We facilitated a solution. We came to the party; we did the right thing.

There is the suggestion that, somehow, the Commonwealth has been derelict in its duty to taxpayers and has not met the reasonable requests of the states—despite the fact that,
at the time, some of them were pretty unfair in their criticisms of the Commonwealth in general and the Treasurer in particular. The Commonwealth has moved to do the right and responsible thing and has put back into place Commonwealth legislation under which, via a Commonwealth-state agreement, it could recover this money.

There was a timing issue in relation to the period between the beginning of July and early August 1997, during which, for constitutional reasons—because Commonwealth legislation to collect the excise was not in place and we were not in a position to collect the money, which was acknowledged by the states—the states undertook to collect the money themselves if they could. After five years, it would appear that one or two states have a bit of an interest in trying to make political capital out of this. I want to make a very important point: anecdotal evidence suggests that at least some of the money collected by retailers and given to the tobacco companies or the wholesalers has now been refunded by those tobacco companies to retailers.

Mr Crean—How much?

Mr ANDERSON—I do not know. We will try to find out more, but we do not know how much it is. Furthermore, there is legal action pending in relation to this, and it may very well be that the so-called windfall to the tobacco companies will prove not to be a windfall at all. As this unfolds, the money may very well be returned to the small businesses and other retailers who paid it in the first place.

Immigration: Litigation

Mr DUTTON (2.44 p.m.)—My question is addressed to the Minister for Immigration and Multicultural and Indigenous Affairs. Would the minister inform the House whether there has been a significant growth in litigation in his portfolio over the past decade and what impact this has on the role Australia can play in responding to the international refugee protection system?

Mr RUDDOCK—I thank the honourable member for Dickson for his question, because he does raise a very important matter in relation to the growth of litigation in the area of the portfolio of immigration and before the courts. In 1993-94, there were 517 immigration related applications lodged with the courts and before the AAT. In the financial year just ended—2001-02—that had climbed to 2,609 cases. Of particular concern to me is the growth before the High Court. In 1998-99, there were 65 matters before the High Court. In the year 2001-02, there were 360 matters before the High Court.

Mr Latham interjecting—

Mr RUDDOCK—I think that table highlights the growth in High Court applications and appeals with a 250 per cent growth rate, which is well beyond that which you would expect in any other area of law. Of all the administrative law matters before the Federal Court, immigration cases last year made up 53 per cent.

I think I heard the honourable member for Werriwa interject: ‘What about the outcomes?’ The outcomes are particularly illuminating because what you find is that most people withdraw their High Court and other matters before they reach a hearing, and on most matters which are heard the Department of Immigration and Multicultural and Indigenous Affairs is successful. But what is happening, of course, is that there is tremendous strain on the courts, and we now have many Australians who are being denied proper access to the courts because of the extent to which they are being choked by immigration matters. The fact is that there is concern on two particular fronts. One is the delay that is occasioned in the court lists and costs that are associated with those. The other is the precedents that can be established when you develop particular jurisprudence which is well beyond the internationally accepted basis upon which decisions are taken.

For people taking their case through to the Federal Court before a single judge, we now have an average time of 305 days from application to resolution. Before the High Court in its original jurisdiction, matters took 385 days to resolve, and that is more than a year in every case. Of course, that delay can benefit those who bring the matters. That is obviously why they bring them. It gives them an opportunity to work in many
cases—lawfully or unlawfully—in the community and, for those in detention, it imposes very significant additional costs upon the community as well.

Lest it is thought that this is a preoccupation of mine, let me just say that I have found illuminating the comments that are now coming from the United Nations High Commissioner for Refugees, Mr Ruud Lubbers, because, in a statement to the European Union Justice and Home Affairs Council on 13 September, he had this to say:

But you also need time-efficient and simplified appeals. This, I understand, is where you feel that much of the problem lies, and you are right. The problem is in the appeals process. Indeed, the volume of these appeals and the lengthy processes of adjudicating them is what blocks the system, creating so much frustration.

Then you have the precedents which widen the application of the convention. Where that becomes important is that if precedents enable people who would not be found to be refugees elsewhere to obtain refugee status, those people who live in far more difficult circumstances, who are refugees, who cannot go home and who have an urgent need for resettlement are the very people who miss out. That is the very reason that we need to be vigilant in dealing with these issues and in relation to the way in which these matters have developed over time. There may well be a need to come back to the House from time to time to ensure that the abuse of our legal system does not contribute to undermining our capacity to help real refugees.

Budget: Oil Revenue

Mr SNOWDON (2.50 p.m.)—My question is to the Minister for Foreign Affairs, in his capacity as Acting Treasurer. Acting Treasurer, are you aware of comments on the ABC’s AM program this morning by Barry Jones, Executive Director of the Australian Petroleum Production Exploration Association, warning of sustained upward pressure on oil prices? Isn’t it the case that the budget forecasts are based on an assumption of a $US23 a barrel oil price compared with more than $US30 a barrel today? Acting Treasurer, what is the size of the revenue windfall that this will deliver to the government this financial year if prices remain at current levels? What are the implications for the wider economy and petrol prices at the bowser, particularly in my own electorate in the Northern Territory?

Mr DOWNER—Firstly, I thank the honourable member for Lingiari for his question. This follows comments made this morning by his counterpart, the member for Fraser, the opposition spokesman on Treasury matters. The first point I would make in answer to the question is that the GST is Labor Party policy now. The Labor Party support the GST. And, given that the Labor Party support the GST, I think they would be familiar with the fact that all revenue from the GST goes to the states. So, in the first place, any revenue that may come from the GST—

Mr Snowdon interjecting—

The SPEAKER—If the member for Lingiari is seeking a point of order on the matter of relevance, I would indicate to him that I am listening closely to the minister’s reply. The minister, it seemed to me, indicated that he intended to relate the GST to the question asked. Should that not be the case, I will draw the minister back to the question.

Mr DOWNER—In terms of there being any windfall from the GST out of any changes to prices across the economy, that is a windfall that would fall to the states. Secondly, in relation to fuel excise—and the honourable member may not be aware of this because this may not be Labor Party policy—the honourable member may be interested to know that the government, last year, scrapped the indexation of fuel excise. The fact is that the sorts of windfalls that the honourable member may be alluding to may not, at first flush, be windfalls that the Commonwealth would get. In the second case, any analyst of this situation has to take into account the elasticity of demand for petrol. The simple fact is that if there are substantial increases in oil prices and therefore petrol pump prices then inevitably, in these circumstances, that has the potential to reduce demand for the product.

Dr Emerson—Mr Speaker, I rise on a point of order. The minister missed out resource rent tax. He got the other two taxes.
The SPEAKER—Does the member for Rankin have a point of order or is he abusing the chair?

Dr Emerson—We would like to hear about resource rent tax and bring him back to being relevant.

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

Mr DOWNER—Mr Speaker, thirdly, inevitably, prices across the economy are going to fluctuate according to domestic and international circumstances. The fluctuation in prices can have implications, both positive and negative, for revenue. That is why, on a half-yearly basis, this government produces its Mid-Year Economic and Fiscal Outlook document. The last such Outlook was produced at the time of the last budget. At an appropriate timing, consistent with the Charter of Budget Honesty that this government introduced, a further Outlook will be produced and, if there are any adjustments to be made in estimates of revenue, they will be made clear to the parliament at the appropriate time.

Workplace Relations: Secret Ballots

Mr CIOBO (2.55 p.m.)—My question is to the Minister for Employment and Workplace Relations. Minister, is the government committed to the principle of democracy in the workplace? What obstacles is the government facing in trying to implement secret ballots before strikes? Minister, how will the implementation of secret ballots protect the jobs of Australian workers?

Mr ABBOTT—I thank the member for Moncrieff for his question. I can assure the member for Moncrieff that members of this government, like real labour leaders such as Tony Blair, are completely committed to the principle of secret ballots before strikes. As Tony Blair so rightly and so well said to the British Trade Union Congress just after becoming Prime Minister:

We are not going back to the days of industrial warfare, strikes without ballots, mass flying pickets and secondary action. You do not want it and I will not let it happen.

They were the words of Tony Blair. I can say that Tony Blair’s chief understudy in Australia, the Queensland Labor Premier, Peter Beattie, is also committed to the principle of secret ballots before strikes to stop what he says is the combat culture perpetrated by ultramilitant unions. At least that is what he said until union boss big Bill Ludwig made him an offer that he could not refuse. Of course the union bosses do not like secret ballots. Of course the union bosses’ party is frightened of secret ballots because secret ballots give control over strike action to rank and file workers. It takes the control away from the union bosses and gives it to the rank and file workers. Secret ballots empower ordinary workers, and that is the last thing the union bosses want. Speaking of ballots, I notice that the member for Watson, ‘Lord Leo of Sussex Street’, has just created his own hereditary peerage—

The SPEAKER—The minister will resume his seat.

Mr Latham—Mr Speaker, I rise on a point of order. On the obvious point of relevance, the minister is now abusing the chair and the standing orders by going well beyond the question—

The SPEAKER—The member for Werriwa will have noted that, prior to his rising to his feet, I had already intervened. The minister will return to the question.

Mr ABBOTT—I do think that it is important to point out that, as far as members opposite are concerned, secret ballots are manipulated to produce family dynasties. But, as far as this government is concerned, we deeply support the principle of industrial democracy. What could be fairer than giving people a vote before they are asked to put their pay packets at risk? I call on the Leader of the Opposition, if he is serious about demonstrating that he is bigger than his background, to get his colleagues in the Senate to support the government’s secret ballots bill.

Fuel: Ethanol Content

Mr McMULLAN (2.59 p.m.)—My question is to the Acting Prime Minister and Minister for Transport and Regional Services. Minister, have you seen a report in today’s Daily Telegraph warning that use of more than 10 per cent ethanol in outboard
motor engines could ‘contribute to loss of life or serious injury’? Wasn’t the government warned of this in a 12 August meeting of the Fuel Standards Consultative Committee? Wasn’t that committee also advised of cases:

... of outboard engine failures on the South Coast of New South Wales due to fuel contamination caused by ethanol.

Why does the government continue to give higher priority to the interests of Manildra, the company that dominates the Australian ethanol market, than to the safety of the Australian boating public?

Mr ANDERSON—I thank the honourable member for his question. As I think has been canvassed substantially in this place, the Minister for the Environment and Heritage is overseeing a testing procedure to establish appropriate levels—minimums and maximums, if applicable—in law for future ethanol blending in this country. But, to this point in time, the fact is that those limits have not been established. Internationally, there is a range of experiences. There are conflicting views on the impact on motor vehicle engines and so forth.

In their continual pursuit of this matter, one has to wonder aloud—if I may for a moment—just what the ALP’s objectives are. I would have thought trying to grow a new ethanol industry, a bigger ethanol industry, in Australia was a desirable objective. I would have thought it might have created some extra jobs and that it might have been good for regional development. I would have thought that there might very well be some substantial environmental benefits. These matters are under review. I would have thought the ALP might have had some interest in pursuing it, but they seem to have all sorts of objectives in pursuing the interests of other groups. Perhaps they are interested in Trafigura and feel that they need some defence. It is only a little company worth about $US9 billion and is one of the biggest commodity traders in Europe. According to reports in the Wall Street Journal, it is the subject of an ongoing international investigation into oil smuggling under the UN oil for food program in Iraq and, according to the Thailand daily newspaper the Nation, they are also at the centre of a customs investigation into irregularities in oil imports to that country.

The other possibility is that the ALP, having been wedded to excise increases on fuel—they made it an art form for raising revenue when they were in government—have perhaps broken that practice now and really want to see us in this country importing fuels and substitute fuels which can be sold in this country without excise at very great cost to the taxpayer. I ask the question: why are the ALP continuing to pursue what seems to be, on the surface of it, an anti-Australian approach to ethanol?

Trade: Economy

Mr PEARCE (3.03 p.m.)—My question is addressed to the Minister for Trade. Would the minister inform the House how the economic environment created by this government is helping to broaden Australia’s exports base and, most importantly, to create new jobs in our communities?
Mr VAILE—I thank the honourable member for Aston for his question and for his obvious interest in the jobs growth that has taken place in Australia in the last six or so years. We have seen a million new jobs created in the Australian economy as a direct result of the sound economic management by our government in Australia. That has also significantly assisted the export sector in increasing their capacity in the international marketplace and in sustaining many new jobs within the Australian economy.

I will highlight one particular sector of importance to the Australian economy as far as exports are concerned, and it is not the commodities sector and it is not the services sector. It is the area of manufactures—an area in which Australia has long sought to see an expansion of our exports. Currently, 17 per cent of Australia’s export earnings come from elaborately transformed manufactures, and they sustain many tens of thousands of jobs within Australia. This is an area that is not highly reported but, as I say, of the $154 billion worth of export earnings that we receive in Australia, 17 per cent are earned by ETMs—elaborately transformed manufactures.

I will highlight one area to the member for Aston that is continuing to grow at a rapid rate. It is the high-tech area of precision measuring and controlling instruments. We are developing intellectual property in Australia through investing in innovation in this country in recent years, through providing a stable economic environment and through providing an environment that is very conducive to being far more competitive in the international marketplace. The precision measuring and controlling instruments sector exported around $751 million worth of goods in 2001. It is the eighth largest manufactured export out of Australia, it involves around 300 companies and we have seen a growth of 16 per cent in employment in this sector since 1996. Quite obviously, our government’s policies in terms of creating a very strong and stable economic environment in Australia are creating opportunities in the international marketplace and seeing the expansion in our exports of not just commodities and services but also elaborately transformed manufactures, which are sustaining an increasing number of jobs in the Australian economy.

Fuel: Ethanol Content

Mr KELVIN THOMSON (3.07 p.m.)—My question is to the Minister for the Environment and Heritage, following the Acting Prime Minister’s answer to the previous opposition question. Is it not the case that your department issued a paper in September 2000 entitled Proposed standards for fuel parameters (petrol and diesel): revised Commonwealth position, which proposed a 10 per cent limit on ethanol in petrol? Why did the government not introduce this limit, and who is the major beneficiary of the current unregulated situation?

Dr KEMP—I thank the honourable member for his question. The government is currently considering the issue of a cap on the ethanol content appropriate for petrol. The paper to which the opposition shadow minister refers reported also that there was considerable disagreement amongst experts as to what the appropriate level of the cap should be. The government is currently considering this issue by undertaking appropriate studies to determine the impact of different levels of ethanol on motor vehicle engines. The government has put in place a $5 million study into market barriers to the uptake of biofuels. As part of this study, the government is conducting an investigation into the impact of 20 per cent ethanol content on motor vehicle engines. It is also, with reference to the previous question, conducting studies into the impact of different ethanol blends on two-stroke engines. It is very important in this area that the decision the government takes be based on appropriate scientific evidence. There are, as the Acting Prime Minister said quite correctly, different views about the impact of different ethanol petrol blends on engines, which is why the government is conducting what will be the definitive study which will underpin the government’s decision.

I would like to make a comment on the testing program that is being undertaken in relation to two-stroke engines, including outboard motors. The government expects to have preliminary results of this testing pro-
gram by the end of the year. The Australian Marine Industries Federation has written to me, advising me of its concerns about the potential impacts of higher ethanol blends on outboard motors. It is important that consumers know what they are buying, and fuel suppliers should ensure that they fully disclose to consumers whether the fuel contains ethanol, whether it is suitable for particular applications, and any potential impact or damaging impact on the performance of engines. I advise boat owners in particular to check operating manuals for manufacturers’ recommendations regarding fuel requirements. Boat owners should be very cautious in buying fuel which contains ethanol blends.

The government believes that there are potentially very significant benefits that could be gained by the use of ethanol in fuels, but equally that it is very important that the quantum of the blend be appropriate for the engines which are available to consumers, and that is precisely what the government’s current scientific study is all about.

Education: University Funding

Mr BARTLETT (3.11 p.m.)—My question is addressed to the Minister for Education, Science and Training. Would the minister inform the House of how the federal government is supporting Australia’s 38 publicly funded higher education institutions? Is the minister aware of any promises in this area which could have an impact on the Commonwealth budget?

Dr NELSON—I thank the member for Macquarie for his question, and acknowledge his very strong support for the Nepean campus of the University of Western Sydney. You might be interested to know that that university is described by the New South Wales education minister as being ‘on the fringe of Sydney’. I am sure the member for Macquarie’s constituents will appreciate hearing that. Australia currently has 38 publicly funded universities. The Commonwealth government this year will provide $6.4 billion to those universities—31 per cent in the form of an operating grant. Eighteen per cent of university revenues will be HECS and 15 per cent will be university research funding. That means that universities this year, with $4 billion of non-government funding, will have total revenues of around $10.4 billion, which is almost $2 billion more than they received when this government came to office in 1996.

In relation to the Higher Education Contribution Scheme, there are 1,115,317 Australian students and former students who currently owe $8.2 billion to the Australian taxpayer. It should be pointed out to the House that HECS—which is money that is lent by the Commonwealth from hard-working Australian taxpayers, many of whom have never seen the inside of a university—is actually a cost to the Commonwealth government of $300 million a year. It costs the government $300 million a year because of a 25 per cent up-front discount, a 15 per cent discount for part payments, and also remissions and write-downs for students who are not able to meet their repayments.

The Australian higher education sector will be reformed by this government. The four priorities for reform will be equity, diversity, quality and sustainability. The President of the Australian Vice-Chancellors Committee, Professor Schroeder, was reported in the Sunday Telegraph on 15 September as saying:

Put simply, there is widespread consensus within the higher education system, government and the broader community that the current funding and regulatory framework for universities is unsustainable.

He said:

It is inhibiting institutional growth and diversification and it is beginning to threaten the quality of education that our universities are able to offer. I have found some very similar comments made by, shall I say, a rather muscled-up author. In a tome entitled The enabling state: people before bureaucracy—something that would certainly be supported on this side of the House—the member for Werriwa said:

The heavy hand of national regulation is limiting the system’s freedom to respond to the new challenges of competition ... Our universities will never be able to realise their potential without greater freedom and diversity ... Governments, of course, cannot mandate or prescribe diversity ... Rather, the Commonwealth needs to give the universities greater power of self-direction and self-governance.
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What do we know at the moment of the Australian Labor Party's policies in relation to universities? Firstly, last week, the President of the Group of Eight universities argued for $385 million more for research. Immediately, the member for Jagajaga came out and said that the Australian Labor Party would support the $385 million. She was quoted in the *Australian* newspaper on 19 September as supporting the calls for more funds. Further to that, on Wollongong Radio 97.3 on 3 September this year, when the member for Jagajaga was asked if Labor would fund a place for everyone, she said:

The idea that there are 50,000 students around Australia who can't get into universities because there isn't a place, I think is a shocking waste.

The total cost of that is $640 million. In fact, the unmet demand is about 10,500. On 4 June this year, she was campaigning for Australian universities to drop domestic fee-paying places in universities. That means that, if you are a student in Bligh Park and you want to get a place in a university that is already full, you get less of a right than a student in Beijing to study in Australia. The cost of dropping those domestic places is $70 million. She also argues that the repayment threshold for HECS—currently $23,242—should be increased. If you assume that you would go to Knowledge Nation with its $25,000 repayment threshold, that is $266 million over four years. In terms of Labor Party policy so far in relation to Australian universities, we are looking at around $1.12 billion of expenditure.

As the member for Jagajaga said the week before last at a financing conference on universities, it is a matter of priorities. She said that the government could reorder its priorities. I am sure the member for Lalor would like to reorganise the priorities of government, were she in government. I think the member for Fremantle would reorganise priorities if she were in government. They would take money out of defence and border protection and put it into universities. I think, as the member for Werriwa has actually said, governments need to look beyond the ideologues.

**Mr Latham**—Mr Speaker, I rise on a point of order. The minister has been speaking for over seven minutes now. Isn't this better as a ministerial statement?

**The SPEAKER**—The member for Werriwa will resume his seat.

**Mr Latham interjecting**—

**The SPEAKER**—The member for Werriwa will resume his seat.

**Mr Latham**—It's like the *Braveheart* movie.

**The SPEAKER**—I warn the member for Werriwa!

**Mr Latham**—It's like the *Braveheart* movie.

**Mr Hockey**—It's book sales; people kill for that. It’s you and Chopper getting free publicity.

**The SPEAKER**—I have already warned the member for Werriwa. The House is not facilitated by the Minister for Small Business and Tourism eroding the chair's authority.

### Housing: Affordability

**Mr LATHAM** (3.18 p.m.)—My question is to the Acting Prime Minister. Do you recall telling the House yesterday that the crisis in housing affordability is:

... a crisis that does not exist ... home ownership ... has never been as achievable as it has been under this government ...

Acting Prime Minister, under this government, hasn't the price of a typical Melbourne house jumped from four years average earnings to seven years average earnings? Haven't house prices in Australia increased on average by 20 per cent in just the last 12 months? Isn’t a three-bedroom home in any part of metropolitan Australia, in any suburb in the country, now out of the reach of the poorest 15 per cent of Australian households? Acting Prime Minister, how can you ignore the housing affordability crisis that is hurting Australian families so badly all over the nation?

**Mr ANDERSON**—It was the term 'crisis' that I took particular objection to. I think it is absurd to overstate some variability in house pricing. You chose Melbourne presumably because house prices in Melbourne have risen very rapidly in recent years, I suspect in large part because—if you disregard the current government—after a long period
of woeful mismanagement in the 1980s, the Victorian government was put back on the economic tracks by a coalition government for most of the nineties, and Melbourne made some pretty good progress. When we talk about affordability, you have got to look at a number of issues. We could start with unemployment, which is about half of what it was when you left office. It is much easier to afford a house if you have got a job.

Mr Tanner interjecting—

The SPEAKER—The member for Melbourne!

Mr ANDERSON—Then you could go to real wage levels, which had been in long-term decline under you—

Mr Tanner—Eight per cent to six per cent.

The SPEAKER—The member for Melbourne is defying the chair!

Mr ANDERSON—but which have risen in real terms by some 10 per cent or thereabouts—by 12 per cent—over the last six years. Then, of course, there is the issue of interest rates. Nothing affects housing affordability more than interest rates. I made it plain yesterday that I in no sense could countenance the idea that there is a crisis in Australian housing. I think that is emotive; it is over the top. It is Labor Party scaremongering.

Science: Biotechnology

Mr SCHULTZ (3.20 p.m.)—My question is directed to the Minister for Industry, Tourism and Resources. Would the minister inform the House of the latest developments in the biotechnology field and the action the government is taking to encourage investment and innovation in this sector? Minister, are you aware of any alternative policies?

Mr IAN MACFARLANE—I thank the member for Hume for his question. Not only is he a very hardworking local member but also he shows his versatility by supporting biotechnology in his electorate. This morning, the member for Hume and I celebrated with Chondrogenesis the awarding of a BIF grant of some $150,000 to that company. The proprietors of that company, Dennis and Nancy White, have developed a line of biotechnology which offers extraordinary opportunities for the treatment of arthritis and also cartilage damage. Cartilage damage in Australia not only relates to football injuries, which I know is very pertinent in this House at the moment, but also can lead to osteoarthritis. The importation of the gene which is developed in the deer’s antler offers the opportunity to hasten recovery. In fact, the work that has been done has been so welcomed by the Arthritis Foundation of Australia that their CEO, Bridget Kirkham, said today:

We believe this proactive approach towards research by the government should be commended. It is great news for Australians with arthritis.

Innovation like this, if proven, provides an opportunity for Australia not only to earn international recognition and cure the debilitating disease of osteoarthritis but also to earn significant export funds. It is just one of 39 projects that we have funded over the announcement this morning of the BIF—some $9.1 million attached to that round. Of course, it is only part of what the federal government do in science and innovation. This year we will spend some $5 billion in this area. That is in stark contrast to the innovation void from those who sit opposite. More importantly, it is a billion dollars a year more than Labor ever spent on science and innovation.

Housing: Affordability

Mr LATHAM (3.23 p.m.)—My question is to the Acting Prime Minister. I refer him to Mr Howard’s announcement on Friday concerning the establishment of a secondary equity market for the housing sector. Will the Acting Prime Minister acknowledge that the only reason institutional investors will take an equity stake in family homes is to earn an immediate and ongoing investment return—that is, the collection of rental payments on their equity. Isn’t it unacceptable in the Australian housing market for people not only to have to pay a mortgage to a primary lender but also to pay rent to a second financial institution? To ease Australia’s housing crisis, shouldn’t the government be creating new savings incentives for home buyers, such as Labor’s proposals for matched savings accounts and nest egg accounts, rather than
pushing people further into debt and forcing them into a rental trap?

Mr ANDERSON—The first point I would make about what the Prime Minister put on the table last week was that he, in the interests of all Australians wanting to own their own home, has been prepared to think laterally and look for new solutions. He is not imposing any ideas, he is not outlining something that is going to be taken forward as policy; he is talking about a concept which can be worked up by the Menzies Foundation. Why anybody would oppose that, I really do not know. Presumably, this is about trying to say to the voters in Cunningham that you are more serious about home affordability than the coalition. That just does not stack up. As I said before—and I can provide the opposition spokesman on this matter with more information, if he would like it—the figures clearly reveal that, in terms of their asset wealth, purchasing power and income, and in terms of the number of Australians who have incomes, housing affordability in the nineties and particularly under this government has been considerably stronger and healthier than it was under Labor in the 1980s. Mr Speaker, I can assure you that, if I were a home buyer, I would far rather be seeking to purchase a home and pay it off under the coalition’s economic management than under Labor’s.

Environment: Sustainable Development

Mr KING (3.26 p.m.)—My question is directed to the Minister for the Environment and Heritage. Would the minister advise the House of information linking Australia’s economic competitiveness with Australia’s environmental performance? Is the minister aware of different views on this linkage?

Dr KEMP—I thank the honourable member for Wentworth for his question and acknowledge the significant contribution he makes to the government members committee on the environment. The Earth Summit in Johannesburg showcased the key fact that economic performance and environmental performance go hand in hand and that it is growing economies that have the capacity, with modern technology, to address the key environmental pressures. It was the advanced countries at the summit that had air and water cleaner than it was 50 years ago and the countries that have not yet put in place the governance arrangements to encourage investment that were suffering from the choking smog of the Asian brown cloud and the foul water from old, dirty technology. This has been well recognised by researchers looking at the connection between flexible, adaptive and dynamic economies and environmental performance.

I notice that Daniel Esty of Yale and Michael Porter of Harvard who investigated the link found that environmental sustainability and a country’s competitiveness go hand in hand. In the studies that they did, they demonstrated a correlation of some 72 per cent between these variables. It is, of course, the success of this government in paying off $61 billion of Labor debt and the success of our economic reform program which have enabled us to put billions of dollars into the biggest environmental rescue packages in Australian history—the Natural Heritage Trust and the national action plan.

Mr Tanner—Pulling weeds on river banks.

The SPEAKER—I warn the member for Melbourne!

Dr KEMP—in fact, our economic success has enabled us to more than double the Labor Party’s expenditure on the environment from the levels it was at when Labor was last in office. Labor’s historic problem has been that its inability to manage the economy has meant that it has spent, and squandered in many cases, billions of dollars on ineffective programs to try to hide unemployment rather than being able to invest in the country’s major environmental rescues. This is becoming much more difficult for the Labor Party now because the increasing divisions within the party on economic, social and environmental policy mean that the politics of the warm inner glow have taken over from the hard work and the politics of reality and actually addressing policies that might work.

Nowhere has this been more clearly demonstrated than in the recent press releases from the member for Wills, whose current press releases identify every evil under the
sun as being a result of the fact that the government has determined not to ratify the Kyoto protocol at the present time. He has blamed us for coral bleaching on the Great Barrier Reef because we have not ratified Kyoto. On Monday he went as far as to use the drought as a reason for ratifying Kyoto. Apparently if we ratify Kyoto, we can break the drought. In fact, he said:

By refusing to ratify the Kyoto Protocol, John Howard and John Anderson are cutting the throats of Australian farmers.

What does he think Kyoto is? Is it some kind of rain dance? Is this what the Kyoto conga line is all about?

The Labor Party has not done the work that the government have done to point the way to reducing greenhouse gas emissions. We have put in place effective programs, and all the Labor Party can come up with is yet another treaty ratification—and it is supposed to solve all the problems that Australia is facing at the present time. What is next? I can see that, if Collingwood does not win the grand final, the member for Wills is going to blame it on not ratifying Kyoto. That is where the Labor Party has got itself to at the present time. Ratifying a treaty that will damage Australian jobs and force Australian industries overseas is not going to help Australian farmers. It is a substitute for doing the hard work which would give the Labor Party some credibility in the area of climate change. At present it has none.

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

PERSONAL EXPLANATIONS

Mr CREAM (Hotham—Leader of the Opposition) (3.31 p.m.)—Mr Speaker, I wish to make a personal explanation.

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

Mr CREAM—I do, Mr Speaker—most grievously by the Minister for Agriculture, Fisheries and Forestry.

The SPEAKER—Please proceed.

Mr CREAM—Today in question time, in answer to a question concerning drought, the minister made reference to the Farm Management Deposit Scheme. He said:

That scheme is a very valuable scheme which was gutted by Labor.

Further on, he went on to say that it was effectively destroyed by Labor and was reinvigorated under this government. That is incorrect. The Labor Party improved the IED scheme by the introduction of the farm management bond.

The SPEAKER—The Leader of the Opposition is under an obligation to indicate where he has been misrepresented. I understand that he held office at the time. It would be appropriate for him to point out any way in which he has been misrepresented. He cannot use this facility to point out a way in which his party has been misrepresented.

Mr CREAM—I will table a press release that I issued at the time I introduced this scheme so that—

Mr Truss interjecting—

The SPEAKER—Minister!

Mr CREAM—the minister over there—I was going to say ‘fool over there’—can actually get the story right. I seek leave to table it.

The SPEAKER—I would have thought the atmospherics in the chamber would be dramatically improved if the Leader of the Opposition had not used that term about the minister. Is leave granted?

Leave granted.

Mr Abbott—Mr Speaker, I rise on a point of order. I take the point you just made about the language used by the Leader of the Opposition.

Opposition members interjecting—

The SPEAKER—The Leader of the House will resume his seat. This House is built on the one tradition that everyone has the right to be heard. If people want to see me act in a way that will ensure that they are not here, they will continue to behave as they have in the last few minutes. I call the Leader of the House.

Mr Abbott—I simply point out that that kind of language has sadly become typical of the Leader of the Opposition’s interjections,
and I do congratulate you for reining him in on this matter.

Mr Swan—Mr Speaker, further to the point of order from the Leader of the House, what the Leader of the Opposition was faced with in that engagement was a cackling hyena over there—

The SPEAKER—The Manager of Opposition Business will resume his seat.

Ms MACKLIN (Jagajaga) (3.34 p.m.)—Mr Speaker, I wish to make a personal explanation.

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

Ms MACKLIN—Yes, I do—in fact, five times in question time and also in a press release issued by the Minister for Education, Science and Training earlier today.

The SPEAKER—Please proceed.

Ms MACKLIN—First of all, in the headline in the media release issued earlier today the minister said that Labor have more than $1 billion, and counting, of uncosted education promises. We have no such thing. We have made no financial commitments whatsoever when it comes to any further spending. Secondly, he says in his press release:

Labor Education spokeswoman Jenny Macklin supported the calls for more funds, but said these should not be restricted to a handful of select institutions.

That was a correct quote, but then he incorrectly adds that that is going to cost $385 million. At no point have I said that we would be spending or committing ourselves to $385 million. The next thing he went on to quote me as saying, both in question time and in the press release, was:

The idea that there are 50,000 students around Australia who can’t get into university because there isn’t a place, I think is a shocking waste.

That is a correct quote, but he then goes on to inaccurately say that I have said that will cost $600 million. I have made no such estimate or commitment. In the next statement by the minister for education—once again without any basis whatsoever—he once again quoted me by saying:

Macklin welcomes University decision to abolish upfront fees.

I did in fact make that statement. He then goes on to say that I said that would cost us $70 million. At no point have I made any comment about what the cost would be.

In the next one—talk about a serial offender—he goes on to talk about the HECS repayment threshold. He quotes me as saying:

She—

I suspect he means me—believes ... the current low income repayment threshold for HECS is placing enormous pressure on graduates.

Once again, that is a correct quote. Once again, there is nothing in the quote about what he then goes on to say, which is that the Labor Party are allocating $266 million over four years to such a commitment. We have not made any of these financial commitments. They are all a complete fabrication by the minister for education.

PAPERS

Mr McGAURAN (Gippsland—Minister for Science) (3.38 p.m.)—Papers are tabled in accordance with the list circulated to honourable members earlier today. Details of the papers will be recorded in the Votes and Proceedings. I move:

That the House take note of the following papers:


Debate (on motion by Mr Swan) adjourned.

MINISTERIAL STATEMENTS

Australia’s Development Cooperation Program

Mr DOWNER (Mayo—Minister for Foreign Affairs) (3.38 p.m.)—by leave—In 1996, I commissioned a major independent study, which was known as the Simons review, of Australia’s aid program. It is now five years since the government’s response to the Simons review, which was called Better aid for a better future, marking a turning point for the aid program. In 1999, the
OECD Development Assistance Committee found that Australia’s development cooperation program had ‘gone through an impressive process of restructuring and renewal’, with Australia ‘in the vanguard’ of OECD practice. Today, I would like to table a new policy statement on the aid program, called *Australian aid: investing in growth, stability and prosperity*. The statement sets out a renewed policy framework for our development assistance; demonstrates how aid is reducing poverty and promoting growth, peace and stability in the region; and identifies ways in which the government will strengthen its impact.

For the first time in history, we are making unprecedented gains in reducing poverty. Over the last 40 years, average life expectancy in developing countries has increased by 20 years, adult illiteracy has been almost halved and maternal mortality has been cut in half. Most importantly, despite a rapidly growing world population, the number of people living in absolute poverty has begun to fall—a reduction of 200 million since 1980. There are some notable achievements in individual countries, including in our region. In just a few decades, countries such as Korea, Malaysia and Singapore have transformed. For example, Malaysia’s poverty fell from over half the population to around seven per cent in the 1990s. More recently, Vietnam and China have made remarkable progress. In Vietnam, per capita GDP doubled in the 1990s and levels of poverty halved. In China, there has been a large reduction in the numbers of people living in poverty, from 270 million in 1978 to 200 million now. Elsewhere, Chile, Uganda, Mauritius and Botswana have performed impressively.

Other countries have not fared so well. In South Asia and sub-Saharan Africa, the number of people living in poverty has grown by tens of millions. The reason why some countries succeed is clear: strong economic growth drives development and reduces poverty. East Asia, for example, has achieved average growth rates of 7.7 per cent over the last two decades, while the economies of sub-Saharan Africa have either declined or remained stagnant. Of course, the quality of economic growth is important for reducing poverty sustainably. There must be investment in human capital, particularly in education and health. And there must be an environment that encourages the private sector, generating jobs and incomes for the poor.

Outward-looking states—those countries that have taken advantage of globalisation and integrated into the world economy by liberalising trade and investment—have achieved much higher rates of growth. Developing countries embracing trade have achieved average per capita GDP growth of five per cent a year during the 1990s, compared with only two per cent for developed countries. Good governance—that is, sound policies, mature institutions and accountable systems—is also a prerequisite for sustained economic growth and reductions in poverty. Adopting these three strategies—growth, openness and good governance—helps countries attract investment, which in turn generates innovation and further economic and social development. Aid, at some $90 billion a year, constitutes only a small portion of the resources available to support development. International trade provides developing countries with export earnings of close to $3.6 trillion a year, and foreign direct investment from developed to developing countries totals almost $360 billion annually.

Nonetheless, aid can play a critical role. Aid can help policy reform and good governance. Aid can help develop the environment for private sectors to grow. Aid can support investments in health, education, agriculture and public infrastructure. Australia’s aid has a clear, single focus: to advance Australia’s national interest by assisting developing countries to reduce poverty and achieve sustainable development. To do this, our aid concentrates on five areas: firstly, good governance, not just in central governments but in local administrations, the private sector and civil society; secondly, helping countries benefit from open and accountable trade regimes and access to new information technologies; thirdly, effective basic services, particularly in health and education; fourthly, building the capacity to prevent
conflict and manage transboundary challenges; and, fifthly, sustainable resource management.

Investing in good governance—where we have doubled our budget—is now the centrepiece of Australia’s aid program. Those investments have helped countries improve economic and financial management, strengthen public sector institutions, strengthen democratic systems, operate with more accountability and transparency, and entrench the rule of law. Australia’s aid program is focused, not surprisingly, on the Asia-Pacific, which is where the majority of the world’s poor—some 800 million people—live and yet which receives less than one-third of total global aid flows.

Under the Howard government, the proportion of our bilateral aid directed to high-priority countries in East Asia and the Pacific has increased. There is wide international recognition that we are a lead donor in the Asia-Pacific region. The priorities in our aid program mean that Australia has been able to respond to often wrenching changes in a dynamic region. Our aid has played a critical part in responding to the Asian financial crisis, to the emergency in East Timor and to conflict and instability on Bougainville, the Solomon Islands and Fiji.

Our aid has played a critical part in helping developing countries address the challenges and opportunities of globalisation and participate in the new round of global trade negotiations at the World Trade Organisation, with its explicit development agenda. Our aid has played a critical part in helping regional countries respond to a range of what these days are known as transboundary issues, such as HIV/AIDS; the illicit trade in drugs and small arms; and illegal immigration and people smuggling, which threaten regional development and also threaten regional security.

In sum, our aid program expresses Australia’s strong engagement with the region and our commitment to helping the region address its considerable development challenges, especially in reducing poverty. The statement I am tabling today contains numerous examples of the impact of our aid. We have helped the government in Samoa achieve sustained economic growth of 6.5 per cent whilst reducing tariffs and taxes. We have helped strengthen prudential supervision and regulation in the Bank of Thailand, contributing to greater economic stability. We have helped the government of Vietnam disseminate a new enterprise law that, in only 18 months, has resulted in 27,000 new businesses, employing more than half a million people, being registered.

We have helped China’s accession to the World Trade Organisation by training more than 1,700 officials in trade policies and practices that are expected to generate an additional one to two per cent annual GDP growth. We have helped train more than 45,000 primary and high school teachers, built or refurbished at least 1,200 schools and education centres, and helped over two million children gain an education. As a final, poignant example, we have helped deal with the scourge of landmines in Cambodia, reducing mine casualties from over 3,000 people a year to around 800.

Papua New Guinea and the countries of the South Pacific are some of Australia’s most important development partners. The international community and the Australian public expect Australia to play a leadership role in assisting South Pacific countries in their development efforts. We are doing that by assisting national governance reform efforts, strengthening the rule of law, and supporting stability and national unity through the effective delivery of basic services. The government are committed to making Australia’s aid even more effective. We want to make sure our aid programs mesh with the development agendas of each of our partner countries. We want to make sure that specific projects are delivered in a way that supports local systems and structures and minimises administrative burdens on those we are trying to help.

We want to focus on what we do best—with our particular bent on reducing poverty—with systems that demonstrate clearly how effective we are. We want to make more use of incentives that will support our core priorities in governance and other reform efforts by rewarding good performance. As part of our continuing
reform effort, the government will strengthen its relationships with international development organisations, with the Australian non-government organisation community and with individuals and firms that deliver aid so that our assistance yields better outcomes.

There has been much discussion lately of so-called poor performing states. Some of our Pacific partners and neighbours, mostly in Melanesia, are beset by problems that will continue for the foreseeable future. For humanitarian, developmental and broader security and national interest considerations, Australia cannot simply walk away from our neighbours. To do so would allow instability to worsen, conflict to escalate and services, especially in health and education, to deteriorate. This would prove far more costly in the long term, and in the short term it would affect those most who can least bear the burden: the poor.

Today I would like to set out a strategy for our aid to reduce the impact of state failure on the poor and to encourage governments to reform. Firstly, our assistance will be based on thorough analysis of the underlying causes of state failure or conflict. Secondly, we will focus on humanitarian assistance that directly targets the poor and reduces their vulnerability, especially in delivering essential services such as health and education. Thirdly, where government systems are failing, we will look at channelling our assistance directly to community organisations, non-government organisations and other civil society groups.

Fourthly, a continued priority will be to strengthen the institutional capacity of legal and police systems, including community policing efforts to improve the safety and security of people and communities. Fifthly, we will continue to engage governments on good governance. This does not mean taking a hectoring approach or behaving like a neo-colonial power. It does mean supporting the efforts to grapple with appropriate approaches to good governance and offering incentives for those countries to do so. It is my strong belief that civil society, including the media—dare I say it—can also be a powerful advocate for accountability and reform.

Australia will continue to invest aid funds in projects that support civil society.

Sixthly, we will engage with other donors to strengthen our leverage, including by adopting a leadership role in coordinating donor engagement. In circumstances where the failure of government is due to conflict, we will draw on our experience in working with the parties to resolve conflict and offer a ‘peace dividend’ through the resumption of basic services and assisting a return to stability and prosperity.

It is important that the Australian community understands that dealing with state failure will be a difficult and long-term task. Progress may be a long time coming. We will need to match our expectations with the reality on the ground, including in our aid assistance. We will also need to accept that fully sustainable outcomes are unlikely to be achieved in poor performing environments. This is not to say that sustainable poverty reduction should not be our overarching goal; of course it should. But, in order to get to the point where this is possible, creative approaches and opting for more intermediate goals may become necessary.

In conclusion, development is a difficult, complex and long-term undertaking. Development gains can easily be eroded by conflict, economic crises or failures of governance. Australia’s aid is playing an important role in supporting our partner countries’ own development efforts. It is also engaged in promoting growth, peace and stability in the region and addressing issues which are directly linked to Australia’s own prosperity. I am confident Australia’s aid is addressing fundamental development problems, is making an impact, and is playing an important role in meeting the government’s priorities in the Asia-Pacific region and beyond. Australians can be proud of the contribution we are making. I present the following papers:

Australia’s Development Cooperation Program—Australian aid: investing in growth, stability and prosperity—11th Statement to Parliament

Ministerial Statement—24 September 2002
Mr RUDDOCK (Berowra—Minister for Immigration and Multicultural and Indigenous Affairs and Minister Assisting the Prime Minister for Reconciliation) (3.54 p.m.)—I move:

That the House take note of the papers.

Mr RUDDOCK—by leave—I move:

That so much of the standing and sessional orders be suspended as would prevent Mr Rudd speaking for a period not exceeding 15 minutes.

Question agreed to.

Mr RUD (Griffith) (3.55 p.m.)—I welcome the fact that the Minister for Foreign Affairs has sustained the practice of the last 11 years by making an annual statement to the Australian parliament on Australia’s development assistance program. We on this side of the House may from time to time disagree with the content of the government’s development assistance program—as indeed we disagree with today’s statement as well—but we welcome the fact that the minister has sustained this practice.

Let me begin today by acknowledging what I think reflects a curious sense of humour on the part of the foreign minister, Mr Downer. On the very day we read reports that the UN office in Sydney is to be closed, Mr Downer decides the timing is right to stand up and deliver a statement on aid delivery, including our multilateral aid delivery through the United Nations. I am sure other members of the House appreciate Mr Downer’s burlesque timing. The UN was established on the principles of promoting social progress and better standards of life, in larger freedom. So I do believe there is considerable irony in the foreign minister’s actions today in standing in this place and delivering a speech on Australian aid delivery when his own government has done more than most of its predecessors to undermine the collective credibility of the United Nations—one of the most important mechanisms available globally and nationally for aid delivery.

The practice of the past has been this: whenever this government has seen a domestic political advantage in attacking the United Nations, it has done so with relish. This same government has not bothered to defend the UN for the good that it does this country and the world. The Prime Minister, Mr Howard, has never used the authority of his office to tell the Australian people how Australia benefits from the UN: the fact that East Timor would never have been possible in the absence of the UN Security Council resolution; that the demographic transition of East Timor would never have been possible in the absence UNTAET and UNAMET; that the repatriation of East Timorese refugees would have been financially impossible were it not for the resources of the UNHCR; and that the economic reconstruction of East Timor would have been an almost exclusively Australian financial burden, rather than one shared with the international community, were it not for the UN.

The fact is that it has never been domestically politically useful for the Prime Minister to defend the UN, only to attack it. It is unlikely that the UN would close its office in Australia for budgetary reasons if this government had a different track record and if this government bothered to lodge its strenuous objections with Secretary-General Kofi Annan. If the closure of this UN office in Sydney comes about, it will be the closure of an office which has been in continuous operation since Doc Evatt was President of the United Nations General Assembly in 1948. It will represent a symbolic parting of the road between this country and the UN of which we should collectively be ashamed.

Despite periodic flourishes in rhetoric, the government has failed to demonstrate a fundamental and consistent commitment to international development through its overseas aid program. The minister’s statement Australian aid: investing in growth, stability and prosperity is part of this continuum. In 2001, Australia committed itself to the UN millennium development goals: to assist developing countries to halve poverty, to reduce child mortality rates by two-thirds and to ensure that every child in developing countries has access to free and good quality education by 2015. Against these objectives, the challenges are grave. According to research from Oxfam Community Aid Abroad, child death rates are falling at half the rate needed to reach the 2015 development goals. In edu-
cation, 75 million children will still remain out of school by 2015, and three-quarters of these children will be in Africa.

If Australia is to meet its commitments under the Millennium Development Goals Agreement and play a more proactive role in creating real regional security, our aid budget needs to be more closely aligned with basic services—aimed at poverty reduction, health and nutrition—that will provide real tangible benefits for those most in need. If the government is serious about upholding the very principles it has signed on to with the millennium goals agreement then the government should be refocusing our aid program towards those areas that will make an immediate difference in the realisation of those objectives.

Eliminating global poverty is a global project in which we should be collectively engaged and in which Australia should be leading not following, as it has done in so many other areas. But what sort of leadership have we seen from Australia on the millennium goals? At the Monterrey conference earlier this year, unfortunately the minister was unable to attend, despite the fact that prime ministers, presidents and ministers represented practically every other developed country on the planet and most other developing countries on the planet at that conference. Instead, this government was represented by a parliamentary secretary, who some it seems sought to represent as a minister. Unfortunately, there is symmetry between this and the most recently concluded Johannesburg conference on sustainable development where, while we had a minister in attendance, most governments of note were represented by their head of government.

Since this government came to office in 1996, Australia’s ODA to gross national income has decreased from 0.32 per cent to 0.25 per cent. This falls far short of the internationally accepted target of 0.7 per cent of GNP. That is nearly one-third of the global target. While some five countries meet or exceed the UN target of 0.7 per cent—Denmark, Sweden, Norway, Luxembourg and the Netherlands—a further seven developed countries—Portugal, Canada, Greece, Ireland, Sweden, Switzerland and the UK—have all made clear commitments to increases, and Ireland and Portugal have promised to reach 0.7 per cent target by 2007 and 2006 respectively. Even the United States—historically sceptical of overseas development assistance—indicated at Monterrey that it will significantly increase its national effort by as much as 50 per cent.

I repeat to this House: the elimination of global poverty is an exercise in which Australia should be a leader not just a follower. For this reason, it is right in itself that this government increases its international efforts and its domestic efforts to bring about the realisation of the millennium development goals. It is the right thing to do; it is also the responsible thing to do in terms of our international standing and our own immediate national and regional interests.

As some in this place will know, I visited Islamabad and refugee camps near Peshawar in Pakistan between 10 and 15 December last year. The purpose of that visit was threefold: to investigate the quantum of the humanitarian crisis arising from the conflict in Afghanistan that rid the world of the Taliban regime, to investigate the international reconstruction program for Afghanistan for the post-conflict period and to investigate the resource capacity of UN agencies and donor countries—including Australia—to meet the immediate humanitarian needs and medium-term reconstruction requirements for Afghanistan.

I returned from that visit with a number of recommendations on how the gaps that existed might be filled. I presented these to the government through a letter to the minister. They were not unreasonable recommendations: indeed many, including those most in need, would argue that those recommendations were essential. That exercise was not about partisan politics; it was about trying to work together to ensure that Australia could do its part to avert a potential humanitarian disaster. Among the most essential recommendations I asked the government to consider were the following four.

The first recommendation was that Australia contribute an additional $US2 million to the emergency UNOCHA donor alert for
the mine action program for Afghanistan. Regrettably, the government has not seen fit to increase its allocation to UNOCHA for the purposes of that program by that amount. This was not a figure which I plucked out of the air. It was based on detailed discussions with the UNOCHA coordinator on the ground in Islamabad as well as the director of the mine action program, reflecting their combined view of the immediate and most urgent requirements faced for the reconstruction task and the immediate humanitarian task in Afghanistan.

I am advised that the government in recent times has increased its allocation by $US0.75 million. I ask the government to consider once again increasing that allocation further because when it comes to the economic reconstruction of Afghanistan the clearance of mines is of first and fundamental importance. One of the great tragedies that you see in Pakistan as you travel through refugee camps, as I did, is the living legacy of tens, hundreds and thousands of persons who have had limbs blown off as a result of ordnance and landmines.

The second recommendation I put to the minister was that a further $US6.5 million be directed to the UNHCR to enable it to more effectively deal with the looming humanitarian tasks over the crucial winter period in Afghanistan. My advice is that the government did increase some funding effort to the UNHCR in that period but not of that order of magnitude. The third recommendation I made was that a further $US6.5 million be directed towards UNICEF’s appeal for emergency humanitarian programs for children. The fourth recommendation was that the Australian government, together with other governments participating in the reconstruction efforts for Afghanistan, combine to establish an office of the coordinator general for the economic reconstruction of Afghanistan.

At the Tokyo conference held in February this year on the reconstruction of that country, governments around the world convened and discussed the reconstruction task. Australia did not, as I am advised, increase its allocation to Afghanistan at that time. It restated its previous aid allocation of some $40.3 million. As with most significant international ODA conferences, foreign ministers were again in attendance. My recollection is the minister did not attend. A government which for many months prior to the February conference—extending back to the height of the Tampa crisis in August-September the previous year—had articulated clearly and loudly the fundamental importance of addressing the problem of Afghan asylum seekers when faced with the challenge of dealing with the problem of Afghan asylum seekers at source and of creating material incentives for people to remain in that country or to return to it was found at the Tokyo conference to be missing in action.

We find the Howard government to be loudest on its rhetoric when it comes to the threat posed to this country by Afghan asylum seekers but when it comes to the delivery of aid dollars for the economic reconstruction of Afghanistan we find the government not the loudest but the lousiest almost of all. Since February and the Tokyo conference, we have also seen statements of concern by President Hamid Karzai of the Afghan administration about the fact that those who did commit to aid allocations in February have not yet delivered and have shown signs of weakening their commitment.

Within our own region, I will make some remarks about the Solomons. We welcome the government’s stated focus on the Asia-Pacific region in the document and acknowledge that there is an international recognition that Australia is a lead donor within this region. We also note that the government has fallen tragically short in matching its action to its rhetoric. The foreign minister has spoken much about the Townsville peace agreement over recent years. As recently as 7 May this year, he spoke loudly about the achievements which have occurred as a result of the Townsville peace agreement. The Townsville peace agreement provided for an amnesty for the perpetrators of ethnic violence in the Solomons in exchange for the mandatory return within 30 days of all guns held by militia groups in the Solomons to the
Solomon Islands police force. That was 18 months ago.

The Solomon Islands militia groups remain awash with guns. The Solomon Islands police force has, in most instances, refused to take action either to enforce the agreement or even to arrest perpetrators of fresh acts of ethnic violence. Under the peace agreement, the foreign minister and the government have provided $30 million in financial assistance to the Solomon Islands police force to clean up the security problems in that country. I think it is fair to conclude that, in the period since then, we have seen no substantial improvement in physical security within the Solomon Islands. It is also fair to conclude to the House that the Solomon Islands remain awash with guns and, if this problem is not arrested in the near future, we will have a significant regional crisis on our hands. I regrettably conclude to the House that the use of $30 million of Australian funds on the Solomon Islands police force has been a demonstrable failure.

When it comes to development assistance programs, nobody pretends that it is an easy debate to sustain within this country. We lack a domestic constituency for foreign aid commitments within this country, and to build such a constituency requires political leadership capable of creating one over time, not only in our own interest but in the legitimate and compassionate interest of others. Nobody pretends, either, that the delivery of aid in the field is an easy matter. I have met many AusAID officers in the field, and one can only have respect for the level of professionalism they dedicate to the task at hand. I have seen their projects in Baluchistan, East Timor and elsewhere. Our challenge for the future is to lift our combined national effort to achieve the millennium development goals. (Time expired)

Debate (on motion by Mr Downer) adjourned.

MATTERS OF PUBLIC IMPORTANCE Employment Service Program

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

The failure of the Government to run an effective employment service program that assists Australia’s unemployed to find work.

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

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

Mr ALBANESE (Grayndler) (4.10 p.m.)—I want to begin this matter of public importance debate with a direct quote: 

You lose respect, you lose dignity, you’re humiliated, you’re in despair, you’re embarrassed, you’re angry, you’re frustrated and finally you just don’t care. You just don’t care. All this stuff leads to loneliness, alienation, feeling of inadequacy. You get very suicidal. I tend to. I am very angry.

This extraordinary quote is from a job seeker. It is about the Howard government’s Job Network. The inclusion of this quote by the Productivity Commission at the very beginning of its report tabled last Thursday underscores the seriousness of the situation confronting long-term unemployed Australians. It shows just how out of step this government is with ordinary Australians and reality.

The government would like us to believe that the 383,000 Australians who have been unemployed for 12 months or more are all dole bludgers, job snobs and cruisers. This government specialises in wedge politics. In the area of employment, it specialises in vilification of the victims of economic change—the long-term unemployed.

The truth is that Australians are stuck in the Job Network, a system that is not helping them to find a much needed job. Job Network is the employment program that the government established without public consultation or without a proper legislative process. The Job Network program replaced the Commonwealth Employment Service, which had existed since 1946. The government launched into the Job Network, after being in opposition for 13 years, and immediately set about shrinking the Commonwealth’s responsibilities as quickly as possible, no mat-
ter what the cost. It is an ideologically driven change which has not benefited unemployed Australians and has undermined the long-term viability of the Australian economy.

The program that the government established to assist job seekers has been labelled by the Productivity Commission report as only giving the pretence of assistance. The Howard government love to boast about the Job Network, and the minister opposite speaks about how much money the government are saving. That is half the story. The government are saving money because they are spending less in assisting the unemployed, but the long-term social costs of this policy—the increased health costs, family breakdown, social dislocation and social division—all add up to a cost that Australia cannot afford.

The government’s experiment with the Job Network has been a failure. The Productivity Commission report was released last Thursday and, once again, tabled after question time. You know the government are in trouble when they release a report like this on the Thursday afternoon so as to avoid ministerial accountability. When the government have something they are proud of, they come in here and make a ministerial statement—they make it on the Monday and hold a press conference. There was none of that from this minister, because he is embarrassed by the findings of this report. What did he do? He issued a press release the next day which said:

Job Network is clearly delivering results.

What an extraordinary analysis. Compare what the minister said with what the Productivity Commission said:

Job seekers are increasingly being ‘recycled’ through Intensive Assistance. Already, around half the job seekers currently commencing in Intensive Assistance have participated in this or similar programs previously, with little sustained success.

I quote again:
Data on commencements over the year from March 2000 indicate that just under 50 per cent of commencements in Intensive Assistance were by job seekers who had commenced previously.

Another quote:

Many job seekers receive little or no assistance while in the apparently intensive phase of assistance. This is popularly called ‘parking’ in the industry. They actually have terms in the industry for how they are doing over the unemployed. They have a language. They also said:

Commencement fees paid to Job Network providers for signing on job seekers are still a substantial share of total income—reflecting the fact that payable outcomes are uncommon. For example, during the second contract, only 15 per cent of commencements achieved interim primary outcomes and a further eight per cent, an interim secondary outcome.

It also went on to say:

... the existing Intensive Assistance program is neither intensive nor assistance to some disadvantaged job seekers. The proposals for CA under the Active Participation Model guarantees a much higher level of interaction with job seekers ...

However, there is no guarantee that individual job seekers will get access to any Job Seeker Account funds or that the three day a week requirement need amount to genuinely significant assistance. Accordingly, some job seekers with large barriers to employment may not get much direct assistance from the Job Network.

All those quotes are from the Productivity Commission. The government also likes to boast that the Job Network offers people choice and a quality assured flexible service that caters to individual needs. What did the Productivity Commission find? It found that:

Under the proposed arrangements for ESC3—that is the next round—there will be even less scope for choice.

So they are going backwards. The Productivity Commission has found that the current Job Network system is not working, yet the government is winding it back. The same Productivity Commission has seen the future, and the future is worse.

Remember the minister’s response? He said he welcomed the report and that this showed that the Job Network system was working. It is like the CEO of Canterbury Bulldogs welcoming an inquiry into the salary cap breaches. This is a complete failure, but it is not just that. The government’s own Department of Employment and Workplace Relations analysis finds it is a dud too. These
are quotes from the government’s own department:

... the main criticisms voiced by job seekers and providers were that less financial assistance was available for longer and more expensive training of people with more significant employment barriers.

It also said on page 7:

... the evaluation found that while job seekers can choose which provider to go to, the services offered by providers were often regarded by job seekers as similar.

So much for competition. On page 101, it says:

The financial incentives in the fee structure make it rational for providers to focus assistance on those who require only a limited level of assistance to obtain outcomes.

And most damningly, Minister, page 102 of your own department’s review, snuck out last Thursday—not in the parliament; released on the Net with no big fanfare—said:

Most people leave Intensive Assistance without an income.

We are talking about the long-term unemployed leaving the system with zero outcome. We do not say it; the government’s own report says it. We have two reports and these are not the only ones showing that unemployed Australians are getting a raw deal.

What does the government say? The minister also says:

The report has found that Job Network’s purchaser provider model with its focus on outcomes, competition and choice is a suitable policy framework for the delivery of active labour market programs.

What a joke. Here we have two reports released late on Thursday afternoon so as to avoid public scrutiny, yet the government says that it is okay. What a load of bureaucratic nonsense. It is about job seekers and taking them off welfare and giving them a hand up, not just a handout. What is even scarier about the government’s response is that they think that the Productivity Commission gives them a tick to further privatise government services. The minister’s release states:

The success of the Job Network could have lessons for other areas where the government purchases services.

That is why, Minister, we raised Maximus Inc. That is why we are concerned that the largest for-profit provider of social services in the United States has entered the Australian Job Network system through the back door. These allegations against Maximus include that in 1994:

Mississippi froze a child support collection contract with Maximus when costs nearly doubled what the state had spent previously.

It concerns Connecticut, where they were concerned about child care and welfare payments. It concerns a coalition of 50 Milwaukee area church groups in 2000 calling for the termination of a $US46 million Maximus contract. These are all left-wing organisations, are they, Minister? Well, how about this one? How about the big doozy? Maybe you know well about this, given your activity in the Queensland Liberal Party, because in March 2000, a contract awarded by Mayor Giuliani’s administration in New York City to Maximus raised the appearance of ‘corruption, favouritism and cronyism’. A New York State Supreme Court—obviously connected with the communist party of the United States, one would assume, given the minister’s analysis—found ‘compelling evidence that the contracting process has been corrupted’. Yet you, Minister, refused to conduct an investigation into this. The signals are there that this government is about privatising and removing itself from every area of social policy.

What will Labor do? We have a four-point plan. Firstly, we will make providing assistance to the most disadvantaged commercially viable. It will be a rebalancing of risk and reward for Job Network providers who are currently providing a quality service to their clients. Secondly, we will reconfigure the incentive structure to provide early intervention. Services need to be provided earlier in the unemployment cycle before unemployment becomes entrenched. Thirdly, we will redesign the job seeker classification instrument. We need to stream job seekers into an appropriate range of services. Fourthly, we will open up access to the job matching services so that people who are part-time workers or just working on a sub-
sistence level can actually have access to get into proper, fully paid employment.

The fact is we are providing some constructive suggestions to the Minister for Employment Services, which, given that there were two reports last week which were a damning indictment of the Job Network system that he has presided over, maybe he should listen to. Job Network III has already been condemned and the independent review by the Productivity Commission says that it will not fix the problem.

Of course, we know the minister has been busy with other things. Perhaps that is why he has not got time to fix the Job Network. He has been busy working overtime to sort out another mess—the mess that is the faction-riven Queensland branch of the Liberal Party. More precisely, he has been engaged in an all-out war with the ruling faction within the Queensland branch of the Liberal Party—the Santoro-Brandis faction.

The DEPUTY SPEAKER (Hon. I.R. Causley)—I would wonder what this has got to do with the MPI.

Mr ALBANESE—In fact, for months now, Mr Brough has been devoting his energies to stopping Santo Santoro from coming to Canberra as John Herron’s replacement in the Senate. The problem for the minister is that he cannot fix the Job Network because he does not have the time! He has been busy engaging in his own employment programs—that is, not paid employment; just visiting Liberal Party meetings in Queensland!

Mr Brough—Mr Deputy Speaker, I rise on a point of order. My point of order goes to relevance. This is an MPI which did not manage to get a question up in question time. We are now talking about something absolutely devoid of any relevance to the Job Network.

The DEPUTY SPEAKER—There is no point of order. The member for Grayndler will direct his comments to the MPI, which is very specific.

Mr ALBANESE—I was concerned that there were 137 new members signed up within 15 minutes from the closing of enrolments in the Caboolture branch. What we see here is a minister who has presided over a Job Network that is not working. He has presided over the next change of contracts: letters went out on Monday offering to treat for 60 per cent of providers—40 per cent of providers, of course, will drop off the table. What we see that is consistent about this government is that it does not care about the unemployed. It is about social division, and the ‘axis of evil’ that exists when attacking the unemployed—Brough, Abbott and ‘Vanдалstone’—

The DEPUTY SPEAKER—The member for Grayndler will refer to members by their seats.

Mr ALBANESE—are only happy when they are causing carnage to the unemployed. They are only happy when they are breaching the unemployed; they are only happy when they are taking away income support from the unemployed in order to make savings, because they do not understand what it is like to be a part of social exclusion. Their whole political strategy is based upon social division. That is what their strategy is about that we see in question time every single day, and the minister needs to respond appropriately and fix the problems of Job Network. (Time expired)

Mr BROUGH (Longman—Minister for Employment Services) (4.25 p.m.)—It is extraordinary, isn’t it, that here we are in this particular segment of parliamentary proceedings—a matter of public importance debate—and it is such an important issue that, with 10 questions from the opposition today, it did not actually warrant a question? There was not one question from the shadow spokesman, who could not actually find himself in the tactics committee being worthy of a question today. It indicates how bereft of ideas the opposition are. Instead of dealing with the issue of employment, the shadow spokesman started trawling through matters totally unrelated to the subject.

Before outlining some of the significant changes that the government has undertaken with the Job Network, let us just go back a little bit and have a look at why the government decided it was necessary to change from the CES—which I think the shadow spokesman has admitted came in in the
1930s or 1940s. It was a system that had been in place for more than 50 years, which was no longer serving the nation in the way it should and which this government replaced with a far more flexible, far more individualised and far more targeted system. In March 1986, when the unemployment rate stood at 8.2 per cent and the then Leader of the Opposition was the then employment minister, there were 739,800 Australians out of work.

The shadow spokesman talks about the long-term unemployed. Yesterday, the Leader of the Opposition stood here and said that he did a great job with the long-term unemployed. He then went on to say that the long-term unemployed stood at 197,700 at the time he left the portfolio because he went into opposition. Today, that figure is 130,000—some 60,000-odd fewer.

Mr Albanese interjecting—

Mr BROUGH—I suggest that the shadow spokesman have a look at the ABS figures that were released last Thursday and avail himself of the facts. Do not just read what ACOSS puts out, because it is incorrect. The long-term unemployed—and for those that do not know, they are people who have been unemployed for longer than 12 months—have come down by more than 60,000 since this government came to power.

These are the facts. Under the CES there were 300 sites. Job seekers had to find their way to a CES, which in many instances was quite some considerable distance. Otherwise they got no service at all. Today there are some 2,000 Job Network sites right around Australia in people’s communities where they are unemployed. That is the Job Network and the government’s services coming to the unemployed, not the government saying, ‘Here we are. You come in here. One size fits all. If we can’t get you a job, bad luck.’ We have backed this with world-class IT, which means that every job that the government employment services network has is available at the fingertips of every single Australian—at a library, at their home computer if they are on the Internet, or on touchscreens through kiosks for both Centrelink and Job Network members.

The results of the massive change that the government undertook in going from a CES that was 50 to 60 years old to the Job Network speak for themselves. Here are the facts. Forget the rhetoric we hear over on the other side. In the last 12 months, job matching has put 320,000 Australians into work.
Indisputable fact: 320,000 jobs. There have been over 770,000 vacancies placed onto the Job Network system. When we talk to the long-term unemployed, we find that nearly 50 per cent—nearly one in two—of the long-term unemployed go into work or into some form of formal training or education as a result of the intervention of intensive assistance.

Today a lot has been made of the independent review of the Job Network by the Productivity Commission. Let me tell you what is different about this. When Simon Crean, now the Leader of the Opposition, then the minister, was responsible for spending $3,000 million per year of taxpayers’ money, there was not one independent review, because he did not have the guts to have somebody out there go and do an independent review of the wasteful, exorbitant use of taxpayers’ funds. Let us go to the overview of the report, under ‘The goal of the Job Network’. This is an independent review, not something that this government or our department says. The report says:

The Job Network policy framework is a new and evolving way of attempting to reduce unemployment—it brings flexibility, choice and competition to the provision of employment services. In the Commission’s view—

the new framework has many advantages and should be retained...

There it is, right off the bat, No. 1.

But it is not only nationally based programs that have looked at this. What about world’s best practice? The OECD has had a look at what we have done with the Job Network. Today Ireland is using our Australian innovative IT. Ireland has our kiosks and the IT backbone that supports them. The UK has gone a long way towards providing it. One of the members who sits opposite has a family member who is a very successful Job Network member and who has translated the success she has had here into winning contracts under the UK’s New Deal system. This only goes to show that it is not only the Labour Party in Great Britain who support much of what we are doing in many areas—and I might add that the Beattie government is using the Australian government’s Job Network—but also some of those who sit on the frontbench of the opposition. The OECD, when it had a look at our results from the Job Network—and this government is committed to results—said this:

The reaction amongst job seekers—

who are, after all, who we are here to help—and the employer clientele to Job Network has largely been favourable ... Moreover, among job matching clients who entered paid employment, most characterised the assistance of the provider as having played an important role. Similarly, JobSearch Training clients characterised their providers as having improved their job prospects. Most employers also assess the Job Network favourably.

That is a far cry from any tick in the box that would have been given to the previous government’s CES and its labour market programs.

The OECD are not the only people who have supported what we are doing here. During our public consultation phase, the Labor Party had opportunities to put forward worthwhile ideas. Once the horse had bolted, once we actually had the documents in the field for the next three years, the shadow minister trundled in here and said, ‘I’ve got some ideas.’ He put up four points, two of which have already been adopted by this government, which obviously he cannot quite clearly see.

Mr Albanese—I’ve only been here a month.

Mr BROUGH—The shadow minister makes the point that he has only been here a month. In the last 18 months, there have been three employment services spokesmen for the opposition—about one every six months, which is about the term we use for Work for the Dole. Maybe this is a work experience program that Simon is introducing you to, mate, so that maybe you can progress down the tracks. We’ll see.

Mr Albanese—Mr Deputy Speaker, I raise a point of order. I ask that the minister address his comments through the chair.

The DEPUTY SPEAKER (Hon. I.R. Causley)—I would ask all members to address their comments through the chair.
Mr BROUGH—The point is well taken, Mr Deputy Speaker. I mention Senator John Cherry from the Australian Democrats. The Democrats thought it was worth while putting their thoughts on paper. They said:

Many individuals and organisations in the employment service industry are developing excellent practice and this benefits the job seekers and the sector as a whole ... We welcome the introduction of Service Guarantees—

which is part of the ESC3—

and this will go some way to addressing the issues of parking identified in the Draft Review.

We do listen and we do react. We do not stick our head in the sand as those opposite do and try to pretend that what failed the Australian public as good policy under Working Nation should be continued.

Today, 24 September, we have ACOSS—not necessarily a friend of the government—saying that we should spend more money on Job Network. We would not expect anything else from them, but they also say in their press release:

We ‘welcome’ the government’s changes to the Job Network funding model ... the new Job Network model is better designed ... This shows the government has been listening to concerns and ideas raised by organisations such as ACOSS and the Productivity Commission.

They go on to say:

The job seeker account is a welcome move because it will encourage Job Network providers to invest in disadvantaged job seekers.

The new shadow spokesman points out that he is only new in this position—a week, a month or whatever it has been. His predecessor had this to say about the Job Network:

We acknowledge that one of the strengths of it—

the Job Network—

is its diversity in that, you know, workers can find someone that they have a better rapport with in one agency than in another.

His predecessor went on to say:

The increase in funds to those very disadvantaged job seekers with multiple barriers to employment I think it’s been also something that deserves a tick for the government.

I would bet that is not something you will hear from the shadow spokesman in the short term. Have a listen to this:

Much of it—

the Job Network—

is going very, very well. The opposition, the Democrats, ACOSS, the OECD and the Productivity Commission all say that the Job Network is far better than what it replaced and that it is performing well for the Australian public and for the unemployed but that it could be better. This government agrees with that. There seems to be one person, and one person alone, who sits over there, lonely on the end of the bench, carping, moaning, groaning and saying to himself, ‘I wonder if there is something else I could have a whinge about today.’ The member for Werriwa knows all about that. He said that nobody will ever hear a positive comment from the shadow minister and that, if they do, he will give them a lottery ticket. I do not think we are going to get any lottery tickets; in fact, I am likely to double it if you hear anything positive from the shadow minister.

Let us quickly go to some of the initiatives from which job seekers are going to benefit in the Employment Services Contract 3, which will commence in July next year. There will be $400 million more pumped into the Job Network which will enable contractors to assist the unemployed into work over the next three years. There will be more participation, because we know participation, or activity, equals outcomes. There will be a job seeker profile placed on the AJS so that people can daily, through SMS messages, telephone messaging or some other form of communication, be told what opportunities are available for them. I can tell you, Mr Deputy Speaker, that it beats the hell out of someone having to find one of the three CES offices in the locality or looking on the noticeboard at bits of cardboard—quite often out of date—that said, ‘Here is a job for X, Y or Z.’ and then pulling it off the board and being told, ‘Sorry. That job was filled a month ago.’ This is automation, this is the best system available in the world and it has been adopted around the world today.

We will have a job seeker guarantee, which is basically a compact between the unemployed person and the person who will work with them through their period of un-
employment so that they can meld together and get a commitment from each other to assist the person into work. We will have a guarantee of assistance to eligible job seekers. There is an $800 training account for the mature aged or for any Indigenous personnel, who we know are at risk of long-term unemployment. We will be providing this assistance to them so that they can be empowered to say, ‘Here is money that I can spend on worthwhile accredited training so that I can make the leap from unemployment into employment.’ There will be an extension of the Job Network through the job placement agencies, increasing the number of jobs available to Australia’s unemployed who are welfare recipients from about 30 per cent today to over 50 per cent.

The beauty of this is that it can be done at about a third of the cost that Labor was charging the Australian public. Let me put it quite bluntly: the taxpayers are the ones who had to foot the bill. We are getting better outcomes, we are improving the system and we are doing it with less cost.

I have here a Labor Party document from the last election, and it says, ‘We support Job Network.’ It remains to be seen whether the shadow minister has any original ideas and whether the member for Werriwa is 100 per cent correct when he says that the member for Grayndler will never say anything positive in his life. That is the challenge.

Mr Albanese interjecting—

The DEPUTY SPEAKER (Hon. I.R. Causley)—The member for Grayndler! The member should, when he is doing some research, read standing order 55.

Mr BROUGH—You should come up with something positive rather than four little insignificant points scribbled on a bit of paper, at half past four on a Tuesday afternoon. Let us see some policy that is costed. Let us see you being committed to what this government has done, and that is to provide programs for Australia’s unemployed.

Ms GRIERSON (Newcastle) (4.40 p.m.)—I rise to support the matter of public importance raised by the member for Grayndler. This government has failed to run an effective employment services program and to assist Australia’s unemployed to find work. In my electorate of Newcastle we are, like many others in regional Australia, very much aware of the human cost of that failure under this government’s mismanagement. It is a failure that sees the unemployment rate in Newcastle stubbornly remain at over nine per cent, in spite of continuing and sustained economic growth. It is a failure that sees young Novocastrians accepting that they may have to leave their city to find work.

The two reports released last week that appraised the Job Network system were both critical of that system, and both singled out intensive assistance as the most critical area of failure. They reported that, for the people who needed assistance most, there was very little assistance—intensive or otherwise. The Department of Employment and Workplace Relations compared two groups of long-term unemployed and found that the group of people given Job Network support did only marginally better than those who looked after themselves. In fact, they had a 0.6 per cent chance of doing better if they took part in the Job Network. That means that they had almost the same chance of getting a job if they did nothing. That is appalling.

The Productivity Commission report found that the Job Network did little to help the disadvantaged. It recommended that more be done to target this group. That does not surprise us. In April this year, the Productivity Commission held a public hearing in Newcastle and heard first-hand what it is like to be parked in intensive assistance. Those who made submissions in Newcastle told the Productivity Commission that the Job Network focused too much on the needs and sometimes even the whims of the employer and too little on the needs of the job seeker. This often meant, they said, that job seekers who were over 45 years of age just need not apply, no matter how skilled or experienced they were. As for the claim by the Minister for Employment Services of world-class IT, they talked of presenting at a Job Network agency and having one computer to share between 20 people.

There were also many complaints about individual Job Network providers and people who called for choice and flexibility. Fortu-
nately, that is what the Productivity Commission has now recommended. People who made submissions to the commission also said that the strict guidelines of mutual obligation and compliance meant that people were inevitably, and almost unavoidably, breached. They suggested to the commission that the level of breaches was in fact a new measure of Job Network’s success, rather than actually getting people into jobs. I think that the ANU’s independent review of breaches and penalties in the social security system—which also slammed the breaching system—validated that point. The Productivity Commission report also suggested changes to the compliance system, and we would welcome those.

Of course, the people of Newcastle will never forget the minister’s response during question time. He spoke about dealing with a constituent who had reported to the Productivity Commission that he had applied for 175 jobs, and the minister responded that the people of Newcastle should be glad there are so many jobs to apply for. Out of touch, Minister! The minister also says that the Productivity Commission report reflects the Job Network’s success in providing services, but he forgets to say that it also reflects the Job Network’s failure to actually get people jobs. Minister Brough also says that the report shows great support for this purchaser-provider model. Is that the model that used taxpayers’ money to buy golf buggies and DVD players for participating employers? That is how it seemed to us.

The minister seems particularly pleased with the finding that the Job Network is delivering employment outcomes at a much lower cost than previous assistance regimes. The cost may be less to the government, but the performance is not much different to doing nothing. How cost-effective is that? No wonder the minister claims it is cost-effective, when a miserable $11 is spent per person in their first year of unemployment. That just about guarantees that they will stay unemployed.

The two reports released last week saved their most damning criticism for the intensive assistance program. And why was that? That was because six years ago we had 383,000 long-term unemployed people in this country. What do we have now? In 2002 we still have 383,000 long-term unemployed waiting for jobs, the result perhaps of the parking that the report has condemned. This so-called cost-effective program is a government program on the cheap; so cheap it represents an investment of $1 billion less than Labor spent on Working Nation. Getting people into jobs is not a cheap exercise, but the social and economic dividends of doing so are huge.

It is, though, very welcome that finally job seeker accounts, trading accounts and vouchers will now be required. That should mean that Job Network providers actually spend the taxpayers’ money on job seekers—on helping individual people get jobs. What with $214 million unspent by the Job Network system in the last financial year, it is about time. The government had no idea previously of just how much taxpayers’ money was spent on individual job seekers or how much profit Job Network’s providers were making from the intensive assistance contracts—and yet the government claims to be a responsible economic manager. Job seeker accounts will at last see a minimum amount spent on those participating in the intensive assistance programs. That is the good news. Under the new tender, the number of disadvantaged long-term unemployed who will receive the highest level of assistance will be cut from 300,000 to 167,000, and they can only stay on that now for six months rather than 12 months.

We should be getting used to a government that gives with one hand and takes away with the other—mean and tricky, indeed. The minister claims more people are getting jobs under the Job Network than ever before, and he boasted it is costing the taxpayer less to achieve that. However, another report released this year showed that, within three months of gaining work, one in three newly employed intensive assistance clients were again out of a job. So if they only cost $5,000 each time they walk through the revolving door at Job Network, how many times did we pay $5,000? The minister’s claims of success do not match reality.
The minister and his government are strong supporters of the market economy and of open competition, but in the third employment services tender released, there will not be open competition. Sixty per cent of high-performing providers will be invited to treat for what I call JN3; for the other 40 per cent of Job Network agencies, apparently it is trick and no treat. Like us, they will just have to ponder what the criteria for high-performing are. Did they fail because they spent too much on intensive assistance clients? Did they fail to get people jobs because in their region, like mine, there just are not enough jobs to go around? Did they fail to breach enough job seekers? And what will happen to the people who work for those 40 per cent of agencies? Will they be looking for work too, knowing that staffing levels will very likely be reduced? The Productivity Commission recommends free entry to the Job Network system by accredited agencies, subject to ongoing quality assurance practices—a much better approach, we think.

The member for Grayndler has raised in the House yesterday and today his concerns about Maximus Inc. entering the Job Network system for the first time. Maximus Inc. is the largest private provider of welfare services in the United States, and it has a performance record that sets alarm bells ringing. The name says it all: a giant incorporated—another US corporate giant heading perhaps for disaster. I contrast that with the Newcastle provider of welfare services, the Samaritans. The Samaritans are a highly regarded not-for-profit agency that concentrate on supporting the disadvantaged and the needy in Newcastle. In March this year, they voluntarily withdrew from the Job Network system because, they said, it was failing the long-term unemployed. They could not make it work and retain their integrity. They could no longer reconcile breaching participants on one day, under the harsh government guidelines, and then offering them welfare support the next day. They suggested that there must be a better way to help people find jobs. Obviously, they are correct; there has to be a better way.

I wonder what the Samaritans would think of the government’s proposed better way that changes the Job Network code of conduct so that providers are no longer required to assist those with disabilities to find work—not much charity there, it seems. In responding to this matter the minister harked back to the past, desperately dredging up statistics he claimed showed his government’s success. An effective government has no need to retreat to the past—but this government have no vision for the future and no vision for the unemployed. If they did, in Newcastle and all around Australia we would see locally based job creation programs, support by this government for regional development and infrastructure investment, and effective reform of the Job Network system. Unfortunately, the bottom line for job seekers in Australia is that the Job Network system is a program on the cheap and that this government have indeed failed to run an effective employment services program that assists Australia’s unemployed to find work. Minister, it is time to stop cruising, start creating jobs and start improving the Job Network system—20,000 Novocastrians are waiting.

Mrs HULL (Riverina) (4.50 p.m.)—I can understand the opposition’s inability to understand the issue of jobs, because it is like a foreign language to them. When they were in power, jobs were down. Now jobs are not down, it is very difficult for them to understand. Job Network is about getting people jobs; it is that simple. Since the establishment of the Job Network, the government has turned a bureaucratic system into a workable enterprise that is finding jobs for people. Don’t let the facts get in the way of a good story! The opposition can always put up a good story—but don’t let the facts get in the way.

I am standing here again this afternoon defending a network of employment opportunities in the face of another Labor member of parliament who is hoping we have forgotten the days of a slow, inefficient job-finding system called the CES. Unfortunately, we could not forget Labor’s failures. Let me remind you of the bad old days of the early nineties—I am not unhappy to retreat to the past, because it shows how well we have done and how wonderful this govern-
ment have been in fixing those past failures of the former Labor government.

In the early nineties, when we had the CES under the previous Labor government, one office had 3,500 job seekers registered with the same name, the same address and the same date of birth—and that is providing jobs! Another office regularly recorded 1,000 referrals to placements with the town’s largest employer in order to increase its monthly performance statistics. Don’t worry about actually securing employment for people; just register them. Another office created so many phoney referrals and registrations that the staffing formula indicated that they needed 35 staff to run the office, when in fact there were about four.

In my electorate of Riverina, maximum unemployment was 13 per cent in January 1993. Currently, under this coalition government of Liberals and Nationals, unemployment in my electorate of Riverina is 5.3 per cent; I repeat: 5.3 per cent. Isn’t that huge? This government has created new structures to empower community organisations, rather than fund the central bureaucracy mentality the former Labor government had. This government has turned service recipients into active citizens once again. As far as this government is concerned, what matters is getting people back into work. How Job Network members bring that about is almost entirely up to them. This government is a virtual silent partner in the Job Network, and so it should be. This is an open and transparent job network, and an open and transparent government. The Job Network is not just a better way of delivering employment services; it also ensures employment service providers actually work hard to find their clients work. If the shadow minister for employment services and training, the member for Grayndler, is serious about assisting Australia’s unemployed—

Mr Hartsuyker—He’s not serious.

Mrs HULL—No, he cannot be serious. If he wants to assist Australia’s unemployed to find work, he should be about removing unfair dismissal. That is a tax on jobs. Let us talk about employment, let us talk about the tax on jobs and let us talk about who has been successful in creating jobs.

Mr Hartsuyker—Job Network!

Mrs HULL—That is exactly right, member for Cowper. This government introduced legislation to amend the impact on employment that was imposed upon us by a former Labor government with regard to unfair dismissal laws. The amendment to the unfair dismissal legislation has been the subject of an almost unprecedented degree of political obstructionism. Yet we have the shadow minister espousing the view that this government has failed. Might I add that, as the minister has said, this is the third shadow minister in two years. Does this fact not speak volumes about the capacity of the opposition to deliver effective employment options for Australia? They cannot even get their portfolio in place long term, let alone the unemployed into long-term employment.

Labor does not even acknowledge the evidence that links the impact of unfair dismissal laws and the hiring intentions of employers. Labor does not even recognise that there is a perception out there in the business community that unfair dismissal legislation impacts on the employment intentions of business. Yet Labor members want to come in here with a monotonous rhetoric—which we all get tired of listening to—about the failure of this government to provide employment assistance. I think they must have a list that they pin on the board, and then they just throw a dart into it and decide what their matter of public importance is going to be today. I seem to come up against this one every time; it is a monotonous little term for me.

This government has delivered to the Australian people sound economic management. It has delivered solid, long-term economic growth. It has delivered a low inflation and a wages growth environment. This government has been willing to take the hard decisions to reform taxation, workplace relations and employment services so that more Australians can access employment—now and into the future. In this discussion of a matter of public importance it must be recognised that this government is strong in leadership and in determination, and that this government is committed to continuous improvement in employment delivery.
Mr Hartsuyker—What about a million new jobs?

Mrs HULL—That is right, member for Cowper—a million new jobs. This government accepts that there will be room for improvement in any program. Not only does it accept it; it welcomes it. For every improvement that this government makes and that is identified for this government to take forward, more people are employed and more people are put into jobs. This government sets a program, moves forward to implement it and then, if it requires improvements on the road, that is what happens: improvements on a continuous basis. It is not a matter of sitting back, letting bureaucracy run the world and not taking responsibility—as any former government needs to understand—for the devastation that their policies have inflicted upon rural and regional Australia in particular.

We talk about going backward. I am very happy to retreat to the past. This government going backward and looking over their shoulder to see where they are going would be far better than the opposition going forward and having full vision ahead. Let us go back to the past. Under Labor, from 1983 to 1996 low-paid workers had a 5.2 per cent real wage reduction. Under the coalition, from 1996 to 2002 they had a 7.5 per cent real wage increase. How about that?

Mr Hartsuyker—How much?

Mrs HULL—Seven point five per cent, member for Cowper. In relation to aggregate wage growth, Labor’s record from 1983 to 1996 was 0.4 per cent real growth per year. The coalition record from 1996 to 2002 was two per cent real growth per year. Let us talk about inflation and the CPI. Labor’s record from 1983 to 1996 was 5.2 per cent growth per year in the CPI and in inflation. The coalition record from 1996 to 2002 was 2.3 per cent per year. Congratulations to this coalition government. Let us look at jobs growth. The Labor record from March 1990 to March 1996 was 459,000 additional jobs. That seems like a lot, but it pales into insignificance when you look at the coalition’s record since March 1996: 1,045,500 additional jobs. Employment is at a record level, and we have an MPI from the member for Grayndler suggesting that this government has no real policies in place. I think that is absolutely ridiculous. Let us compare our casual and permanent jobs growth record with Labor’s record. The record for the Labor Party from 1990 to 1996 was 569,500 additional casual jobs—but there was a loss of 72,900 permanent jobs. There is no permanency with the Labor Party. The record for the coalition from 1996 to 2001 was 276,300 additional casual jobs but—wait for it—we have a positive amount of 433,700 additional permanent jobs. There is permanency in this coalition government—now and into the future. Labor’s record for full-time jobs growth from March 1990 to 1996 was 56,700 additional jobs, representing only 12.4 per cent of total jobs growth. Since March 1996 the coalition’s record was 453,900 full-time jobs, representing 43.4 per cent of total jobs growth. (Time expired)

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

**MAIN COMMITTEE**

The DEPUTY SPEAKER (Mr Jenkins)—I advise the House that Wednesday, 25 September 2002, at 9.40 a.m., has been fixed as the time for the next meeting of the Main Committee, unless an alternative day or hour is fixed.

**Private Members Business: Australian Defence Force Personnel**

Reference

Mr LLOYD (Robertson) (5.01 p.m.)—by leave—I move:

That so much of the standing and sessional orders be suspended as would prevent the Chief Government Whip moving a motion to refer order of the day No. 30, private members’ business, relating to defence force personnel to the Main Committee for further debate.

Question agreed to.

Mr LLOYD (Robertson) (5.02 p.m.)—I move:

That order of the day No. 30, private members’ business, relating to the resumption of debate on the defence force personnel motion, be
referred to the Main Committee for further debate.

Question agreed to.

**BILLS REFERRED TO MAIN COMMITTEE**

Mr Lloyd (Robertson) (5.02 p.m.)—by leave—I move:

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

- Treasury Legislation Amendment Bill (No. 1) 2002; and
- Education Services for Overseas Students Amendment Bill 2002

Question agreed to.

**COMMITTEES**

Selection Committee Report

Mr Causley (Page) (5.03 p.m.)—I present the report of the Selection Committee relating to the consideration of committee and delegation reports and private members’ business on Monday, 14 October 2002. The report will be printed in today’s *Hansard* and the items accorded priority for debate will be published in the *Notice Paper* for the next sitting.

The report read as follows—

Report relating to the consideration of committee and delegation reports and private Members’ business on Monday, 14 October 2002

Pursuant to standing order 331, the Selection Committee has determined the order of precedence and times to be allotted for consideration of committee and delegation reports and private Members’ business on Monday, 14 October 2002. The order of precedence and the allotments of time determined by the Committee are as follows:

**COMMITTEE AND DELEGATION REPORTS**

Presentation and statements

1 Foreign Affairs, Defence and Trade — Joint Standing COMMITTEE: Enterprising Australia — Planning, preparing and profiting from trade and investment.

The Committee determined that statements on the report may be made — all statements to conclude by 12.40 p.m.

**Speech time limits —**

Each Member — 5 minutes.

[Proposed Members speaking = 2 x 5 mins]

2 Education and Training — Standing COMMITTEE: Education of boys.

The Committee determined that statements on the report may be made — all statements to conclude by 1.10 p.m.

Speech time limits —

First 2 Members speaking — 10 minutes each.

Other Members — 5 minutes each.

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

**PRIVATE MEMBERS’ BUSINESS**

Order of precedence

Notices

1 Mr McClelland to present a bill for an Act to amend the Workplace Relations Act 1996, and for related purposes. (Workplace Relations Amendment (Emergency Services) Bill 2002 — Notice given 23 September 2002.)

Presenter may speak for a period not exceeding 5 minutes — pursuant to standing order 104A.

2 Mr Mossfield to move:

That this House:

(1) recognises that:

(a) young people have a diversity of talent and can provide a fresh insight into the creative industries;

(b) there is a need for positive promotion of young people and their achievements;

(c) young people wish to advance themselves by utilising work placement and work experience programs; and

(d) young people are willing to promote and enhance positive programs on a range of issues such as multiculturalism, education, the environment and social justice issues, including asylum seekers; and

(2) urges the Government to:

(a) organise a collaborative effort by schools in local areas to provide the opportunity for students to audition, take part in and display their individual talents in a musical performance, with the help of local sponsorship and govern-
ment funding, to provide a professional opportunity for students in creative areas;

(b) provide increased resources to support mechanisms to students in order to enhance educational opportunities and outcomes, including library facilities, syllabus management and student support infrastructure;

(c) provide incentives to employers to encourage their participation in work experience and work placement programs and to address the public liability insurance issues that are threatening such programs; and

(d) create youth sport and recreation facilities where young people can physically participate and interact with each other to promote better physical and mental well-being. (Notice given 19 September 2002.)

Time allotted — remaining private Members’ business time prior to 1.45 p.m.

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

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

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

3 Mr Neville to move:

That this House:

(1) recognises the significance of the credit union movement in the framework of Australia’s financial services;

(2) recognises the contribution of 200 Australian credit unions and their 3.5 million members not only to the concept of mutuality but also as an alternative source of housing and domestic finance;

(3) notes its role in providing banking-type and lending services in country and many other areas vacated by the traditional banks;

(4) recommends a reassessment of ASIC and APRA regulations (commensurate with the size and role of credit unions); and

(5) requests a re-examination of taxation, franking credits and register requirements as they apply to credit unions. (Notice given 27 August 2002.)

Time allotted — 30 minutes.
Speech time limits —
Mover of motion — 5 minutes.
First Opposition Member speaking — 5 minutes.
Other Members — 5 minutes each.
[Proposed Members speaking = 6 x 5 mins]

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

4 Mr Baird to move:

That this House:

(1) condemns the decision of a Shari’ah court in the Katsina province of Nigeria to sentence Amina Lawal to death by stoning, as she is alleged to have had a child out of wedlock;

(2) registers its strong opposition to all similar extremist sentences that discriminate against women; and

(3) calls on the Government of Nigeria to do everything within its power to protect the basic human rights of Amina Lawal and all its citizens. (Notice given 16 September 2002.)

Time allotted — remaining private Members’ business time.

Speech time limits —
Mover of motion — 5 minutes.
First Opposition Member speaking — 5 minutes.
Other Members — 5 minutes each.
[Proposed Members speaking = 6 x 5 mins]

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

BILLS RETURNED FROM THE SENATE

The following bills were returned from the Senate without amendment or request:

Proceeds of Crime Bill 2002
Consideration in Detail

Consideration resumed from 23 September.

The DEPUTY SPEAKER (Mr Jenkins)—The question before the House is that government amendments (1) to (57) be agreed to.

Question agreed to.

Bill, as amended, agreed to.

Third Reading

Mr WILLIAMS (Tangney—Attorney-General) (5.06 p.m.)—by leave—I move:

That this bill be now read a third time.

The debate on this important bill, the Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002, has left the Australian people with one key message, and that is that Labor is incapable of making tough decisions. Labor has demonstrated yet again that, when push comes to shove, it goes to water. We still do not know where Labor stands on this bill. Labor is hamstrung by its left wing. Instead of coming clean with the Australian people, Labor has hidden behind a proposal to refer the bill to yet another parliamentary committee.

I remind the chamber that senior Labor members participated in the Parliamentary Joint Committee on ASIO, ASIS and DSD’s consideration of the bill. I would have thought that within Labor circles the opinions of the former Leader of the Opposition, the member for Brand; the member for Watson, a former Chief Government Whip and a former Speaker; and Senator Robert Ray, a former defence minister, would carry weight. They sat on the committee. That committee delivered a unanimous report. That committee did not recommend a further review. Just last night in the debate on the bill, the member for Watson confirmed that, in his view, there is no doubt:

... 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.

That is exactly what the bill is designed to achieve. Labor has done yet another extraordinary flip-flop.

The opposition, through its members on that committee, effectively said that, subject to acceptance of the committee’s recommendations, the bill should proceed. Now the opposition is raising additional issues not raised before the committee; nor were these additional issues raised with the government by the opposition, despite our repeated attempts to engage the opposition on its concerns. Opposition members have argued that the government response to the committee report is inadequate. In truth, Labor is hiding behind these newly expressed concerns and an open-ended review to avoid coming clean to the Australian people that Labor is incapable of making tough decisions. The reality is that Labor never intended to pass this bill, regardless of the government’s response to the committee report. The new concerns and the reference to yet another committee are designed to camouflage the real intention.

In the course of the debate on the bill, the opposition has demonstrated a fundamental lack of understanding as to the basis of the bill. The primary purpose of the bill is intelligence gathering. We need to be able to gather intelligence to prevent terrorist attacks before they occur and we need to be able to deter terrorism. Labor has indicated that it does not think that ASIO should have the power to question people about terrorist activity. Labor has taken a law enforcement approach—that this is a matter for law enforcement authorities. This position taken by Labor completely misses the point. In effect, Labor is saying we should wait until a terrorist incident has occurred before sending in our law enforcement agencies to investigate. Labor seems to be prepared to risk a terrorist incident occurring and risk the lives of innocent people. The government is not prepared to take that risk. In the new terrorist environment we need to be proactive, not reactive. The government’s position is proactive and decisive. Labor, on the other hand, has a reactive and weak position.
ASIO can seek other sorts of warrants which are subject to significant safeguards, but they are not presently empowered to obtain a warrant to question a person—many other agencies are. In order to prevent terrorist attacks, it is crucial to be able to question would-be perpetrators of terrorist offences or those who may have knowledge of planned terrorist attacks. 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. I commend the bill to the House.

Mr MELHAM (Banks) (5.10 p.m.)—I rise in this third reading debate on the Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002 to respond to the statements by the Attorney-General earlier in this debate, during his third reading speech and in his intemperate essay in yesterday’s Australian newspaper. The Attorney-General began his article with a rhetorical question: ‘Should ASIO be given new powers to gather information that could avert terrorist attacks on Australia?’ It is no surprise that the Attorney answered yes. But the question that must be asked is: should ASIO be given unprecedented new powers to detain in secret Australians who are not themselves suspected of any wrongdoing? That is indeed the question put by this bill. Labor’s answer is an unequivocal no. Labor will be voting against this bill because, even with the amendments proposed, it involves radical departures from established legal and human rights principles. We will not support laws that attack the same democratic rights and freedoms we are seeking to protect from terrorism.

Under the amended bill, Australians not suspected of any offence could be detained in secret for questioning by ASIO. They may be detained for up to seven days. ASIO has never before had powers of coercion and detention. This is a proposed regime of detention without charge; detention without trial. A person not suspected of any wrongdoing but detained because they may possess information possibly relating to terrorism would have fewer rights than a person arrested by the Federal Police on suspicion of murder or treason. Australians detained by ASIO would not have guaranteed access to legal advice for more than 48 hours, and even then would only be allowed access to a government approved lawyer. They would not be able to confer in private with a lawyer; they would only be able to do so with an ASIO officer listening in. ASIO would have the power to detain children aged 14 to 18 years for questioning. Fourteen- to 18-year-olds are recognised as having criminal responsibility under the criminal law, but this bill is not about dealing with criminal suspects; it is about intelligence collection and it provides for detention without charge.

The bill goes further than corresponding legislation in other countries facing terrorist threat, like the United States, the United Kingdom and Canada. Labor shares the concerns of many who have spoken out against this bill that it may establish part of the apparatus of a police state and that its provisions would not be out of place in a dictatorship. These are real and legitimate concerns, given the assault upon established legal principle contained in this bill. In assessing the government’s other antiterrorism legislation, we have been guided by the desire to protect Australians from terrorist attacks and to protect the rights and freedoms of Australian citizens from the attacks of the Howard government. That is why we insisted on strong and principled amendments to the government’s earlier antiterrorism legislation, and that is why we will not support the extraordinary and unprecedented measures proposed in this bill.

In May this year the Director-General of ASIO, Dennis Richardson, told an antiterrorism conference in Hobart that there was currently no credible threat to Australia from international terrorists. Australia’s antiterrorism laws may need further strengthening, but such strengthening must be based on careful and realistic assessments of potential threats—not politically driven rhetoric from the government. In this regard, it should be noted that preliminary findings of the US Joint Congressional Intelligence Panel inquiry into intelligence warnings prior to the September 11 attacks are that the primary failings of American intelligence agen-
cies were not of intelligence collection or a lack of adequate powers but of failures of analysis. US intelligence and security agencies failed to prevent September 11 not because they lacked coercive powers, such as those proposed in this bill, but because they failed to appreciate the significance of intelligence information which was available to them from a wide variety of sources.

Labor want ASIO and the Federal Police to hunt down and arrest terrorists—but only terrorists. We want to protect peaceful, law-abiding Australians from infringements on their rights. Australia’s security and intelligence agencies already have strong capabilities to detect and respond to terrorist threats. ASIO already has extensive intelligence collection powers, including extensive use of telecommunications interception, listening devices, covert searches and inspection of postal articles. ASIO also draws upon intelligence collected overseas by the Australian Secret Intelligence Service, the Defence Signals Directorate and liaison arrangements with our major allies, the United States and the United Kingdom, and with many other countries. In addition, the authority of the Australian Federal Police to investigate terrorist activities has been broadened with the enactment of new offences relating to terrorist organisations. As a consequence, the Australian Federal Police can employ telecommunications interception and listening devices to investigate alleged terrorist organisations, even in the absence of a specific allegation of a terrorist threat.

The Attorney-General argues that the Australian community must be prepared to accept sacrifices of rights and liberties in the name of security. He is prepared to burn longstanding rights and principles on the altar of operational expediency. Once again, I must say that the Attorney-General has got this matter profoundly wrong. These principles must not be traded off against each other; they must be protected and advanced equally. The parliament must know where to draw the line.

Two parliamentary committees have found that this bill would be open to serious abuse. Both described it as one of the most controversial pieces of legislation considered by this parliament in recent times. The Joint Committee on ASIO, ASIS and DSD made 15 substantive recommendations intended to go some way towards making this legislation more acceptable. The Senate Legal and Constitutional Committee did not conduct a detailed inquiry into the bill but reserved its right to do so if the government did not accept all of the joint committee’s recommendations.

The government’s amendments to the bill do not adequately address the concerns of these two committees. The amendments fall well short of what the joint committee considered the minimum necessary for the bill to be acceptable. Even more importantly, the government still proposes to detain people who are not suspected of any wrongdoing. The government still proposes that people not suspected of any offence may be detained in secret for up to seven days. Under the Crimes Act 1914, murder suspects can only be detained by the AFP for a maximum of eight hours; they must then be charged or released. The proposed detention of non-suspects is extraordinary; it is simply unacceptable. The government also proposes that a person detained by ASIO will not be guaranteed access to a lawyer until after 48 hours. Even then, such persons would only be allowed to consult with a government approved lawyer while ASIO is listening. We have to ask ourselves: if the United States, which is the main target of terrorists, can allow citizens who are detained to have access to lawyers, why is it proposed to deny Australians that fundamental right?

I would also like to respond to the Attorney-General’s assertions concerning the recommendations of the joint committee and his suggestion that Labor should have automatically embraced the committee’s report. Three senior Labor backbenchers participated in the joint committee’s review of the bill and concurred with its report. But, as the Attorney-General well knows, the views of the members of a committee are the views of those members and not necessarily what is decided by the shadow ministry in caucus. The opposition collectively has a duty to consider all aspects of legislation such as this, and that duty is not to be delegated to
members of a committee. The Attorney-General knows that this applies to both sides of the House. After all, the government has not accepted all of the joint committee’s recommendations.

Unfortunately, notwithstanding very strong expressions of concern, including from the Law Council of Australia, the joint committee did not pay sufficient regard to a very important issue in this bill—namely, the possible detention of persons not suspected of any wrongdoing. I make no criticism of the joint committee in this respect. It produced a valuable report dealing with complex issues in a very short time frame. But the fact that such an important issue was not adequately addressed by the committee only makes it all the more important that we focus on it today. The detention in secret of persons not suspected of any offence is something that is quite alien to our system of justice. This measure proposed in the bill is probably unconstitutional. Even more importantly, it involves an attack on principles we should never willingly set aside. It is, as I have said, something that is quite unacceptable.

As we have indicated, when the bill is introduced into the Senate, Labor will move to refer it to the Senate Legal and Constitutional Legislation Committee to examine alternative ways of enhancing the capacity of our law enforcement agencies to counter terrorism without compromising civil liberties. The Senate committee reserved the right to examine the bill in detail if the government did not adopt all of the joint committee’s recommendations. The government has not done so, and it is now appropriate for the Senate committee to revisit the matter and explore the alternatives.

The Attorney-General has claimed that Labor are toying with this legislation at the expense of our national security. We are not toying with it; we are absolutely determined that it will not pass through the parliament in anything remotely like its current or amended form. Labor’s preparedness to deal very seriously with national security legislation was demonstrated by our handling of the antiterrorism bills passed by the parliament before the winter recess. Our approach was constructive and principled. It is the government that has been playing political games. It set out to play wedge politics with this bill but found that there was no support in the community for such extraordinary and unprecedented attacks on the rights and liberties of ordinary Australians.

The Attorney-General’s pique is unsurprising. The difference between Labor and the government on this bill is very clear. Labor will not only combat terrorism; we will protect the liberties that terrorists want to destroy. New antiterrorism laws must deal strongly with terrorists and protect the rights and freedoms of Australian citizens. Labor stand ready at all times to consider sensible legislation that will protect Australians and uphold the values we hold dear. This bill does neither. The Attorney-General should go away and reflect upon this. He should go back to the drawing board. This legislation is a disgrace. Even as amended, the bill is quite unacceptable. Unless it is rewritten from one end to the other, it should be rejected by this parliament. Labor will be voting against the third reading of this bill.

Mr WILLIAMS (Tangney—Attorney-General) (5.23 p.m.)—I do not propose to detain the House much longer on the Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002. There are a couple of things I think I should respond to in what the member for Banks has just said. He referred to the article in the Australian under my name yesterday as intemperate, but I did not identify any comment that could be identified as intemperate—and he did not refer to it. He referred to the provisions relating to the detention of 14- to 18-year-olds and then said this is not about criminal suspects. If that is the principal cause of concern, I do not understand why Labor would not support a bill that would allow detention and interrogation of people who are suspected of offences. That has not been their case.

The member for Banks simply continues to miss the point. This is not about convict-
ing terrorists who have committed offences; this is about protecting the public and ensuring that terrorists cannot wreak their havoc on the lives and property of Australians. There is no point in debating it further in this House. The Labor Party have not been prepared to engage with the government, as they have been invited to do on more than one occasion. They have raised concerns anew. But the fact that the bill was supported by three senior members of the Labor Party in the parliamentary Joint Committee on ASIO, ASIS and DSD and then attacked so vehemently by others in the House indicates that Labor are basically just divided over this bill. I am sure there are some in Labor who are prepared to put national security and the protection of the public as a priority, but in their actions they are not doing that. I commend the bill and its third reading to the House.

Question put:
That this bill be now read a third time.

The House divided. [5.30 p.m.]
(The Deputy Speaker—Mr Jenkins)
Ayes........... 73
Noes........... 61
Majority....... 12

AYES

NOES

* denotes teller

Question agreed to.
Bill read a third time.
TRANSPORT SAFETY
INVESTIGATION BILL 2002
Report from Main Committee

Consideration resumed from 23 September.

Unresolved question—
That the amendment moved by Mr Andren be agreed to.

Mr ANDREN (Calare) (5.37 p.m.)—I moved an amendment to the Transport Safety Investigation Bill 2002 in the Main Committee earlier this week because I had received numerous submissions from people within my electorate, from the pilots of planes and, today, from the light aircraft fraternity. As opposed to the two-year imprisonment that had been suggested, my amendment says:

(1) Insert after section 26(2)(a) ‘make a copy of the whole or any part of the report;’

Maximum penalty: 20 penalty units.

As I said at the time, it is a very minimal amendment that pertains to the penalty accruing for the copying of various documents. I said that imprisoning a person who copies what is basically a draft of a report was a draconian and outrageous measure.

Section 26(2) of the bill states that a person must not make a copy of the whole or part of the report or disclose any of the contents of the report to any other person or to a court. The penalty for that was two years. The amendment simply seeks to reduce that penalty from two years to 20 penalty units. I will not say any more at this stage other than to commend the amendment to the House.

Mr MARTIN FERGUSON (Batman) (5.39 p.m.)—As the House appreciates, the Transport Safety Investigation Bill 2002 clearly has a major focus on transport safety. In the light of discussions and having heard the comments by the member for Calare, I am pleased to indicate that Labor support the amendment moved by the member for Calare. While our support for this amendment could not be described as reluctant, it is the opposition’s view that the amendment avoids the potential for an extreme penalty on a person copying a draft investigation report. In the mind of the opposition, that would be a very extreme case. In all honesty, the opposition doubt that the two-year penalty for copying would ever be used, but we have been persuaded to remove that potential.

The opposition considered the issue in the context of the tragic Whyalla accident. As I think we all appreciate, the families and interested parties received a copy of the draft report on the Whyalla accident, and I firmly believe that it was absolutely correct that they did so—it confirmed facts for the families, and I think it is exceptionally important that they knew the latest information. I would like to bring to the attention of the House the fact that, at that time, copies of that report unfortunately went beyond those to whom it was given.

Mr ANDREN (Calare) (5.40 p.m.)—On indulgence, I do not know whether the member for Batman is aware of the fact that I have had negotiations with the government around my amendment. There seems to be some insistence from the minister’s office that paragraphs (a) and (b) be included in a revised amendment. I was advised to move my initial amendment. I intend to move a revised amendment. Assuming that that original one may be voted down, I will then move a revised amendment.

The DEPUTY SPEAKER (Mr Jenkins)—I thank the honourable member for Calare for that clarification. At the moment, the question before the chair is the unresolved question that the amendment be agreed to, which was the amendment that was originally moved in the Main Committee. We just felt a requirement to clarify that.

Mr MARTIN FERGUSON (Batman) (5.42 p.m.)—I appreciate that but I thought that, despite the knowledge of the issue just shared by the member for Calare, it was better to make the comments and deal with it all in terms of the issue currently before the chair. Unfortunately, with respect to the Whyalla accident, the report went beyond those to whom it was originally agreed should have access to the report. Unfortunately, at that time I was personally lobbied by a key aviation identity who had an axe to grind and wanted the opposition to make a public comment on the draft report, to try to access copies of the draft report and to distribute that draft report to the media. The
opposition and my office correctly resisted that representation because, as far as we were concerned, it would have been the wrong way to handle these very sensitive issues. If anything, that case reaffirmed to me the importance of strong penalties in relation to the disclosure of draft reports. Those tough penalties are not impacted upon by the amendment that has been agreed to by the government, which is not only as a result of negotiations between the member for Callare and the government but also, importantly, as a result of representations made by my own office following the debate in the Main Committee last week.

In considering this case, I did not think it as severe a misdemeanour to copy a report. I appreciate that, in the minds of the Australian Transport Safety Bureau, the two go together to widen the net to stop leaks. In reviewing the Whyalla situation, I could contemplate that the circumstance of copying the report was less severe than disclosing it. On balance, the opposition was therefore persuaded to support the amendment that has been agreed as a result of negotiation between all in the House, thereby creating a distinction between copying and disclosing. I am satisfied that, although this amendment was not imperative, it does not fundamentally undermine the strong suite of measures to deter leaking of draft reports. (Extension of time granted)

As I was indicating, the suggested amendment does not undermine the original intent of trying to create proper deterrents to leaking draft reports. In our view, the leaking of draft reports into investigations is dangerous. There is a clear role for and high level responsibility on the ATSB to check the accuracy and technical veracity of reports before they are released for public discussion and consumption. A draft report reaches the public domain with inaccuracies, and because of the sensitivity of the reports, characters and reputations can be damaged. Similarly, the public may be alarmed unduly if an uncorrected error relates to a technical issue.

The opposition, as I have indicated, were persuaded to support this amendment by Mr Boyd Munro following discussions in my office late last Thursday. We then made a decision to encourage the government to come on board as we believe that there were other ways Labor could have handled this amendment. If anything, we had those discussions to avoid politicising the matter. Therefore, we decided it was in the best interests of the passage of this important bill to organise consensus, and that is reflected in a further amendment to be moved as a result of this debate.

When I spoke on this bill in the Main Committee, I also urged the minister to front up to the House and give some information relating to outstanding questions on the operation of the ATSB. I hope that will correctly be done this afternoon. The Transport Safety Investigation Bill 2002 is exceptionally important. The amendment we are talking about goes to the proper operation of the act in terms of the investigation of sensitive transport issues. For that reason, I also want to pinpoint another potential problem this afternoon which goes to the issue of fuel and the ethanol matter across the Treasury, transport, environment and consumer affairs portfolios. I believe this has been nothing short of a disgrace and will contribute, if we are not careful, to safety issues.

The government knows that the ethanol content in fuel is out of control and causing damage to cars, farm engines and outboard motors. The impact on outboard motors is important to raise because it goes to transport safety. I have a letter from the Australian Marine Industries Federation Ltd, which represents recreational boating enthusiasts — people who are vitally concerned about transport safety. This organisation has written to the Minister for the Environment and Heritage, Dr Kemp, stating its concerns about the impact of ethanol on outboard motors. This is a very important maritime safety issue as thousands of Australians every weekend fill their fuel tanks at the local service station, get in their boat and head off to sea fishing. The AMIF is concerned that more than 10 per cent ethanol may cause engine problems, including vapour lock or fuel starvation and starting and operating difficulties.

As I speak, the government is refusing to take any action to put a limit on ethanol
content in fuel thereby leaving consumers exposed and raising potentially very serious transport safety issues. I would have thought this a no-brainer, that I would not have to spell out the potential risk to life at sea in this situation. But the Minister for Transport and Regional Services stays mum and sits on his hands. I again call on the minister this evening—while he is Acting Prime Minister—in the interests of consumers and transport safety to put a cap on ethanol in fuel.

Mr Ross Cameron—Madam Deputy Speaker, I rise on a point of order on relevance. A discussion on the merits of ethanol is beyond the remit of the bill, particularly as we are now considering the amendment to the bill which relates to the penalties.

The DEPUTY SPEAKER (Ms Corcoran)—The member for Batman will come back to the question.

Mr MARTIN FERGUSON—Madam Deputy Speaker, as you would appreciate, this is a major transport safety bill. In conclusion, with respect to the very serious safety issues I was just raising concerning ethanol and outboard motors, instead of focusing on the elite producers of ethanol in Australia, the government should use its powers and commonsense to look after consumers, motorists and recreational boat users and therefore focus on what this bill is about. Transport safety is a very serious issue. For that reason, I seek leave to table correspondence from the Australian Marine Industries Federation Ltd of 20 August 2002 to the Minister for the Environment and Heritage concerning the issue of ethanol content in fuel. (Time expired)

Leave granted.

Mr KATTER (Kennedy) (5.47 p.m.)—In backing up my colleague the member for Calare who moved this amendment, I want to praise Mr Boyd Munro and his organisation for bringing this fact to our attention. It is easy for people to skip over a two-year penalty and say, ‘That would never happen.’ I always like to remind people that I was in a government where four people went to jail because they used their government cars for private purposes. Twenty-five per cent of the cars in Australia are on a government contract and today every single one of those will be used for private purposes and for taking out people on their plastic magic—something which every single minister will do this week in Australia and should do. They do not want to waste meeting time. When people say, ‘Oh, no-one would ever be put in jail for two years for this,’ don’t you believe it. I have seen people go to jail for nothing.

The safety Nazis keep coming at us and asking us questions. There is no-one in this place who is more at risk than I am. I have arguably the highest charter allowance in Australia of any member of parliament and I use every single cent of it. I also use it for commuting from the airport. In a three-year period, of the six light aircraft that I used, four crashed killing everyone on board. If there is anyone at risk and on the line with a relaxing of standards, it would be me. I can tell you, this proposition that a person would be put in jail for two years is outrageous.

I understand the sentiments of the opposition spokesman in referring to ethanol. It was with very deep regret that 40,000 people whose jobs rely upon the sugar industry were absolutely ignored—and I hope the opposition takes note of this—when they asked for the excise tax to go on and an environmental rebate to be granted. When one rich person in Australia was disaffected and hurt by the action, there was immediate action by the government.

Mr Ross Cameron—Madam Deputy Speaker, I rise on a point of order. In the interests of equity and fairness, I feel I should also ask the member to return to the substance of the amendment which relates to the penalty provisions in the bill.

The DEPUTY SPEAKER—I remind the member that the question is in fact penalty divisions and air transport safety.

Mr KATTER—The last speaker had some six minutes on the issue of ethanol; I have had about half a minute. If there is equity and fairness here, I think it should be between the opposition and me as well as between the government and me.
On the issue of safety, a 10 per cent ethanol blend has been used in Brisbane and a number of people have come forward and said that their car runs an awful lot better—it has a much greater power level; it lifts the octane rating by about three points. We take cognisance of the points raised, quite rightly, by the opposition spokesman in this area, but we would hope, for the benefit of this nation as a whole, that every single person in this place will be pushing the government as hard as they possibly can to a 10 per cent ethanol blend. I will go along with the opposition spokesman: I am quite happy to go to 10 per cent, but remember that 23 per cent is the level in Brazil—and in most cases what you put in your motor car in Brazil is 100 per cent. I am sure that there are similar applications in the boating industry as well. Also, there are additives that can be made to a petrol or a petrol-ethanol blend that will overcome the problems that have been outlined by the opposition spokesman.

I am very pleased that the government has accepted the proposal put forward by the honourable member and my Independent colleague. We are pleased that it has been accepted, and it is very important that this sort of ridiculous, outrageous rubbish is taken out of bills. The public servants have a hide coming in here proposing this sort of rubbish.

Mr WINDSOR (New England) (5.52 p.m.)—I would like to speak briefly to the amendment moved by the member for Calare to the Transport Safety Investigation Bill 2002. I had the pleasure of supporting this amendment in the Main Committee by the member for Calare. I made the comment in the Main Committee that this amendment should have been unnecessary. I think it indicates that there has been a lack of consultation through the process, particularly with Air Safety Australia but with other pilot organisations, that the penalties in particular would impact upon. Having said that, I am pleased to see that the minister has accepted the spirit of this amendment and, even though there is going to be some procedural work done here in a moment to re-institute the amendment in a slightly different form, the spirit of the amendment as moved by the member for Calare will be incorporated in the legislation.

I would like to place on record the concerns that are still out there, particularly with Air Safety Australia and other aircraft organisations, as to some of the other aspects of the bill. Rather than dig up an old trench again, I think it should be on record that there are concerns out there and perhaps those concerns will be raised in the Senate. Perhaps the minister and the department could look closely at those concerns and make further adjustments, if they deem it appropriate, when the Senate considers the bill as a whole.

The shadow minister for transport made a very important comment in relation to transport safety involving the use of ethanol. I would like to comment on this briefly, given that the average time that the Parliamentary Secretary to the Minister for Family and Community Services will allow before taking a point of order is about one minute 15 seconds.

I have some differences from time to time with the Deputy Prime Minister on a number of issues, but I happen to agree with him on this particular issue in the comments that he made today in the parliament at question time. I would suggest to the shadow minister that, rather than take a negative approach to this particular safety issue in the use of ethanol in engines, perhaps he take a more positive approach. I think we should be looking at somewhere between five and 10 per cent almost immediately. If there is research to be done—and that research has already been done in the United States—I would encourage the government and the Deputy Prime Minister to get on with it rather than using delaying tactics and listening too much to what the opposition is saying about this issue.

The safety aspects have been well and truly covered in the research in other parts of the world, and a mandatory level of five per cent introduced now can be well covered within any safety regime or scientific work that has been done anywhere in the world. So, with due regard to the shadow minister, I would advise him to do a bit more homework on that particular issue. However, I am
very pleased that he is supportive of the member for Calare’s amendment to this piece of legislation.

Mr KATTER (Kennedy) (5.57 p.m.)—I want to again thank Boyd Munro and his group for bringing a number of these things to our attention. One of the other things that is very contentious—which I personally will be referring to and I am sure my Independent colleagues will be referring to in the Senate—is the right to search without a search warrant. All right, this is very serious stuff with respect to aeroplane accidents, but the safety Nazis do this all the time: they will intimidate legislators and say, ‘Oh, you’ll need this. If you don’t do this, this plane’s gonna crash,’ and they give themselves the most outrageous powers. A right to search without a search warrant! The common law gives you that right if it is thought that someone could be killed as a result of you not searching. The common law is already delivering these rights, and I think that the common law situation is superior to the situation that has been put forward here today.

Again, on the ethanol question, it is important to add to what my colleague from New England said. A 10 per cent ethanol blend will make for a much safer environment in Australia, both to humans and to the general environment. That is why the United States has moved on this. We still have benzene and aromatics as octane enhancers to replace lead; the United States banned them long ago. We hope that the opposition spokesman is taking note of what is being said, because it is very important for him to understand this. The United States banned benzene and aromatics and replaced them with MTBE. Now the United States has decided that even MTBE is too dangerous and has banned MTBE, which is to be completely phased out in four years time. We hope that everyone in this House becomes very positive towards the ethanol alternative.

The DEPUTY SPEAKER (Ms Corcoran)—The unresolved question is that the amendment be agreed to.

Question negatived.
their contribution to the debate. ATSB’s arbitrary decision to exclude Air Safety Australia meant that that organisation did not know what the bill contained and that the ATSB itself did not know the views of those 1,400 pilots.

Air Safety Australia was not the only important aviation organisation that was excluded. I received a call just last night from Paul Middleton, the Executive Director of the Australian Ultralight Federation. He said that he had known nothing about the bill until a few moments before he called me.

It is not clear to me why the ATSB should bother investigating incidents—as opposed to accidents—involving private aircraft and ultralight aircraft. These are events that are much more akin to road traffic accidents than airliner accidents. Remember that an incident is something that might have been an accident but did not result in one. It is obvious why an accident involving an airliner should be investigated, but it is not obvious why an incident involving only a private aircraft or ultralight should be investigated in the same way. Accidents, especially fatal ones, are a different matter. I note that neither the explanatory memorandum nor the second reading speech offers any explanation.

Because these two clauses have been brought together, on the advice of the government, I am happy, on the advice I have got, to include them as the recommended amendment. But I am not that sure about a two-year jail penalty for disclosure. I put that on the record, but I do accept the advice about the seriousness of this offence and the arguments about the appropriateness of the penalty. However, I do refer to the comments made by the member for New England and hope that the government is of a mind to enable a brief Senate inquiry to allow some of the people who have been excluded from the process to make their point before this bill proceeds any further. I commend the amendment to the House.

Mr ROSS CAMERON (Parramatta—Parliamentary Secretary to the Minister for Family and Community Services) (6.05 p.m.)—The government have accepted the amendment. It is our view that it does not frustrate the purposes of the Transport Safety Investigation Bill 2002. I suspect that, as a matter of commonsense, it probably does enhance the bill. We will certainly be supporting it and supporting the expeditious passage of the bill through the House.

Question agreed to.

Bill, as amended, agreed to.

Third Reading

Mr ROSS CAMERON (Parramatta—Parliamentary Secretary to the Minister for Family and Community Services) (6.05 p.m.)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

TRANSPORT SAFETY INVESTIGATION (CONSEQUENTIAL AMENDMENTS) BILL 2002

Report from Main Committee

Consideration resumed from 23 September.

Bill agreed to.

Third Reading

Mr ROSS CAMERON (Parramatta—Parliamentary Secretary to the Minister for Family and Community Services) (6.06 p.m.)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

RESEARCH INVOLVING EMBRYOS BILL 2002

Consideration in Detail

Consideration resumed from 16 September.

The DEPUTY SPEAKER (Ms Corcoran)—The question before the House is that Mr Cadman’s amendments (1) and (2) be agreed to.

Mr CADMAN (Mitchell) (6.08 p.m.)—We are continuing the debate in the considera-
tion in detail stage on the Research Involving Embryos Bill 2002. When the House last dealt with this issue, I had moved amendments to clause 25, page 9. My amendments seek to ensure that only research relating to stem cells should be carried out on embryos, because the legislation deals with that particular issue. Clause 25 currently reads ‘the use by the person is authorised by a licence’. To those words I am seeking to add the words ‘the use is for the extraction of embryonic stem cells and is authorised by a licence’, so that it is very clear what the bill seeks to do in this critical part.

I want to focus on research on stem cells because that is contained in the title of the bill and it is supposed to be about research on stem cells. The embryonic stem cell was the subject of the COAG agreement between the premiers and the Prime Minister. Research on stem cells was the matter which was excluded from the previous vote that the House took. The House was considering a large bill which dealt with both research and cloning, and it was the decision of the House to split that legislation into two parts, with one part dealing with cloning and the other part dealing with research. We are now looking at the research part, which relates to research on embryos, and the purpose of this legislation is to detail the way in which research may take place on embryos and the extraction of stem cells.

Amendment (1) is to make sure that the embryos are used only for the extraction of embryonic stem cells. Amendment (2) is to ensure that the embryos are not damaged or destroyed. We are talking about excess embryos; and I do not know how you could call human fertilised eggs—which have all the potential of life and the ingredients of full human beings—‘excess’ but that is the term in the legislation. Excess embryos which were created before 5 April this year can be used for research, provided certain conditions are met. The purpose of these amendments is to specify the use of excess artificially created embryos and to ensure that they are not used, by licensed persons, for anything other than the extraction of stem cells. The amendments are narrow and they are meant to be. They deal with only a small part of the legislation. They do not seek to interfere with the process of the IVF use of embryos at all; they relate purely to the use of excess embryos.

In moving these amendments I was encouraged by my experience as a member of the House of Representatives Standing Committee on Legal and Constitutional Affairs. We took evidence from a wide range of people, including people who have been beneficiaries of a large Commonwealth government grant of $46 million, which will allow them to continue in research. I will bring to the House’s attention statements made before that committee and statements made since which lead me to express a great deal of concern about research on embryos unless this House confines the research specifically to the factors that are proposed in the legislation.

Mr MURPHY (Lowe) (6.13 p.m.)—I rise this evening to support the amendments moved by the member for Mitchell to the Research Involving Embryos Bill 2002. From the member for Mitchell’s amendments, I can see that there is a real possibility that this bill may be passed in the House of Representatives and perhaps even in the Senate, with the tragic consequences which I spoke about at length in the House on 22 August and again last Monday. That being said, the debate becomes one of damage control; that is, how to minimise the most harmful foreseeable effects of this bill.

The debate has led this House and the parliament to a number of necessary conclusions in light of all the evidence before us. I would like to summarise the propositions that have been well argued in this debate and which are, in my view, incontrovertible. One, it is now well established that the real agenda of those scientists advocating support for this bill is that if this bill becomes law it will permit experimentation on human embryos for the benefit of, for example, the pharmaceutical industry for toxicity testing associated with drugs and other products such as cosmetics.

Two, it is established as scientific fact that there have been no accredited scientific papers demonstrating real scientific gains from experimentation with embryonic stem cells...
derived from human embryos. Three, it is equally established that the real gains from stem cell research have been the result of research on adult stem cells.

Four, it is now demonstrated that this parliament has been lied to, deceived and misled on a raft of what are now demonstrably false claims about the purported benefits of stem cell research involving human embryos, making totally unsubstantiated claims of miracle cures for everything from Parkinson’s disease to Alzheimer’s disease, even though it has been equally demonstrated that human embryonic stem cell research will never be able to address some or all of these wild and fantastic claims by certain scientists with an obvious vested interest. So why aren’t the scientists honest with us? Why don’t they say that it is speculative, which is the correct word?

Five, members of this House and the Senate have been bombarded by emotional appeals from thoroughly misled members of society who have been deceived and lied to about the purported benefits of promised miracle cures from human embryonic stem cell research. In my view, this has been a most deceptive and cruel campaign, as I have said previously, of lies perpetrated to offer hope not only to those who suffer from many severe disabilities, diseases or ailments but also to their families. However, the gains they have been promised simply will not come from human embryonic stem cell research.

Six, we were lied to about so-called cures in rats—cures falsely asserted about the use of human embryonic stem cell research—and how this was only a stone’s throw away from similar cures in human beings.

In light of all this deception, cynicism and lies, the truth has been masked; it has been covered up, hidden and in fact buried. It is very disheartening to see the number of members in this House who would still, in all honesty, continue to believe in what I believe is the false and misleading propaganda that has been put before us to support this bill becoming law. Be that as it may, the member for Mitchell’s amendments offer hope in maintaining at least the ‘de minimus’ ethical and legally responsible decision this House and this parliament may take.

To members of this House who fail to be convinced of anything other than the purported benefits of embryonic stem cell research, the member for Mitchell’s amendments are thoroughly consistent with your position, in that embryonic stem cell research would be permitted if solely for the purpose of extracting embryonic stem cells. No member of this House would agree that the sole reason for supporting the original bill was the use of human embryos for toxicity or other pharmaceutical testing. No, the reason why the apparent majority of members of the House want to vote yes to this legislation is that they accept the speculation by certain scientists that bedfast people might walk again, that miracle cures might be found and that it is only through experimentation using embryonic stem cell research that such miracle cures—for a whole raft of diseases—might be reached. That being said, the member for Mitchell’s amendments give hope to severely disabled people and ensure that this is the sole purpose test for the bill.

(Time expired)

Mr WILLIAMS (Tangney—Attorney-General) (6.18 p.m.)—I rise to respond to some of the arguments that have been put forward by some of those who support the amendments to the Research Involving Embryos and Prohibition of Human Cloning Bill 2002. In doing so, I propose to do what I would urge all members in this debate to do, and that is to address the amendments and not reopen or repeat the second reading debate. If we were to do that, we could be here for a very long time, and I am not sure the House as a whole would accept that.

The member for Mitchell has argued, both last week and today, that the purpose of the bill is to deal with embryonic stem cell research only, and therefore research on embryos should be limited to the derivation of embryonic stem cell lines. Much of the debate has focused on the benefits of embryonic stem cell research versus adult stem cell research. The Council of Australian Governments agreed to a nationally consistent approach for the use of excess ART embryos. The derivation of embryonic stem cell lines
is only one of a number of outcomes using excess ART embryos. The bill provides a strong national framework to regulate the use of all excess ART embryos.

The members for Lowe, Mitchell and Sturt and the Minister for Employment and Workplace Relations have suggested that the legislation will allow scientists to use embryos for their own commercial benefit. The bill puts in place a scheme that allows research involving excess ART embryos to proceed subject to strict regulatory oversight. It is true that at some point in the future the results of some of this research might ultimately generate valuable intellectual property rights for scientists and medical researchers. This fact also applies to research into adult stem cells using freely donated human tissue. Financial benefits will only accrue if research results in discoveries with potential as therapies or cures for disease, the same as with any other medical research.

The proposed amendment by the member for Mitchell to limit use that damages or destroys an embryo to extraction of embryonic stem cells will not change this situation.

It has been argued by the Deputy Prime Minister and the members for Mitchell and Sturt that the bill opens the door for scientists to do what they like with embryos—the member for Lowe probably made the same argument a few minutes ago. In fact, the situation is quite the opposite. The bill provides, for the first time in Australia, a strong national framework to regulate the uses of excess ART embryos. The derivation of embryonic stem cell lines is only one of a number of outcomes using excess ART embryos. Rather than being in the hands of scientists, decisions regarding the use of excess ART embryos will be made by an independent licensing committee with broad membership. The decisions of this committee will be publicly available. In deciding whether to issue a licence, the bill requires the committee to take into account a number of factors, including the number of embryos required, whether the proposed use will lead to a significant advance in knowledge or improvement in technology and whether the work could not reasonably be achieved by other means.

The member for Mitchell argued that sub-clause (2) of clause 25 already exempts current ART practices and that, therefore, this amendment will have no effect on ART practice. That is not the case. The proposed amendment will have an impact on current ART practices. What I said last week seems to have been misunderstood by the member for Mitchell. I was not saying that it would put a stop to ART or IVF programs; I was saying that it will put a stop to a number of practices associated with IVF programs. The proposed amendment would not prevent a woman from receiving ART treatment in Australia; it would prevent practices which are important to maintaining the high quality of care and improving the effectiveness of ART treatments.

Mr MURPHY (Lowe) (6.23 p.m.)—In response to the Attorney-General’s comments in relation to the amendments, I have to say again that the amendments proposed by the member for Mitchell totally paralyse the prospect of commercial reward being secured by the scientists—and the big businesses promoting the scientists—in terms of embryonic stem cell research. I am very grateful to Mr David Brice from the Physical Disability Council of New South Wales, who has provided me with a partial copy of a transcript from Sandy McCutcheon’s Perspective program of 5 September, for which Mr Erik Leipoldt prepared a piece. Erik Leipoldt is a PhD student in Human Services at Edith Cowan University, Perth. He is also former Executive Officer of People With Disabilities in Western Australia and former Chair of the Disability Services Advisory Committee in Western Australia. He has been a quadriplegic for almost 25 years.
What he has to say is very powerful. It reads, inter alia:

Good evening.

In recent weeks, the corridors and offices of the Federal Parliament have been the site of some emotion-charged speeches about the potential benefits of embryonic stem cell research on eradicating various forms of disability and disease.

At the highest political level and in senior scientific circles, we have been told first hand stories of the tragic situation faced by people with disabilities.

Leading politicians blinked away tears in Parliament.

We've seen TV images of other politicians visiting people with spinal cord injuries.

And there were scientists making amazing, enticing promises for cure just so long as we could legalise embryonic stem cell research to help these unfortunates.

But, in all my years of involvement in advocacy, in disability services and on government disability advisory groups I have never encountered this emotional concern on the part of most of these people about the day-to-day needs of those of us with disabilities.

At times, I must say, quite the contrary.

Meanwhile, many disability problems remain unresolved.

Even in our wealthy society, disability advocacy is still extremely necessary.

People with disabilities still face isolation from mainstream education, employment and community life.

But I found it offensive to see disability being used as a lobbying tool for the biotech industry.

What’s going on with all the tears and pleading?

Clearly, politicians are not intending to suddenly make a big effort on outstanding issues facing people living with disabilities now.

No, some ride the public fear of human fragility and disability as a means to their far more lowly profiled agenda—that of potential profits. Profits from the ethically controversial and potential $70 Billion embryonic stem cell research industry. After all, the public is less likely to merely support private profits. But it will support a cure for the secret horror of their dreams: disability and mental and physical decline.

The amount of public money being poured into some of this research is huge.

When we now weigh the scales with these vast financial interests on one side and the real interests of Australians with disability on the other we hear a heavy thump. This is not the sound of altruism.

And it is costing people with disabilities.

We had arrived, I thought, at some understanding that disability is not just created through impairment. Our collective social values and attitudes create much of the disability experience. And changing them does not involve ethically contentious action.

Now, the embryonic stem cell lobby is shamelessly sacrificing these hard-won gains for profit, reminiscent of tear-jerk fundraising by charities of old. We’re back to ‘disability as tragedy’, a condition to be pitied and cured. [This attitude stymies the acceptance of people with disability as valued community members and hinders a healthier accommodation of disability in our own minds.]

As a person who has lived with quadriplegia for almost 25 years, I have a mandate to protest.

In this debate, the public, people with disabilities included of course, should beware of politicians and scientists bearing gifts.

The embryonic stem cell lobby’s ethically questionable treatment of this debate alone puts its ends in a dubious light. It makes for a shaky platform for the respectful treatment of either embryos or people with disabilities. [Disability being part of the human condition, all of us should be concerned about that.]

This is a cry from the heart from Mr Leipoldt, who is severely disabled himself. I am very happy to voice his concerns in this House. Truthfully, he understands that this research is purely speculative and is being driven by the commercial and economic agenda of the scientists and those backing them, in the name of making a lot of money. Quite candidly, Mr Leipoldt has no confidence in this bill. (Time expired)

Mr WILLIAMS (Tangney—Attorney-General) (6.28 p.m.)—I want to respond to an assertion made by the member for Sturt last week. It follows on from one made by the member for Mitchell. The member for Sturt asserted that the procedures that IVF practitioners apply to embryos for training and for re-implanting in women for the purposes of birth do not destroy the ART embryo. I am
advised that that is not the case. Training technicians in some of the techniques involved in ART treatment may result in damage to or destruction of the embryo, since many techniques considered to be safe in experienced hands may be less so in the hands of trainees.

ART clinics carry out a range of activities that require the use of excess ART embryos, including training technicians, quality assurance and research. While the excess ART embryos will be left to die following these activities, some activities may directly involve the destruction of an embryo. All such activities will require a licence under this bill. An example of training that may damage or destroy the embryo is pre-implantation genetic diagnosis, or PGD. PGD requires microsurgery on an embryo to remove a single cell, which is used to test whether the embryo is carrying a severe genetic disease. While PGD itself does not harm the embryo, it requires considerable skill and training in using excess embryos that would otherwise be destroyed and it may damage or destroy the embryo.

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

Mr STEPHEN SMITH (Perth) (8.00 p.m.)—When these amendments were before the House last week, I very quickly outlined the opposition’s position and made the point, as the Attorney-General did on that occasion and again earlier this evening, that we are concerned about the adverse effects on IVF procedures and practices of the member for Mitchell’s amendments. Again, I endorse the Attorney-General’s comments and make the point that the opposition formally oppose these amendments. They are, of course, subject to a conscience vote on our side.

I also underline the point that the Attorney-General made earlier. This has been a very good debate but we do not want to try the patience of the House. Frankly, I think we should move on.

Mr PYNE (Sturt) (8.01 p.m.)—I would like to support the amendments moved by my colleague the member for Mitchell. I would like to deal with a couple of issues that have been raised by other speakers. I do not want to delay the House either. We have four other amendments to deal with in regard to this piece of legislation. I am sure that they will be dealt with comprehensively and that the House will get an opportunity to put a number of issues on the public record, which is important, and that opportunities will be available for members of parliament to improve this bill through amendment. I agree that the House should not be delayed but neither should the debate be truncated. Opportunities should be present for MPs to put issues of importance on the public record. Besides these amendments there are four other amendments. They are all technical amendments that deal with important issues. It would be a very sad day for the parliament if those issues were truncated in an act of undemocratic behaviour.

The member for Mitchell has moved an amendment that would require that the bill apply only to the extraction of embryonic stem cells from excess ART embryos. He has very carefully added in clause 2 that that would not apply where the use of the embryo does not destroy or damage the ART embryo. That was done for the specific purpose of ensuring that IVF procedures are not inhibited in any way. So the furphy that has been created in this debate by some contributors that somehow these amendments are designed to curtail the IVF program is utterly untrue. That is the reason why I support these amendments.

The amendments make this bill honest. If this bill is really about embryonic stem cell research, how could anyone vote against the member for Mitchell’s amendments? The member for Mitchell is seeking to ensure that the legislation only allows embryonic stem cell research under licence from ART excess embryos and not for pharmacological testing, testing for perfumery et cetera. That is a very laudable intention on the part of the member for Mitchell. Let us face it, the precedent set
by this bill would be that the use of live human embryos for research is permitted. Once we have crossed that line it is a short hop, skip and jump to allow permission to clone embryos—not humans but embryos—to make hybrid embryos or parthenogenetic embryos and to create embryos for the sole purpose of use in destructive experiments. That would be very difficult to resist.

This legislation sets a 14-day time limit. That is simply an arbitrary time limit set by legislators. There is no reason why it should not be 60 days, 90 days or any other number of days. How long would it be before the parliament is asked to allow experimentation on human embryos well past 14 days? What will the arguments be in that case? Will we be presented with the argument, ‘You people who are against embryonic stem cell research are trying to stop people in wheelchairs or those who are suffering horrific illnesses from being saved by the scientific benefits of embryonic stem cell research’? Will our answer be that 14 days is arbitrary or that 60 days is arbitrary? How do we argue that? Once this bill sets this precedent, it quickly becomes a slippery slope. The important thing about the member for Mitchell’s amendments is that they make the bill do what it claims it wants to do—license embryonic stem cell research. That is all that the amendments are about. I urge my colleagues to seriously consider these amendments rather than just assuming their positions. (Time expired)

Mr MURPHY (Lowe) (8.06 p.m.)—I rise again to support the member for Mitchell’s amendments to clause 25 of the Research Involving Embryos and Prohibition of Human Cloning Bill 2002 because, as I have indicated, the sole purpose is surely to provide those miracle cures that the scientists are promising. Surely no member of this House would stand up and declare publicly they are supporting the original bill so as to permit testing of toxicity of drugs on embryos or mere utilitarian commercial benefits by large pharmaceutical companies to experiment with their drugs. I invite every member of the House who intends to vote against the member for Mitchell’s amendments to stand up in the House and indicate why they intend to vote this way.

The amendments moved by the member for Mitchell achieve the end of leaving open the door for the miracle cures by destructive use of embryos whilst not making the reason for voting in support of the original bill the mistaken belief that human embryonic stem cell experimentation will achieve any of the results being falsely promised. That is the truth of it. Let’s be frank about what we are considering here. The original bill is not only about miracle cures but also, inter alia, about pharmaceutical testing on human embryos and the reductionist view of the first stages of human life being reduced to that of a mere experimentation material. So, if there are members of this House who cannot bring themselves to support the member for Mitchell’s amendments, then we are truly a lost people, in my view, for the defeat of those amendments will signal a new era of blindness in reasoning.

The benefits of the member for Mitchell’s amendments to clause 25 ensure that the bill, as amended, will have as its intent the purported miracle cures. I fully admit that the member for Mitchell’s amendments could be argued to be de minimis utilitarianism—no different morally to the utilitarianism exhibited in the substantive bill. The only benefit in a scenario of bad and worse is that at least a bad solution will admit that if we must have this bill then we should at least eliminate the real economic incentive for the bill. The member for Mitchell’s amendments achieve this because they utterly paralyse the prospect of substantial commercial opportunities for the scientists and those who are backing the scientists.

I cannot understand how anyone could possibly vote against the member for Mitchell’s amendments when we come to vote on them. Those amendments allow embryonic stem cell research and—for those people who believe the speculation by the likes of Professor Trounson and others—offer hope. The member for Mitchell’s amendments clearly flush out the real agenda of the scientists. If the scientists are genuine, they too should be coming out and saying to the member for Mitchell, ‘Well done; we’ll
support your amendments.’ I will continue to urge every member of this House to oppose the substantive bill, with or without the member for Mitchell’s amendments.

Right to Life Australia wrote me a letter on 4 September. Mrs Margaret Tighe, the president, said, inter alia:

The leading question to be addressed to Professor Trounson is: if the benefits of embryonic stem cell research are so dazzlingly mind-boggling, why is there any need to engage in the sleight of hand to win the support of the MPs? Although Trounson claimed he has divested himself of shareholdings to avoid a financial conflict of interest, a search of a Singapore registered company of ES Cell International, Professor Trounson’s company, showed he still held 200,000 shares.

So we know what Professor Trounson’s agenda is. We must support the member for Mitchell’s amendments because those who oppose the substantive bill will still achieve what they are hoping to achieve. (Time expired)

Mr CADMAN (Mitchell) (8.11 p.m.)—We are past the point in this legislation where the moral argument counts. We had that vote. This is about the science of the issue. My amendments to the Research Involving Embryos and Prohibition of Human Cloning Bill 2002 say that Trounson cannot be trusted. He has been silenced by his own university and told not to speak on this issue. He has admitted in the press on numerous occasions that he has been silenced. He has been told to shut up on this issue because he has caused so much damage. If he is an example of the scientists involved in this field and the parliament decides to go ahead and vote $46 million to this character, then I think we are grossly mistaken. Within 12 months this same man says that he wants to adopt therapeutic cloning. At the beginning of this year there were press statements saying he wanted to adopt therapeutic cloning. Within three months he said he did not need therapeutic cloning. So the House is going to pursue this matter and vote $46 million to him without containing him. That is foolishness. This legislation and these amendments need to confine scientists who are cavalier in their approach and quick off the lip to persuade, to use Professor Trounson’s words, ‘simple politicians’ to their position. If the House pursue that, I think we are walking away from the responsibility that we are charged with.

The science is clear. The Deputy Vice-Chancellor and research and development biologist at the Australian National University, Professor John Hearn, has said:

The specifics need to be quite open and transparent concerning the special status of the human embryo if research is to be allowed on it: to restrict the use of embryos to stem cell derivation and not to general pharmacological testing—say of teratologic agents; to prevent deliberate formation of embryos for research, which is currently part of legislation; to keep numbers to a minimum ...

There it is, in a nutshell: one of Australia’s leading scientists in this field, saying that we need to be careful. We have proved that Professor Trounson cannot be trusted. He has shown films that have proved to be inaccurate. He has made statements in writing that are inaccurate. He has given results of research that is not his own. He has claimed that he has divested himself of his financial interests, and he has not. There are press reports by the mile linking him with the activities in the United States and Singapore. And the company which is being granted these funds is only 40-odd per cent Australian owned.

Let me go back over Professor Trounson’s record. Firstly, he told the Andrews committee that he felt that it was a fantastic idea to go into embryonic stem cell research but he did not need any more lines. He gave evidence to say that they did not need any more stem cell lines. It looks as though the House, despite a matter of conscience, wants to move on. I am prepared to wear that, but I think the House is grossly mistaken. Within 12 months this same man says that he wants to adopt therapeutic cloning. At the beginning of this year there were press statements saying he wanted to adopt therapeutic cloning. Within three months he said he did not need therapeutic cloning. So the House is going to pursue this matter and vote $46 million to him without containing him. That is foolishness. This legislation and these amendments need to confine scientists who are cavalier in their approach and quick off the lip to persuade, to use Professor Trounson’s words, ‘simple politicians’ to their position. If the House pursue that, I think we are walking away from the responsibility that we are charged with.

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So, without proper deliberation or investigation, we are going to pursue this matter tonight. If the House feels it can salve its conscience by not examining the matter, so be it. But I know that you, Mr Deputy Speaker Hawker, and other members of the House will not be put off by this process. We will continue to challenge the science, putting the moral stuff aside—and I hold strongly to that also. But these amendments tonight are based on the science and they attempt to get this bill in line with what both the government and members of the opposition who support it claim it should be doing. The first part of the amendments is to ensure that research on embryos is done on stem cells. The next amendment I will deal with in a different way. But I urge the House not to be hooked in by a man who calls those in this place who oppose this legislation irrational hypocrites. So, unless some constraint is put on these people, I believe that we will be derelict in our duty—and I am not persuaded by the arguments of the government. This man and these scientists need strict control, and their brother scientists are saying so. (Time expired)

Mr WILLIAMS (Tangney—Attorney-General) (8.16 p.m.)—I rise for the 26th speech on these small amendments to the Research Involving Embryos Bill 2002. Twenty speeches have been given in favour of it and six have been commentaries against it—two of them procedural only. I think the debate has gone long enough on these amendments. There are others to be dealt with and there is other business before the House. There has been a tendency for some issues to be debated on a second reading basis rather than on an amendment basis. I think the time has come to put the amendments and, if those present in the House do not agree, I am prepared to move it.

Mr Pyne—Mr Deputy Speaker, on procedure: the member for Mitchell and I request that there be two divisions, with each amendment being put separately.

The DEPUTY SPEAKER (Mr Hawker)—Is leave given to move amendments (1) and (2) separately?

Leave granted.

The DEPUTY SPEAKER—The question is that the first amendment moved by the member for Mitchell to clause 25 be agreed to.

Question put:

That amendment (1) (Mr Cadman’s) be agreed to.

The House divided. [8.24 p.m.]

(The Deputy Speaker—Mr Hawker)

Ayes………………32
Noes………………96
Majority…………64

AYES

Abbott, A.J. Anderson, J.D. 
Andren, P.J. Baird, B.G. 
Baldwin, R.C. Bartlett, K.J. 
Cadman, A.G. Cameron, R.A. 
Ciobo, S.M. Draper, P. 
Farmer, P.F. Forrest, J.A. 
Jull, D.F. Katter, R.C. 
Kelly, D.M. Kelly, J.M. 
Lloyd, J.E. McGauran, P.J. 
Mossfield, F.W. Murphy, J. P. * 
Neville, P.C. Panopoulos, S. 
Pearce, C.J. Pyne, C. 
Randall, D.J. Schultz, A. 
Seeker, P.D. Slipper, P.N. * 
Ticehurst, K.V. Vaile, M.A.J. 
Vale, D.S. Windsor, A.H.C.

NOES

Adams, D.G.H. Albanese, A.N. 
Bailey, F.E. Barresi, P.A. 
Bevis, A.R. Billson, B.F. 
Bishop, B.K. Bishop, J.I. 
Brough, M.T. Burke, A.E. 
Causley, I.R. Charles, R.E. 
Cobb, J.K. Corcoran, A.K. 
Crean, S.F. Crosio, J.A. 
Dutton, P.C. Edwards, G.J. 
Ellis, A.L. Elson, K.S. 
Emerson, C.A. Entsch, W.G. 
Evans, M.J. Ferguson, L.D.T. 
Ferguson, M.J. Fitzgibbon, J.A. 
Gallus, C.A. Gash, J. 
George, J. Georgiou, P. 
Gibbons, S.W. Gillard, J.E. 
Grierson, S.J. Griffin, A.P. 
Haase, B.W. Hall, J.G. 
Hardgrave, G.D. Hartsuyker, L. 
Hatton, M.J. Hoare, K.J. 
Hockey, J.B. Hull, K.E.
Tuesday, 24 September 2002


* denotes teller

Question negatived.

Question put:

That amendment (2) (Mr Cadman’s) be agreed to.

The House divided. [8.40 p.m.]

(The Deputy Speaker—Mr Hawker)

Ayes……………. 32
Noes………….... 97
Majority………. 65

AYES


Ticehurst, K.V. Vale, D.S.

NOES


* denotes teller

Question negatived.
Dr WASHER (Moore) (8.43 p.m.)—Tonight I was to speak to the Gambaro amendment to the Research Involving Embryos Bill 2002. Ms Gambaro is absent, recuperating from surgery. This amendment was to ensure that the high standard and quality of IVF in this country remained world’s best practice. Pregnancy rates in the best units are as high as 43 per cent for patients less than 37 years of age—three times higher than those in nature. Since mid-2000, IVF pregnancies have almost doubled in all units throughout Australia. This success reflects the ongoing training of scientists and quality assurance testing.

Approximately five years ago, scientists in Sydney and Melbourne discovered a culture medium that most accurately matched the environment of a woman’s fallopian tubes, where the egg is normally fertilised. This discovery increased the efficiency of IVF. The 20th century saw a number of discoveries, including IVF, that have benefited society dramatically and allowed thousands of infertile couples the opportunity to share the privilege of being a parent. It is important that IVF programs be able to use excess embryos for training, quality assurance and the development of new culture mediums.

The success of IVF programs in Australia is also attributed to the open and accountable manner in which it is practised. We are confident that the concerns raised by credible IVF specialists will be addressed in the pending Senate inquiry. This inquiry should provide a forum for careful evaluation of these concerns and ensure that excellent research is continued, with high ethical standards that are monitored by the National Health and Medical Research Council. This would allow a more deliberate consideration to prevent any unintended consequences arising from the bill. To allow this evaluation the time and proper scrutiny, Ms Gambaro and I have decided not to proceed with the amendment. I would like to put on record my appreciation of Ms Gambaro for highlighting this need for scrutiny and for elevating public and parliamentary awareness of these important issues.

Mr PYNE (Sturt) (8.45 p.m.)—I move:

(1) Clause 25, page 9 (lines 23-26), omit sub paragraph (2)(d)(ii), substitute:

“(ii) the use forms part of any necessary diagnostic investigations conducted in connection with assisted reproductive technology treatment of the woman for whom the excess ART embryo was created; or”.

I move this amendment because the legislation as drafted has a loophole, which I will explain. The current IVF procedures that are able to be conducted allow any number of eggs to be taken from a particular woman, fertilised and then put back into the woman for the purposes of the creation of a human being. The way the legislation is drafted, that is quite possible. The IVF program takes a number of eggs and diagnostically tests them to see which are the strongest, which have flaws and therefore which ones should be replaced into the woman.

The legislation as it is currently drafted would allow as many eggs as the IVF clinic decided to take to be diagnostically tested. It does not indicate how the testing should be conducted, how many eggs should be taken, what the testing should seek to achieve and whether there should be a licence for that testing. This is a loophole in the bill because what could happen is that 20, 30 or 40 or, in particularly fecund women, 50 or 60 eggs could be taken. Under the guise of diagnostic tests to determine which were the strong ones, the flawed ones, the weaker ones, an embryonic stem cell research program could be conducted in theory without a licence. This clause in the bill establishes the exemptions from the requirements for a licence. A licence is required for a whole lot of purposes except where they are exempted. The ART program for diagnostic testing is exempted. If an IVF program decided to take 50 or 60 eggs and test them diagnostically, they could, under the guise of diagnostic testing, conduct an embryonic stem cell research program. That was not the intention of the bill.

The intention was that diagnostic testing was to mean exactly what occurs now, which is that eight, 10 or 12 embryos are created, diagnostically tested and the strongest are put back in and the 10 that are not put back
in are frozen. That was the purpose of diagnostic testing as described in this bill. The loophole that is created needs to be closed. My amendment inserts the word ‘necessary’, just one word, and would deal with that problem. An IVF clinic that was to determine what diagnostic testing was required would need to have regard for the fact that the use forms part of any ‘necessary’ diagnostic investigations conducted in connection with an ART program. So the word ‘necessary’ would be a hurdle or a break, if you like, for any IVF program to consider whether the diagnostic testing being conducted was a necessary part of the ART program. If it were not necessary, they would not conduct it. If it were necessary, it would be exempted. If it were to be exempted, it would require a licence.

This whole bill is about embryonic stem cell research being conducted under licence. It is a very important point. This bill is not about allowing carte blanche embryonic stem cell research. It is not about saying that embryonic stem cell research is a good idea and must be conducted without any fetters. It is about the Commonwealth government, through the ethics committee of the National Health and Medical Research Council, establishing a regime under licence for ART programs for embryonic stem cell research programs. The amendment would make clear that a licence was needed to do any necessary diagnostic testing. I would urge my colleagues to consider seriously this amendment and support it. (Time expired)

Mr MURPHY (Lowe) (8.50 p.m.)—I wish to address the amendment to clause 25 of the Research Involving Embryos Bill 2002 moved by the member for Sturt. As members are aware, this bill was originally part of a larger bill called the Research Involving Embryos and Prohibition of Human Cloning Bill 2002. At first, this bill was split and that was welcomed. It overcame the problem that members who may oppose cloning but support human embryonic stem cell experimentation, or vice versa, were corralled into voting yes or no on both issues simultaneously, even though the two issues raise very different ethical questions.

Whilst we are all pleased in the House with regard to the outcome of the prohibition of human cloning bill, I am still disturbed that there is a prevailing ethic that says that an act that is deemed legal or illegal is therefore licit or illicit by virtue only of the existence of positive law. I was quite staggered in the previous divisions that those who opposed the member for Mitchell’s amendments did not fully appreciate what they were voting on. I have spoken to a couple of members and I do not think they understood that they were actually voting to support embryonic stem cell research, but only embryonic stem cell research, nothing else. I am terribly concerned that people still have a closed mind in relation to this debate. There is value in having this consideration in detail stage. Talking to the amendments can illuminate what each amendment is about.

This line of reasoning says that human cloning is to be considered licit simply because there is a Commonwealth law that says so. Well, one day a government may make amendments to that act and say what was illicit—that is, illegal—yesterday is licit, that is, legal, today. In so doing, I fear some in this House may have totally lost sight of the fact that there are higher laws—laws that are not simply the purview of the flight of fancy of whatever enters a person’s mind at the time. This, with respect, is exactly how I believe some members are approaching this debate.

The amendment put by the member for Sturt—in my opinion and with respect to the member for Sturt—is fraught with problems, and I cannot support it. This amendment deals with, inter alia, the issue of limiting embryonic research to IVF investigations. I notice that, by specifying the use of excess ART embryos, the amendment seeks to ensure that embryos are not used by a licensed person for anything other than creation of stem cells. I understand what the member for Sturt is saying but, with respect, neither the bill before this House nor the amendment by the member for Sturt reflect my absolute opposition to the bill nor the continued error in the statutory drafting of the bill. I specifically refer to the member for Sturt’s proposed amendment to clause 25, which con-
It is a fallacy to distinguish between surplus embryos and specially created embryos in terms of embryo research—any intelligent administrator of an IVF program can, by minor changes in his ordinary clinical way of going about things, change the number of embryos that are fertilised. So in practice there would be no purpose at all in enshrining in legislation a difference between surplus and specially created embryos.

There it is. (Time expired)

Mr CADMAN (Mitchell) (8.55 p.m.)—This amendment is similar to the last one in that it seeks to add the word ‘necessary’ to confine the work in IVF to the field that it should be confined to. That is necessary because I do not think anybody involved in an IVF program would want to be unaware of what their embryos—if they are called ‘excess’ and they approve of it—can be used for. Martin Pera and Alan Trounson in the Canberra Times of 5 April 2000 said that they wanted to test pharmaceuticals and also perform possible toxicological experiments. They said that both in the Canberra Times and before our committee, I am suspicious of motives in this instance. Therefore, again I appeal to the House to support the amendment from the member for Sturt, which seeks to limit the IVF program research to IVF uses and not to allow it as an excuse to develop an unusually large bank of embryos for other purposes. An article in the Financial Review of 10 August 2002 said:

BresaGen CEO John Smeaton said the COAG proposal was ‘OK for research but hasn’t addressed the issues on the horizon as we move into therapeutic development’. He said frozen IVF embryos wouldn’t meet their needs because they were mostly four- to six-cell embryos that would need to be cultured onto the blastocyst stage to harvest stem cells. ‘That is not what we want to waste our time on,’ Smeaton said.

So the motivation is out there to go a lot further than this legislation says, and the wish of the member for Sturt and many others is to make sure that this legislation does precisely what it says it will do. BresaGen Ltd, ES Cell International Pty Ltd and Stem Cell Sciences Pty Ltd—this is the trio that holds rights to more than 10 of the world’s very limited bank of stem cell lines, variously estimated to total no more than 20 to 60 developed cell lines.

Even in that very strong position, we have key people in these organisations saying they want to go further. We are not prepared as a House to put a boundary around the use of research for IVF or training for IVF. We are just going to say that they can have a go. Simply the word ‘necessary’ is all that the member for Sturt is seeking to add here. The purpose of necessity is to conduct research and to do training for the purposes of IVF. There is no restriction on the IVF program. I refer again to the Financial Review article of Saturday, 10 August 2002:

This week, Trounson’s company announced plans for commercial production of embryonic stem cells for export using aborted foetal tissue as a feeder layer. This is possible due to ES Cell’s Singapore research on a 14-week-old aborted foetus. (So much for Trounson saying recently he is ‘relaxed about working on embryos until the point where a body shape can be seen.’)

The inconsistencies of the remarks made by the key people in these companies would have me believe that the House needs to be cautious about the way in which this legislation is drafted. The addition of the words ‘if necessary’ in the section proposed by the member for Sturt is absolutely reasonable. There is nothing hidden. There is no hidden agenda. The moral arguments have been had and the House has decided not to look at scientific and moral arguments.

Tonight I am putting in a plea for a sensible scientific assessment of these people’s intention. You have to look at their intention. Time after time, they are saying that their intention is not to live by the rules but to go...
outside the rules. I believe that the House needs to put a boundary around the process. We can review the process in a couple of years time. That proposal is already there, however that review may be done. We can do the review. (Time expired)

Mr WILLIAMS (Tangney—Attorney-General) (9.00 p.m.)—Let me outline my understanding of this amendment to the Research Involving Embryos Bill 2002. Under clause 25, subclause (1), it is an offence if a person intentionally uses an excess ART embryo unless they have a licence or unless the use is an exempt use. Subclause (2), which is the subject of the amendment, then provides that a use of an excess ART embryo is an exempt use if, in the case of paragraph (d),

(i) the excess ART embryo is not suitable to be placed in the body of the woman for whom it was created; and

(ii) the use forms part of diagnostic investigations conducted in connection with the assisted reproductive technology treatment of the woman for whom the excess ART embryo was created ...

The amendment simply seeks to add the words ‘any necessary’ prior to the words ‘diagnostic investigations’. The effect is not significant in a practical way in the sense that diagnostic investigations in this context are only carried out to improve the chances of pregnancy of the woman for whom the embryo was created and they can only be carried out with that woman’s consent. But adding those words will give rise to arguments about whether a diagnostic investigation is accepted by a respectable body of relevant professional opinion as being necessary or, alternatively, as distinct from desirable or potentially useful.

Diagnostic investigations are an accepted clinical practice carried out with the consent and benefit of those involved in an IVF program. This accepted IVF practice is overseen by the Reproductive Technology Accreditation Committee of the Fertility Society of Australia and it should not be subject to further regulation.

The member for Sturt also suggested that clause 25(2)(d)(ii), the subject of the amendment, allows a loophole in that 20 to 30 eggs could be taken and, under the guise of testing, used for the conduct of research without a licence. I beg to differ. It is in fact not the case. Section 14 of the Prohibition of Human Cloning Act, already passed by this House, provides that it is an offence to create an embryo outside the body of a woman unless the intention is to attempt to create pregnancy in a particular woman.

For the reasons I have just given, I will not be supporting this amendment.

Mr MURPHY (Lowe) (9.04 p.m.)—I would like to pick up on what the member for Mitchell was saying in support of the amendment to the Research Involving Embryos Bill 2002, although I am not going to support it. He raises very valid issues in relation to this debate, and they concern the economic agenda of the proponents of this legislation. I am very grateful to Dr Amin Abboud from Australasian Bioethics Information, who sent me an email on Monday providing information he obtained from a stem cell conference held in Melbourne last week. This document clearly highlights the issues that the member for Mitchell is raising about the economic motive behind the industry in this issue. The document says:

The commercialisation of stem cells
1. Please refer to attached article from 17th August in the Weekend Australian, Fickle Fortunes of Biotech Biz. The statements made in this article were confirmed at the Stem Cells 2002 conference. From the venture capitalist’s point of view, therapies from stem cell research are very, very risky business.

‘I can’t think of a better place to talk about miracles than a stem cell conference,’ said Stuart Wardman-Browne, Chief Operating Office at Amwin, a venture capital firm.

2. The temptations to scientists from the commercialisation of stem cell research are obvious. Return on investment will end up being the only ethical criterion. What is to prevent entrepreneurial scientists from engaging in practices which are now considered sordid and unethical — apart from legislative guidelines? Apart from cures, there is immense potential for profit in stem cell research from drug discovery, screening and growth factors. And in the words of Professor John Shine, the Executive Director of the Garvan Institute of Medical Research, ‘we [in Australia]
still have a culture that the poorer the scientist the better the science.’ I suspect that stem cell scientists are determined to turn this attitude around.

Commercialisation of embryo research will send scientists to venture capital firms—and these have few ethical scruples. One VC manager told me in August that his firm refused to invest in the sex, tobacco and military hardware industries, but he did not know anyone who saw embryonic stem cell research as ethically out-of-bounds.

VC managers are driven only by profit. ‘We’re not driven by the good of mankind,’ admitted Dr Mike Hirshorn, CEO of St George Innovation Funds, Nanyang Ventures, at the stem cells conference. ‘Our task is to return a profit to investors.’ Or, in the words of Mark Morrison, Investment Manager for CM Capital, ‘if somebody came to me with a malaria vaccine. I wouldn’t invest in it.’ Malaria, which kills about one million African children each year, is not a money-spinner.

This is what makes Professor Alan Trounson’s carelessness with his promotional talks and videos and his financial disclosure all the more alarming. What does this augur for the rigour of scientific ethics? In the opinion of Rahul K. Dhanda, author of a recent American book, Guiding Icarus: Merging Bioethics with Corporate Interests: ‘What’s more of a concern is how the attitudes that compromise corporate ethics may have a broader effect in a biotech company. If there is an attitude about cutting corners in accounting, that might spill over to science, that is very disturbing’ (The Scientist, Sept 16).

There is no doubt that this agenda is all about making money. Unfortunately, the amendments moved by the member for Mitchell have been defeated. They would have completely rendered impotent the campaign by the scientists and those who are backing them to make a vast amount of money. I have no confidence in the agenda of the scientists in relation to this legislation. Whilst I understand the sincerity of the member for Sturt in moving his amendment, I cannot support it. (Time expired)

Mr STEPHEN SMITH (Perth) (9.09 p.m.)—The opposition oppose the amendment to the Research Involving Embryos Bill 2002 which was moved by the member for Sturt, but it is, of course, subject to a conscience vote. The reasons for the opposition formally opposing this amendment are substantially the same as those outlined by the Attorney-General. The amendment seeks to include the word ‘necessary’ in relation to types of diagnostic investigations. The word either adds nothing, in which case the amendment is meaningless and therefore not required, or, on the other hand, it requires something further from current accepted practices. As the case is at present that diagnostic investigations must be with the consent of the person receiving the artificial reproductive treatment, the artificial reproductive treatment embryo must be unsuitable for implantation and the diagnostic procedures must be part of the ART treatment of the particular woman for whom the embryo was created. That is the accepted practice and procedure. The danger the opposition see is that if, on the one hand, the use of the word ‘necessary’ adds nothing, it might on the other hand require some further tests or steps which would adversely impact on current accepted IVF procedures, which is not something the opposition support. For those reasons, the opposition oppose the amendment of the member for Sturt.

Mr PYNE (Sturt) (9.10 p.m.)—During the Senate Community Affairs Legislation Committee inquiry into the Research Involving Embryos and Prohibition of Human Cloning Bill 2002, Professor John Hearn appeared and gave evidence, on 19 September. He is Deputy Vice-Chancellor (Research) and developmental biologist at the ANU and is a member of the Australian Academy of Science. He also gave advice to the Andrews committee on legal and constitutional affairs. He said at the hearing on 19 September:

I have made a comment about suggested criteria for embryonic stem cell research because I believe that Australians do know and understand many of these issues—and this goes to the over 600 submissions we had in the House of Representatives review and report. Although Australia is a very pluralistic society, we understand the specifics. The specifics need to be quite open and transparent concerning the special status of the human embryo if research is to be allowed on it; to restrict the use of embryos to stem cell derivation and not to general pharmacological testing—say of teratologic agents; to prevent deliberate formation of embryos for research, which is currently part of legislation; to keep numbers to a minimum, and that is quite possible through the normal proposals; and, to require evidence that
the research question cannot be performed on adult stem cells or other stem cells or indeed on animal stem cell surrogates.

I agree with Professor Hearn’s comment to the Senate committee about the need to create parameters for the use of embryos for the purposes of science. In his statement he set out a number of parameters, and in this amendment we are seeking to maintain faith with those parameters by allowing diagnostic testing—which is obviously a necessary part of the IVF process—but not allowing diagnostic testing that becomes, by any other name, an embryonic stem cell research program without licence. That is all this amendment seeks to do.

Those people who are saying that this amendment is about striking at the heart of the IVF program totally misunderstand—not deliberately, I am sure—the motivations and intentions of people like me and others who support this amendment. I cannot speak for everybody, but I do not want to stop the IVF program. The IVF program is about creating life. It is about giving thousands of couples, who would otherwise not have had the opportunity, the ability to bring new life into the world. I congratulate and welcome the IVF and ART programs. I can even say that the pioneering work of Alan Trounson—let us say one positive thing about him in this debate—in the area of the IVF programs is utterly to be supported and lauded. But that does not mean that we should allow diagnostic testing that becomes an embryonic stem cell research program by another name. Of course, if a woman is told, ‘We are going to take 20 or 30 eggs and test them, and we will put the two best ones back in for the purpose of creating life,’ she is not going to say, ‘No, no, I do not want you to take 20 or 30; I want you to take six or eight.’ Obviously she is going to give herself the best possible chance to have the healthiest and strongest eggs to attach and develop.

The argument put by the member for Perth and the Attorney-General that somehow this is not going to happen because it has not happened in the past—because of the consent required from the couples involved in IVF—totally misunderstands the emotional state of those people using the IVF program.

Of course they are going to say, ‘If you want 20 or 30 eggs, take them. Take as many as you can, because we would like the best implanted for the purposes of birth.’ They are not going to say, ‘No, we only want you to take six or eight; we don’t want to have too many eggs left over.’ That argument is a total furphy and an embarrassment because it misunderstands what we are talking about. I will speak again when I get the opportunity. (Time expired)

Mr MURPHY (Lowe) (9.15 p.m.)—A constituent wrote to me the other day as follows:

The philosophical position that we hold is often dismissed or denigrated as “uncaring”, “conservative” or “catholic thinking”. So be it; but it is not simply a position that seeks to conserve “old” values, nor is it about “safety” in the face of the unknown. Rather, it is about never presuming to hold the “fullness of truth” about good and evil and to never presume that an unethical or doubtful “means” justifies a “noble” end.

The Hon. Peter Breen MLC, from Reform the Legal System, wrote to me as follows:

Dear Mr Murphy

It is an odd thing that genetically modified Frankenstein food horrifies us and yet we seem willing to flirt with Frankenstein in the debate over embryonic stem cell research. Human embryos are a rich source of stem cells, runs the argument; the IVF program has created a wealth of excess human embryos, and so why not allow medical research rather than waste the resource? The argument is compelling except for the ethical and moral problems of harvesting human body parts. To my mind the risks are greater than the benefits at this stage of our knowledge and the Research Involving Embryos Bill 2002 is premature in my opinion. Bad law brings discredit on the parliament and is difficult to overturn.

I am also concerned about destroying the integrity of the human embryo in the name of medical research. While it is true that a woman’s body destroys vast numbers of human embryos, this process of natural selection is to be distinguished from the artificial situation that exists in a medical laboratory. The genetic imprint of human life appears at the moment the male and female cell unite to form a new organism. Manipulation of the genes in the laboratory can begin from that first moment. Inevitably, scientists will want to ‘grow’ their contrived embryos, circumventing the process of natural selection if necessary.
Intention is critical to this debate as it was in the debate on voluntary euthanasia legislation. The intention in palliative care is to relieve suffering and the treatment must stop if a patient begins to respond. Similarly, the IVF embryo is frozen for the purpose of implantation in the mother’s womb at a later date. The frozen embryo will not survive indefinitely, but so long as the intention to implant the embryo remains then we are not crossing any ethical or moral divide. To begin research on the embryo, however, is the first step that leads to flirting with Frankenstein, and for this reason I urge you to oppose the bill.

Endeavour Forum Inc. also wrote to me. It said:

Dear Mr Murphy

In the controversy over extracting stem cells from embryos, the assumption is that these embryos are going to be destroyed anyway. However, they can be pre-natally adopted and implanted in adopting mothers. Attached is an email I received from such a mother in the US.

This lady asks:

If some of the $46 million of taxpayers money earmarked for Trounson was given for setting up an adoption agency like Snowflakes, many of the lives of Australian embryos could be saved. President Bush has allocated $US 1 million for embryo adoption; surely Australia could do the same.

I think that is a valid point. This lady goes on:

All political parties have deplored the low birth rate in Australia, so why is the Australian Parliament contemplating destroying 70,000 of our future citizens many of whose lives could be saved?

The taxpayers have helped Professor Trounson to the tune of some $46 million in the name of science. Why couldn’t we do something with regard to promoting the adoption of those embryos? Why was an embryo created? An embryo was created to give life. An embryo is a human being, and that is why we must oppose this legislation.

Mr WILLIAMS (Tangney—Attorney-General) (9.20 p.m.)—This amendment, while significant in the eyes of the member for Sturt, raises very narrow issues of interpretation. I think we have had a reasonable debate with regard to that. I would suggest that the member for Lowe’s last contribution did not address the amendment at all; it was a repetition of the second reading debate, which we ought to be avoiding. My suggestion would be that the member for Sturt be given the opportunity to close the debate, and then we should move on.

Mr CADMAN (Mitchell) (9.21 p.m.)—I refer to clause 25(2)(d)(ii) in the section of the bill dealing with exempt uses:

(ii) the use forms part of diagnostic investigations conducted in connection with the assisted reproductive technology treatment of the woman for whom the excess ART embryo was created;

That says that the production of an embryo and the diagnostic investigations associated with that embryo are exempt from any penalty, provided it is investigated in connection with assisted reproductive technology treatment of the woman for whom the embryo was created. My colleague the member for Sturt has added the words ‘any necessary’ because the original proposal does not say ‘any necessary diagnostic investigations’.

The Attorney-General has presented a case saying that he considers that this narrows the process to a point where a peer review process might be necessary to carry out diagnostic work. I would hope that peer review is necessary in a whole range of medical procedures, particularly when they apply to embryos. I cannot see what the objection is to narrowing the proposal. Unless the Attorney-General goes into further detail, I cannot understand how anything can be designed in order to object to this other than to favour the proposals of scientists who want to go beyond what is reasonable. Peer review is part of science. Something cannot be said to be achieved by scientists unless there is a proper peer review process.

The diagnostic investigations that may be necessary in connection with reproductive technology for the treatment of women are an essential part of the whole process. The amendment seeks to limit it to any necessary diagnostic investigations, not any unnecessary investigations. Surely the Attorney-General is not proposing that, by leaving these words out, we should imply that any unnecessary treatment be allowed. Is that what he means by leaving this out—that any unnecessary diagnostic treatment should be allowed? It seems to imply that.
In an article in the *Stem Cell Report* entitled ‘Advances in alternatives to embryonic stem cell research’, Professor Alan Trounson is reported as saying that his view was that ‘there are at least three or four other alternatives that are more attractive already than therapeutic cloning’. The intention and the motivation are there among the scientists. We have explored that fully. I fail to understand the Attorney-General’s insistence that, by implication, any unnecessary diagnostic investigations may be conducted. Necessary or unnecessary, there does not seem to be any boundary in this proposal. If I understand what is being said, he is saying that any necessary or any unnecessary investigations are allowed; it is up to the person doing the diagnostic work. They do not have to be reviewed, they have approval to do the diagnostic work and then they do not have to prove whether it was necessary or not.

Why shouldn’t they have to prove that the diagnostic work is necessary? Surely, in this area, it must be demonstrated that the diagnostic work is necessary. I cannot express myself more strongly or more clearly than to say that those who do not wish to support this amendment either live in a world of legal expertise where the practice of science is unfamiliar to them or are aware of practices that scientists want to undertake and they approve of them. It is one or the other, because both unnecessary and necessary diagnostic work can continue with no peer review and at the whim of the scientists. (*Time expired*)

Mr PYNE (Sturt) (9.26 p.m.)—There are still two or three issues I want to raise, which the Attorney-General alluded to in his contribution. The first of those my colleague the member for Mitchell spoke on: the question of appropriate checks. The Attorney-General seemed to suggest that this amendment requires that diagnostic testing, if not to be done just with the consent of the woman concerned, would perhaps require some kind of ethics committee or some kind of peer review by similar practitioners in the same area. To that I would say: I would have no difficulty at all with diagnostic testing that I did not deem to be necessary, and that perhaps medical practitioners did not deem to be necessary, being part of a peer review check.

Why shouldn’t there be some kind of two-stage process where diagnostic testing needs to be assured, not only to the woman concerned and her partner but also to a peer review group? It would not have to be done every single time diagnostic testing was to be undertaken, because that would obviously be impractical, but if an IVF clinic had determined that it wished to do a procedure with a number of embryos, it could then seek an assessment by an ethics committee—it might even be an ethics committee similar to the one set up by this bill; it might even be the ethics committee set up by this bill under the NHMRC—to determine whether that set of procedures was deemed to be necessary diagnostic testing. If the ethics committee set up under this bill and under the NHMRC determined that it was necessary diagnostic testing, that would be an acceptable outcome.

Right now the bill, as it is drafted, allows diagnostic testing of embryos to determine their strength for placement into a woman without qualification and without licence. There is a considered loophole in this bill that would allow diagnostic testing to be interpreted by the IVF clinicians themselves—self-assessment. I do not believe that self-assessment by the clinicians is good enough when we are talking about human life. Unlike the Attorney-General, I believe that a peer review assessment by an ethics committee of the NHMRC set up under this bill is an entirely appropriate course of action to follow. Far from limiting or reducing my enthusiasm for this amendment, the Attorney-General has encouraged me to believe that this amendment was very much in the interests of the industry we are talking about because it would require a proper assessment of whether the diagnostic testing proposed to be done was necessary. Who could argue with that?

The second thing I want to pick up is that the Attorney-General suggested that the intention must be to create pregnancy—that the first bill makes it clear that the intention must be to create pregnancy and so diagnostic testing that was not designed to create
pregnancy would somehow be outside the gamut of the first bill and therefore illegal. The intention of taking 20, 30 or more eggs may well be to create pregnancy in the first instance, but it is not practical for 20 or 30 eggs to be put back into a women for the purpose of creating life—most people doing IVF do not want 20 or 30 children at once. Obviously, if this amendment is not passed, it would be open for an IVF clinic, under the guise of diagnostic testing, to run an embryonic stem cell research program without a licence because the diagnostic testing was not deemed to be necessary. Simply put, the eggs could well have been taken for the purpose of creating pregnancy, but the clinic could deem that there are so many eggs and, under the guise of diagnostic testing, use them for embryonic stem cell research.

(Extension of time granted) The third point that I wish to raise following the Attorney-General’s contribution is that he accuses this amendment—

Mr SNOWDON (Lingiari) (9.36 p.m.)—I move:

That the question be now put.

Question put:

The House divided. [9.36 p.m.]

(The Speaker—Mr Neil Andrew)

Ayes........... 80
Noes........... 48
Majority....... 32

AYES


NOES


* denotes teller

Question agreed to.

Question put:

That the amendment (Mr Pyne’s) be agreed to.

The House divided. [9.51 p.m.]
Tuesday, 24 September 2002

AYES


NOES


* denotes teller

Question negatived.

Clause 25 agreed to.

Clauses 26 to 55—by leave—taken together, and agreed to.

Clause 56.

Mr PYNE (Sturt) (10.10 p.m.)—I move:

(2) Clause 56, page 29 (lines 4-7), omit the clause, substitute:

"56 Operation of State Laws

Nothing in this Act is to be taken to affect the operation of any law of a State that prohibits absolutely the use of excess ART embryos, or that imposes additional conditions, whether consistent or inconsistent with this Act, on the use of such embryos."

The key phrase in that amendment is ‘whether consistent or inconsistent with this act’. The reason why I have moved this amendment is that my understanding of the COAG agreement struck by the Prime Minister, the premiers and the chief ministers was that the Commonwealth was to establish a national regime to deal with embryonic stem cell research but, in those states where regimes already existed, as long as those regimes were more restrictive than the Commonwealth regime, then the state regimes would still apply. In Western Australia, South Australia and Victoria there are regimes that deal with embryonic stem cell research. They have been operating for some time—in the state of South Australia for 10
years—and they have been found to be entirely adequate for the purposes of conducting world-breaking IVF procedures and programs.

There has been no suggestion in those states that IVF procedures have not been able to be carried out; in fact, much of the ground-breaking research in Australia that has been achieved has been achieved in my own state of South Australia, and I am sure the same could be said for Victoria and Western Australia. Those states have established their own regimes. In the arrangements with the Prime Minister, the premiers and the chief ministers, it was understood that those regimes would be able to continue as long as they were not less restrictive than the Commonwealth regime. Clause 56 of the bill says:

56 Operation of State laws

This Act is not intended to exclude the operation of any law of a State, to the extent that the law of the State is capable of operating concurrently with this Act.

The key phrase is ‘concurrently with this act’, but the explanatory memorandum says: This clause provides that the Act is not intended to exclude the operation of State and Territory laws except where the State or Territory laws are inconsistent with the Act and cannot operate concurrently.

One of the intended effects of this clause is that if a State has existing legislation which, for example, bans the use of excess ART embryos, such a law would not be capable of operating concurrently with the Act and as such it is intended that the Act override the State law to the extent that it is inconsistent.

My understanding is that that paragraph in the explanatory memorandum does not accurately reflect the COAG agreement because it suggests that, if a state law is more restrictive than the Commonwealth law, it cannot operate concurrently with the Commonwealth law and therefore should be banned when, if a law sets a certain standard and another law sets a more restrictive standard, it can by logic and longstanding legal practice operate concurrently.

The only circumstances in which it would not be able to operate concurrently would be if the Commonwealth had set a standard—

for want of a better description, a national benchmark—and a state law had a less restrictive benchmark. Then it would not be able to operate concurrently because it would be allowing things that the Commonwealth law did not allow. My understanding of the COAG agreement is that the states are allowed to have more restrictive legislation. Later in the debate, because I see my time is drawing to a close, I will draw out where in the state legislation I support the restrictive regimes that they have in place and that I would like to see remain in place.

Mr WILLIAMS (Tangney—Attorney-General) (10.15 p.m.)—Clause 56, which is the subject of the member for Sturt’s amendment, provides as he indicated that the act is not intended to exclude the operation of state and territory laws except where the state and territory laws are inconsistent with the act and cannot operate concurrently. Let me try to explain the way this operates. If a state has existing legislation which, for example, bans the use of excess ART embryos, such a law would not be capable of operating concurrently with the act. By virtue of clause 2 of the bill, clause 25 of the bill, which provides that a person must not use an excess ART embryo unless the use is authorised by a licence or is an exempt use, will not commence operation for six months from the date that this bill receives royal assent. During this time, any inconsistent state laws that ban the use of excess ART embryos will continue to operate subject to amendment by the relevant state parliaments.

It is intended that all states and territories will introduce corresponding laws in order to establish a comprehensive and effective national scheme banning certain practices as detailed in part 2 of the bill and regulating certain uses of excess ART embryos. All states and territories propose to introduce corresponding state laws into their respective parliaments. It is proposed that these laws will confer functions, powers and duties on the NHMRC licensing committee. This provides for the effective operation of the national scheme relating to the regulation of uses of excess ART embryos by enabling corresponding state laws to provide that the licensing function is exercised under a state
law actually be undertaken by the NHMRC licensing committee.

The amendment proposed by the member for Sturt is to the effect that nothing in this act is to be taken to affect the operation of any law of a state that prohibits absolutely the use of excess ART embryos, or that imposes additional conditions, whether consistent or inconsistent with this act, on the use of such embryos. I do not support the amendment. The effect of the amendment would be to allow state legislation to override Commonwealth legislation. This is inconsistent with the notion of a nationally consistent approach to regulation in this area. The effect would be that states could prohibit the use of excess ART embryos or impose conditions on the use of such embryos that would be inconsistent with the Commonwealth legislation.

Mr STEPHEN SMITH (Perth) (10.18 p.m.)—The opposition also opposes the amendment moved by the member for Sturt. It is of course subject to the application of a conscience vote on this side. I entirely agree with the Attorney-General’s analysis.

Mr MURPHY (Lowe) (10.19 p.m.)—I support this amendment because it is my belief that this amendment moved by the member for Sturt ensures that those states that do not possess laws governing research involving embryos are protected by Commonwealth legislation. We know that Victoria, South Australia and Western Australia have stronger laws than other states. Without this amendment, I believe the Commonwealth legislation would remain uncertain. In conclusion—I know that people are probably getting tired of this debate—Mr Speaker, you were not in the chamber when we voted on the member for Mitchell’s amendments early in the evening. I was absolutely staggered that anyone could possibly not support those amendments.

The SPEAKER—The member for Lowe must be aware of the obligation he has under the standing orders, particularly on a debate like this, to confine his remarks to the amendment currently before the chair.

Mr MURPHY—I believe I am being very relevant. I am not convinced from the contributions that I am hearing around the chamber—and I am not talking about those made at the dispatch box or in one’s place, recorded by Hansard—that people properly understand these amendments. I think that is sad and I want to make that point because, if people take the time to go back to and have a close look at what the member for Mitchell proposed, they would think more carefully about the amendments that we still have to consider in this debate. I feel that members in the House are getting tired of this. They want to vote on it. We all want to vote on it, but some of us want to vote in different ways. During the last division, when people came into the chamber they could not understand why I was voting on this side of the House. Plainly, they did not know and people said to me, ‘I think I might have to abstain because I really don’t know what we are actually debating.’ I think that is sad.

The SPEAKER—The question is that the amendment be agreed to. I apologise to the member for Parramatta. I will in fact recog-
nise him, because I failed to see him on his feet.

Mr ROSS CAMERON (Parramatta—Parliamentary Secretary to the Minister for Family and Community Services) (10.22 p.m.)—Mr Speaker, I do apologise for my earlier unruly outburst in response to the remarks of the member for Perth, for whom on these issues I certainly have a high regard—

Mr Gavan O’Connor—You didn’t do it for the Attorney-General when he was on his feet.

The SPEAKER—The member for Corio will also get the call to apologise if he so desires, but right now the member for Parramatta has the call.

Mr ROSS CAMERON—I was provoked, if I may use that expression, by the remark—which I think Hansard will show—from the member for Perth, when he said that the opposition opposes this amendment subject to the operation of a conscience vote. It is hard for me to imagine a more nonsensical sentence.

Mr Stephen Smith—that is what I said on every amendment, if you took an interest in it.

Mr ROSS CAMERON—the member for Perth’s repetition of the statement does not make it any more meaningful, and I appreciate the fact that the member for Corio has made himself present—and, I must say, with greater diligence than I have myself—for each of the amendments and is clearly addressing his mind to the merits or otherwise of each of the propositions put before the House. I certainly regard that as good practice for a series of propositions advanced not through the of lens of some global party interest but on the basis that this is a genuine conscience debate.

The SPEAKER—the member for Parramatta must come to the amendment currently before the chair.

Mr ROSS CAMERON—the amendment puts a proposition, which the Attorney has responded to on the basis that it erodes the principle of uniformity—and there is no question that the amendment does have that effect. Those of us supporting it had the impression that this was anticipated by COAG in the original agreement, which this legislation is intended to reflect. The agreement, as I understand it—and as I and other members of the coalition parties were briefed in the joint party room—was that the legislation would not have the effect of overriding the states that already had their own regimes in place where those states incorporated a higher duty of care in relation to scientists, researchers and clinicians practising in this area. The member for Perth interjected that we did not understand what the states themselves want. The amendment does not prohibit in any way the states from making their own decisions and amending their own legislation. We just feel that there is some sense of humility required on the part of the Commonwealth where, if our objective is to ensure the legislation of some basic safeguards, some minimum standards, a national benchmark, we ought not then at the same time to roll over the top of the states and to say to the parliamentarians—the representatives of Australian citizens in other states and territories of the Commonwealth—that your judgment as previously exercised in a considered way is defective and inadequate, even where that judgment has resulted in a higher standard of care than the one which is proposed before the House today. So, for those reasons, I am happy to support the amendment.

Debate (on motion by Mr Williams) adjourned.

COMMITTEES
Foreign Affairs, Defence and Trade Committee
Membership

The SPEAKER—I have received advice from the Chief Opposition Whip nominating a member to be a member of the Joint Standing Committee on Foreign Affairs, Defence and Trade.

Mr WILLIAMS (Tangney—Attorney-General) (10.27 p.m.)—by leave—I move:

That Mr Byrne be appointed a member of the Joint Standing Committee on Foreign Affairs, Defence and Trade.

Question agreed to.
ADJOURNMENT

Mr WILLIAMS (Tangney—Attorney-General) (10.28 p.m.)—I move:

That the House do now adjourn.

Health: Disability Services

Ms HALL (Shortland) (10.28 p.m.)—On Sunday, 15 September I met with some very special parents and their children for a barbecue at Camp Breakaway. These parents and their children were members of a support group for children with rare and very serious genetic disorders. They all lived on the Central Coast of New South Wales and the parents all had very severely disabled children with very high support needs and very high care needs.

I found that I was overwhelmed by the dedication of these parents and the extreme adversity that they had to face each day. The love and care that they gave to their children was phenomenal and the hurdles that they had to overcome every day were beyond imagination. They were doing the work of registered nurses. They had to resuscitate their children on a regular basis. It was one of those experiences I am sure all members have from time to time and one that truly moved me. These parents were at their wits’ end, really. They find that there are not enough resources for their children and they have to struggle and fight for every little bit of extra respite or assistance they have.

One of the children was Tori, with her mother Karen. I visited them at their home before I went to the barbecue at Camp Breakaway. Tori suffers from spinal muscular atrophy and has very limited movement. She is a very bright little girl but has very restricted movement. Karen averages about three hours sleep a night but her dedication to Tori is phenomenal. Tori needs a wheelchair and a car seat. She needs so much equipment that every day is a struggle.

When I went to the barbecue, I met Sonya. Sonya has four children. Her son Alex is the one with the disability. As well as having four children, including Alex with his very severe disability, Sonya has a husband who is a quadriplegic. It was really touching as she reached out to say, ‘Please, is there anything that you can do to help or assist me and all these other parents here? Every day we fight this battle. Every time we are faced with one hurdle after another.’ When they went along to Centrelink to get assistance with the disability payment for children with a disability, ticking the boxes was not sufficient and they were rejected. In the end, one of the mothers said, ‘I got so sick of filling in these forms and being rejected I decided I would take my child into Centrelink.’ The Centrelink officer took one look at the child, saw that it had a ‘trachie’ in its neck and saw just the level of care that it needed. They immediately granted the payment.

As members of parliament, when we pass legislation, we really need to be aware of the impact that it has on people who just keep their heads above water, as these parents do. One of the big issues was respite, how desperately they need respite. At this point, I would like to implore the government to rethink the money that it is giving to the states through the Commonwealth-state disability agreement. These families need assistance. They need that respite. They are saving state and federal governments many millions of dollars. They do it for love. They do it because they care for their children.

As members of parliament, sometimes it is very important for us to really get away from listening to what the bureaucrats say, to get away from looking at this bundle of money and that bundle of money for one thing or another, and just to think about the people—these children and these parents who struggle on a day-to-day basis to keep their children alive, to provide for their children. When we do that—when we actually get to the stage of thinking of the people—then we can realise just how much help we can give within this parliament. (Time expired)

Pharmaceutical Benefits Scheme: Glivec

Mr SCHULTZ (Hume) (10.33 p.m.)—On 11 March this year, in my address-in-reply to the Governor-General, I appealed to the parliament for the drug Glivec to be available to people suffering chronic myeloid leukaemia, knowing that the drug was available on the PBS for people in the final stages of the disease. I raised the issue because a number of my constituents who were suffering with chronic myeloid leukaemia had contacted me
and given me some details of what the disease was doing to them and how they were not responding to the alternative medicine available to them, which is called Interferon. I also mentioned how I had been saddened to hear that the wife of a former state parliamentary colleague of mine had been diagnosed with chronic myeloid leukaemia and was not responding to the therapy using the drug Interferon.

My reason for raising the issue concerned the significant cost of the drug Glivec which gave some hope to people suffering with chronic myeloid leukaemia. The cost was in the vicinity of $50,000 to $55,000 a year. I was very grateful to hear the Prime Minister announce on 5 September, within six months of me raising the issue, that the drug Glivec which I had been told previously would not be available on the PBS for chronic myeloid leukaemia sufferers for at least two years was being made available on the PBS. That decision, which followed my plea in this House, with the good grace of the Minister for Health and Ageing in this government and the Prime Minister, is going to offer a quality of life for people suffering with chronic myeloid leukaemia which they may not have been able to have under the treatment and the therapy that they were getting through the drug Interferon. I do not know whether the particular drug Glivec is going to allow those people to live a full and sustained life with the disease chronic myeloid leukaemia, but at least now, because of the generosity of the government, they have an opportunity to do so.

I am mindful of the fact that at some stage or another, if the drug does not reverse the cycle, my friend’s wife will require a bone marrow transplant. She was able to identify through the system a person in Perth who had compatible bone marrow, but unfortunately somebody in Finland required an urgent donation of bone marrow from a similar bone marrow carrier and that meant that any chance that she had of getting that bone marrow transplant was delayed for another 12 months.

My family and I were so impressed by this woman and what she had been doing in the community that we got together and decided to have blood tests to see if our bone marrow was compatible so that we could offer our bone marrow to assist her. The urgency has gone out of it since the announcement by the Prime Minister about the drug Glivec being available, and I wanted to take the opportunity during the adjournment debate tonight to thank the Prime Minister. I know I can thank the Prime Minister on behalf of all my parliamentary colleagues on both sides of the House, because they, like me, would have constituents who suffer from chronic myeloid leukaemia and are now able to afford to purchase the drug through the PBS system. I thank the House for their indulgence on this issue.

Politics: New Correctness

Mr LATHAM (Werriwa) (10.38 p.m.)—I rise tonight to continue my campaign against the new political correctness: the hypocritical demand by the conservative establishment in this country for civility and passivity in public debate. Earlier this month, Senator Amanda Vanstone gave a speech to the Sydney Institute, in which she called for greater civility in Australian politics. She said:

Public discourse, the free and civil exchange of rational views, opinions and reasoned argument, gives meaning and expression to our lives. When messages are constantly overloaded with malice and hatred, politics has become a blood sport rather than a battle of ideas.

Oh, that she should practise what she preaches. This is the same Senator Vanstone who, in January 1996, compared Paul Keating to Goebbels and then, in a set text, said:

My limited knowledge of psychiatry led me to wonder if he—referring to Paul Keating—was a coprophiliac, which is a fascination with faeces …. On the other hand, encopresis is a condition which is evidenced by the repeated inappropriate placement of certain waste matter in public places. There’s a word that rhymes with trap, and the PM speaks a lot of it. Perhaps he’s an ageing, verbal encopresiac.

This is the hypocrisy of these people. That was their form when they were in opposition. There was not much civility in what she had to say about Paul Keating at the beginning of 1996. On 30 January 1996, John Howard, now the Prime Minister, defended her speech
and implied that Paul Keating had it coming to him. So much for civility. This is their form: malice and personal attacks in opposition; then a call for civility and respect now that they are in government. It is the new political correctness—the civility campaign—and it is simply code for the re-election of the Tory government. It is a campaign that is dripping with hypocrisy. It is the hypocrisy of a government that preaches family values yet, in last year’s election campaign, when they falsely accused parents of throwing their children overboard, they refused to apologise to the aggrieved families. They refused to apologise for their shocking slur against innocent parents who love their children. So much for civility.

It is not just Tory politicians; Tory commentators are being just as hypocritical. Earlier this month, Paddy McGuinness wrote a column in the Sydney Morning Herald complaining about my condemnation of Vaclav Klaus at a CIS function last year. Paddy said that I was not civil enough in my attitude to someone he described as a ‘distinguished foreigner’. He said that people at the function were wondering about my stability and/or sobriety. There is a bigger truth to be told here and a bigger truth to be told about the Centre for Independent Studies. McGuinness was not at the function in question. He has been wired up and badly used by the head of the CIS, Greg Lindsay. In fact, I recall asking Mr Lindsay why CIS stalwarts, such as McGuinness and Frank Devine, had not been invited to hear Klaus and the other speakers at the 2001 consilium. Lindsay said that it was ‘because Paddy has been coming to CIS lunches, getting drunk and then abusing people’. That is the truth of it. Paddy McGuinness was banned from CIS functions because of a lack of civility well before I was. Lindsay has certainly got a hide to then turn around and use Paddy’s column to attack me. Paddy and I are, in fact, brothers in arms. We should unite to fight against the born-again wowsersism and double standards of users like Greg Lindsay. I say to Paddy: you might have ratted on the Labor Party; you might not be able to find any coloured clothes that fit; you might live in a trendy house in Darling Street, Balmain; your life might be a wreck; but, for goodness sake, don’t be used and abused by the likes of Greg Lindsay. Join with me in fighting the new political correctness, fighting these miserable wowsers from the CIS. Paddy, have a beer and enjoy life—and never be afraid to stand up for yourself.

As for Vaclav Klaus, the parliament should be aware that he was forced to resign as Prime Minister of the Czech Republic in 1997 due to his involvement in privatisation kickbacks. Klaus ran two ledgers for his campaign funding, funnelling kickbacks into a bank account in Switzerland. Far from being a distinguished visitor, he is a disgraced and corrupted figure in his own country. My objection to Klaus’s speech: I pointed out that Czech ultranationalism is inappropriate in Australia, given that it was views of this kind that sent thousands of young Australians to their deaths on the killing fields of Europe during two world wars. Apparently Greg Lindsay and the CIS have no problem with repeating the mistakes of 1914 and 1939. They think it is better for Europeans to fight each other than to cooperate internationally under the banner of the European Union. So much for civility. So much for standing up for Australia’s best interests.

Parliament: Internet Site

Mr HUNT (Flinders) (10.43 p.m.)—I am delighted this evening to launch the Internet site The Dome of Conscience for the Parliament of Australia. The Dome of Conscience is an Internet based opinion board and polling mechanism for federal parliamentarians. It is publicly accessible and easily available. It can be reached at www.domeaust.com. It builds on the existing dome, which provides insight into the workings of the New South Wales Parliament. I believe that it brings three significant benefits to public debate in Australia. Firstly, it is an addition to the marketplace of ideas. It provides an extra avenue for people to make their views known. Secondly, it provides an additional window of insight into the workings of the New South Wales Parliament. I believe that it brings three significant benefits to public debate in Australia. Firstly, it is an addition to the marketplace of ideas. It provides an extra avenue for people to make their views known. Secondly, it provides an additional window of insight into the workings of the parliament and the opinions of the members of this chamber. Thirdly, and quite importantly, it provides an opportunity for a virtual youth parliament—not just throughout Australia but in each individual electorate. I think that is an extraordinary contribution to
the capacity of individuals to participate in the process of decision making and to learn about it.

Since joining this House, my experience has been that there is a far greater capacity to contribute to policy debate and discussion than I expected or than is widely understood. There is the party room, the chamber, the media, direct contact with ministers of the Crown, and now we have the opportunity provided by the Dome of Conscience. I particularly want to commend its founder, Ralph McKay, a former engineer, a former financial industry derivatives expert and now the founder of the Dome of Conscience. I commend him for his vision of an additional means of encouraging public participation and public understanding of the democratic process.

How does the Dome work? It works with short statements called placards. Any parliamentarian can submit opinion placards on any subject at any time. This means that every elected official has an additional opportunity to help set the agenda. All placards compete daily for votes from senators and members and are ranked live in the Dome’s leader board for all to see. Importantly, it allows for explanations and statements. Members can choose to acknowledge their contributions or post them anonymously. I myself choose to acknowledge all of mine, but it is a matter of individual choice.

Ultimately this is a new opportunity. It is not an official action of the parliament, of course; it is an action taken by an individual to provide a further means within our system for members of this House and the Senate to make their contributions known in public debate. I am delighted to launch the Dome of Conscience this evening.

Lilley Electorate: Queensland Racing Industry

Immigration: Pinkenba Detention Centre

Mr SWAN (Lilley) (10.46 p.m.)—The Eagle Farm and Doomben racecourses and most of the metropolitan stables and ancillary businesses that support them, such as farriers, feed suppliers and vets, are located in the north-eastern suburbs of Lilley. The problems of the racing industry in Queensland today seem to stem from decisions made when the TAB was privatised and when the coalition government sold off gaming machine monitoring to private operators. The growth in TAB distribution to the racing industry lags behind the southern states, so our prize money levels simply cannot compete. Eagle Farm and, to a lesser extent, Doomben suffer from outdated and inadequate public facilities. The task the clubs face in trying to be competitive is not helped by the transfer of Saturday race dates to provincial centres.

I was appalled to read in the Courier-Mail that the QTRB were considering selling both the Eagle Farm and Doomben racecourses. Furthermore, yesterday afternoon the ABC reported:

The Queensland Thoroughbred Racing Board is considering three possible sites for a new race-track in Brisbane, to replace the Eagle Farm and Doomben tracks.

The Brisbane and Queensland turf clubs have been given a month to respond to the proposal.

Today, I read in the Courier-Mail that real estate agents are planning some fantastic walled community on the racecourses in the middle of Ascot, Hendra and Hamilton. I do not think the residents of these suburbs will want to live next door to a massive residential complex with a security wall around it. If this proposal goes ahead, the upheaval in the industry would be enormous. The victims would include the trainers in my electorate, who have substantial training establishments close to Doomben and Eagle Farm, and the small businesses, such as the vets and feed suppliers, as well as the stable and race-course staff who live in the area.

What the QTRB should be doing is encouraging the QTC and the BTC to rational-
ise operations to reduce costs. I am not opposed to a merger or much needed reform, but a merger and sale are matters for the club members and the local community to decide, not the QTRB. I want to put the QTRB on notice that if it is sponsoring a fire sale I will vigorously oppose it. Further, the QTRB would be well advised to give more support, not less, to the cradle of Queensland racing rather than trying to fleece metropolitan racing and use it as a scapegoat for the difficult problems facing the whole industry.

I would like to use my remaining time to tell the parliament about another example of high-handed arrogance. I would like to speak about the detention centre the Minister for Immigration and Multicultural and Indigenous Affairs, Mr Ruddock, plans to build at Meeandah in Pinkenba. In the middle of the last election campaign, in black and white on page 1 of the Courier-Mail of 3 November 2001, Minister Ruddock said:

The Government has no intention of forcing a detention centre on an unwilling community…

That is about as clear a statement as you can get: if the community does not want it then, Minister Ruddock said, they would not get it. The next thing we read about was in a press release from the minister on 4 April this year, naming Meeandah as the preferred site. He said:

A final decision on the location of the facility will be taken, following the completion of community consultation processes.

And on 6 April this year, Minister Ruddock told the Courier-Mail:

… he was prepared to move the project to Bowen, Kilkivan, Mareeba, Monto or Rosalie shire if opposition to the Pinkenba proposal proved insurmountable.

Locals held a public meeting, and people voted unanimously against the detention centre. The whole Pinkenba community is opposed to this site being located in the middle of a built-up area, as are residents of Hamilton, Hendra, Clayfield, Nundah, Banyo and the wider area. I surveyed these suburbs, and more than 90 per cent of the respondents were opposed to the detention centre. Six months on, there has still been no meaningful consultation with the community.

Imagine my surprise when I opened a letter dated 29 July 2002 and found that the minister had repudiated his earlier commitment to consult with the community. Minister Ruddock has now stated unequivocally that he has no intention at all of listening to the views of Brisbane residents, no matter where they live and no matter how overwhelming the opposition is to this proposed medium security prison. After almost a year of promising consultation with a community that plainly does not want the detention centre, Minister Ruddock now says that the government will put it where it wants, regardless—and that is supported by the member for Moreton. In this letter to me, the contents of which he has not made public, Minister Ruddock says:

I have noted your proposition that community consultation requires direct contact by phone or mail to all residents who live close to the site …

… I advised the BRATS executive that I did not see a need to directly seek views on the preferred IDC site from all residents of nearby suburbs, and that the decision on the IDC site will be made by Government, not plebiscite.

This is an unacceptable proposal to force a detention centre on an unwilling community in the middle of a built-up urban area. Few realise that the building of the detention centre would compromise a fully operational defence force facility that is integral to our nation’s defence. All of the land at Meeandah is now on the market to be flogged off for 30 pieces of silver. This unique site is probably the only area in the country surrounded by an international airport, a deep-water port, road and rail. It is perfect for military logistics. Selling this land is a betrayal of our national security, and forcing a detention centre on built-up communities in the middle of Brisbane is a breach of promise and an arrogant action from this minister. If the Minister for Citizenship and Multicultural Affairs, the member for Moreton, wants to support him in this, he will pay the political price.

Ryan Electorate: Veterans

Mr JOHNSON (Ryan) (10.51 p.m.)—It gives me great pleasure to rise in the federal parliament to speak of a very special func-
tion that occurred in the electorate of Ryan on Friday, 13 September. I had the great pleasure and privilege to play host to a presentation of Anniversary of National Service Medals. This took place at the Sherwood-Indooroopilly RSL Sub-branch, where we had some hundred people in attendance. Family and friends of recipients were also present, and I was delighted to be able to play host to them. The commemorative medal acknowledges veterans who served in our military’s two national service schemes between 1951 and 1972. The ‘Nasho’s medal’ marks the largest distribution of an Australian military award since World War II. I was very honoured to be involved in this, because the electorate of Ryan has a substantial number of local RSL sub-branches. Indeed, it is an electorate with a significant number of veterans.

I would like to take this opportunity in the parliament to acknowledge the nine special veterans from the electorate of Ryan who received this medal. They are Mr Rupert Eder, Mr Barry Bartsch, Mr David Kemp, Mr Peter Hughes, Mr John Atkinson, Mr Geoffrey Stephen, Mr Keith Ramus, Mr Neil Heather and Mr Keith Kipp. It was a great pleasure to present their medals in the presence of their family and friends. I was delighted to receive some very favourable comments afterwards on the presentation ceremony we hosted.

Not only did I have the opportunity to present the Anniversary of National Service Medals but also I had the opportunity to present special War Appreciation Certificates. On this occasion I presented these special certificates to four local veterans. The War Appreciation Certificate acknowledges the special contribution of our local veterans, who have served in conflicts in many parts of the world. A certificate was presented to Zena Tomkins, who accepted it on behalf of her late husband, Mr William Tomkins. He served very proudly and with great honour during World War II. Mrs Zena Tomkins was delighted to honour that and was very emotional on the occasion.

Mr Tom Davies of Kenmore was also acknowledged with a War Appreciation Certificate for his special efforts during the Vietnam War. Mr Gary Gunton of the suburb of Jindalee in Ryan was also very honoured to receive his certificate for his part serving in the Vietnam War for our nation. Also, Mr Don Robertson from Mt Ommaney received a certificate for his services in the Vietnam War. I take this opportunity to mention that Mr Don Robertson is a member of the Ryan community who is very civic minded and has played a big part in the community of the centenary suburbs. He is responsible for the erection of the memorial that stands in the centenary suburbs to acknowledge the contribution of those who have served in wartime for our nation.

As I have said, it was a great occasion. There were a lot of people there, and all those who participated were very honoured to be involved. I am sure all members of this parliament would agree with me that it is appropriate that this parliament acknowledge their service to our nation. I think we should take extra time to do that. I also think it is appropriate to mention Mr Graeme Loughton, who is manager of the Sherwood-Indooroopilly RSL and treasurer of the RSL sub-branch.

Mr Hardgrave—Hear, hear!

Mr Johnson—I know the federal member for Moreton knows Mr Loughton quite well. He is an individual in the electorate who gives his time very often to community events. If our community were to have more of these sorts of individuals in it, we would be richer for it. I pay tribute to all those who volunteer in our community and I salute their contribution to our country. Once again, I pay tribute to all those recipients of the National Service Medal and the War Appreciation Certificate. I salute their contribution to our country.

Human Rights: Vietnam

Mrs Irwin (Fowler) (10.56 p.m.)—Over the past year the Vietnamese community in Australia has collected 8,146 signatures for a petition to this parliament concerning human rights abuse in Vietnam. As the petition did not strictly comply with the requirements for petitions to be presented to this House, I would like to read the terms of the petition to
the House to place them on the public record:

To the honourable Speaker and members of the House of Representatives assembled in parliament.

This petition of certain citizens of Australia draws to the attention of the House our concerns over human rights abuse in Vietnam, particularly:

The Vietnamese government’s continued detention, house arrest and harassment of political dissidents and religious leaders;

The restrictions of freedom of speech, the press, assembly and association in Vietnam;

We call on the Australian government to:

1. Take concrete steps to monitor the human rights situation in Vietnam, including requesting the Vietnamese government to allow Australian diplomats to visit those alleged to be prisoners of conscience and to do so on a regular basis.

2. Make regular representations to relevant Vietnamese ministers and officials in Vietnam and the Vietnamese embassy in Canberra for the immediate release of all prisoners of conscience and for accelerated progress in moves to wind back restrictions on democratic freedoms.


I commend the Vietnamese community in Australia for its ongoing campaign to improve human rights in Vietnam and I congratulate the 8,146 people who signed that petition.

The SPEAKER—Order! It being 10.59 p.m., the debate is interrupted.

House adjourned at 10.59 p.m.

NOTICES

The following notices were given:

Mr Martin Ferguson to move:

That Civil Aviation Amendment Regulation 2002 (No. 2), as contained in Statutory Rules 2002 No. 167 and made under the Civil Aviation Act 1988, be disallowed.

Mr Tuckey to present a bill for an act to amend legislation relating to insurance and aviation liability, and for related purposes.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

**Immigration: Asylum Seekers**

*(Question No. 644)*

Ms Gillard asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 19 August 2002:

1. Has an arrangement been reached between the Australian and US governments for Australia to accept Haitian and Cuban asylum seekers processed by the US at its offshore locations of Puerto Rico and Guantanamo Bay in return for the US accepting Iraqi and Afghan asylum seekers processed on Manus Island and Nauru; if so, what are its terms.

2. Does this undermine the commonly accepted principle that refugees should, where possible, be resettled near countries of origin.

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

1. In June this year I responded to similar questions put to me by Mr Andren. My response then, as it is now, is that there is no ongoing arrangement or agreement with the US government to resettle Cuban or Haitian nationals. In line with our commitment to international responsibility-sharing, Australia agreed to resettle one Haitian family and one Cuban family who had been intercepted in waters off the United States and found by the US authorities to be in need of protection.

   The Government has no plans at present to resettle in Australia more people who have sought asylum in the United States, although we would consider further requests in the spirit of international responsibility-sharing. Australia’s obligations under the Refugees Convention are geographically limited to refugees in Australian territory. Our resettlement program goes beyond any international obligations and reflects Australia’s desire to assist refugees who are in greatest need of resettlement as a durable solution to their plight.

2. A commonly accepted principle is that asylum seekers should take the first opportunity to seek refuge and not move on to other countries in search of a better resettlement outcome. This position should not be confused as a principle that refugees should be resettled near countries of origin.

**Transport: Roads to Recovery Program**

*(Question No. 690)*

Mr Martin Ferguson asked the Minister for Transport and Regional Services, upon notice, on 19 August 2002:

1. Of all Roads to Recovery funding granted over the life of the program, how many applications specifically identified bicycle tracks and bicycle provisions as part of the planned upgrade to local roads.

2. Which local councils were granted funding for such upgrades.

3. What improvements did these local councils identify to be carried out with the funding.

4. Are funding applications that include planned improvements for bicycle tracks and bicycle provisions assessed differently from those without bicycle provisions; if so, why.

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

1. 153 projects have been nominated by 53 councils specifically including cycle or dual-use paths.

2. The Councils that have submitted projects that include bicycle tracks and bicycle provisions have received Roads to Recovery funding are:

   **State** | **Local Government Authority**
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   ACT | ACT
   NSW | Bland Shire Council
   | Boorowa Council
   | Gilgandra Shire Council
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The projects vary widely but include the construction of new bicycle paths and the rehabilitation and extension of existing bicycle paths.

(4) No. All projects are treated the same.

**Drugs: Programs**

(Question No. 725)

Ms Burke asked the Minister for Transport and Regional Services, upon notice, on 19 August 2002:

(1) Does the Ministers Department administer any programs relating to illicit drug use.

(2) If so, what has been the level of expenditure on these programs in (a) 1996-97, (b) 1997-98, (c) 1998-99, (d) 1999-2000, (e) 2000-2001 and (f) 2001-2002.

(3) In relation to programs which have allowed organisations to apply for funding for the delivery of services or programs, (a) what is the name of each program and (b) what was the level of expenditure in each State in (a) 1996-97, (b) 1997-98, (c) 1998-99, (d) 1999-2000, (e) 2000-2001 and (f) 2001-2002 on each program.

(4) In relation to funding under these programs, (a) how many applications were received from within the electoral divisions of (i) Chisholm, (ii) Aston, (iii) Deakin, (iv) Latrobe and (v) Casey, (b) what is the name of each organisation that submitted an application, (c) what was the purpose of the funding being sought in each case, (d) what was the value of funding sought in each case and (e) if the application was successful, (i) what level of funding was granted and (ii) in which federal electoral division is the organisation located.

(5) In relation to programs that do not provide for organisations to apply for funding, what was the level of expenditure for each program in the electoral divisions of (a) Chisholm, (b) Aston, (c) Deakin, (d) Latrobe and (e) Casey in (i) 1996-97, (ii) 1997-98, (iii) 1998-99, (iv) 1999-2000, (v) 2000-2001 and (vi) 2001-2002.

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

The Department of Transport and Regional Services does not administer any programmes relating to illicit drug use.
Environment: Kyoto Protocol
(Question No. 786)

Mr Murphy asked the Minister for the Environment and Heritage, upon notice, on 20 August 2002:

What are the full reasons for the Howard Government refusing to ratify the Kyoto Protocol on greenhouse gas emissions.

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

The Government has consistently stressed that to be effective, a global response to climate change that includes participation by all major emitters of greenhouse gases is needed. The Kyoto Protocol will make only a modest contribution – around 1% - to reducing the growth of global emissions. Even as a first step it does not provide a clear path towards developing countries’ commitments and the US has indicated that it will not ratify. Together, these countries already produce most of the world’s greenhouse gas emissions.

If Australia were to abandon our long expressed and clearly articulated requirement for a more comprehensive global response it would send a signal to investors that Australia was prepared to expose itself to binding legal commitments that could in the future impose costs not faced by neighbouring regional economies. For Australia this is not a trivial matter, given the significance to our economy of investment in greenhouse intensive industries such as natural gas, alumina and aluminium production, coal, paper and metals processing.

The Government will continue to develop and invest in domestic programs to meet the target agreed to at Kyoto of limiting greenhouse emissions to 108% of 1990 levels over the period 2008 – 2012. Australia is within striking distance of achieving this target.

The Government has recently announced a climate change agenda that will focus upon the longer term, covering not just the next few years, but a twenty to thirty year time horizon. The strategy is intended to ensure that Australia can continue to cut greenhouse emissions, while maintaining a strong, competitive economy. It will be developed over the coming months working with all levels of government, business and the community.

Industry, Tourism and Resources: Departmental Staffing
(Question No. 812)

Mr Martin Ferguson asked the Minister for Industry, Tourism and Resources, upon notice, on 20 August 2002:

(1) How many (a) full time permanent staff, (b) part time permanent staff, (c) full time contract staff and (d) part time contract staff were employed by (i) the Minister’s Department and (ii) agencies within the Minister’s portfolio as at (A) 30 March 1996 and (B) 30 June 2002. (2) For each category of engagement referred to in part (1) and employed by (a) the Minister’s Department and (b) agencies within the Minister’s portfolio, where were such persons located in (i) 30 March 1996 and (ii) 30 June 2002.

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

(1) (i) (B) and (2) (a) (i) The information sought by the honourable member in relation to part (1)(A) and part (2)(i) of his question is not readily available and I am not prepared to authorise the use of the resources that would be required to provide that information. I am able to inform the honourable member, however, that data on APS staffing as at 30 June 1996 is contained in the Australian Public Service Statistical Bulletin 1995-1996 which is publicly available.

The honourable member should be aware, however, that changes in APS functions and administrative arrangements between 1996 and 2002 may render direct comparisons between the data for those years invalid.

(1) (a) (ii) The following table provides information in relation to staffing details for the Department as at 30 June 2002:

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(2) (ii) (B) and (2) (b) (ii), The following tables provide staffing details for the agencies within my portfolio:

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**National Standards Commission**

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**Immigration: International Women’s Conference  
(Question No. 829)**

Mr Danby asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 21 August 2002:

(1) Were more than 25 women from Asian, African and Middle Eastern countries denied Australian visas for the 2002 Townsville International Women’s Conference.

(2) Were there considerable delays in processing the visas of many of the other participants in the Conference, forcing them to withdraw.

(3) Was human rights activist and keynote speaker for the Townsville 2002 Network of Women Students Australia Conference, Dita Sari, one of those excluded.
(4) Were any women from countries other than Asia, Africa and the Middle East denied visas.

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

(1) No. Advice from Australian overseas posts is that from a significant number of visa applicants intending to attend the Townsville International Women’s Conference, a total of 12 people registered to attend the conference had their visa applications refused. These refusals were based on a range of factors including, in some instances, the presentation of false documentation, an inability to demonstrate any business or personal link to the conference, and a lack of capacity of some applicants to be able to financially support themselves while in Australia.

(2) There were no unreasonable delays in processing the visa applications of people registered to attend the Townsville 2002 International Women’s Conference. The temporary evacuation of most visa processing functions from the Islamabad and New Delhi offices to Bangkok during June and July resulted in greater work pressures, but processing was conducted within standard timeframes.

(3) Ms Dita Sari applied for a visa at the Australian Embassy in Jakarta, on 25 June 2002. She was granted a visa on 1 July, before the conference started. Ms Sari was notified of the grant of visa on 1 July, but did not collect her passport until after the conference had ended.

(4) There is no indication that any participants from countries other than in Asia, Africa, and the Middle East were refused visas.

Parliamentarians’ Entitlements: Former Senator Colston
(Question No. 862)

Mr Murphy asked the Minister representing the Minister for Finance and Administration, upon notice, on 27 August 2002:

(1) What are the complete details of all of the taxpayer-funded motor vehicle and aircraft travel journeys undertaken by former Senator Colston since July 1999, including the times, dates and places of departure and arrival of each trip.

(2) What was the cost to the taxpayer of each trip.

(3) What is the total cost of taxpayer-funded transport afforded to Dr Colston since July 1999.

Mr Costello—The Minister for Finance and Administration has supplied the following answer to the honourable member’s question:

(1) and (2)
Details of motor vehicle journeys undertaken by Dr Colston since July 1999 and paid by the Department of Finance and Administration:

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Details of aircraft travel journeys undertaken by Dr Colston since July 1999 and paid by the Department of Finance and Administration:

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$7,009.64

* Travel undertaken under sitting Senator entitlement – to return to home base after sitting of Parliament. Not counted against the Life Gold Pass entitlement.

(3) $8,237.79

Environments: Wetlands

(Sequence No. 870)

Mr Jenkins asked the Minister for the Environment and Heritage, upon notice, on 28 August 2002:
(1) Which wetlands, designated by Australia to the List of Wetlands of International Importance as part of the Ramsar Convention on Wetlands of International Importance, are in the electoral divisions of (a) Scullin, (b) Calwell, (c) Wills, (d) Jagajaga, and (e) McEwen.

(2) Since 1996, (a) how many wetlands have been designated by Australia to the List of Wetlands of International Importance, (b) on what dates were they designated and (c) where are they located.

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

(1) There are no wetlands designated to the List of Wetlands of International Importance, under the Convention on Wetlands (Ramsar, Iran, 1971), within the electorates of Scullin, Calwell, Wills, Jagajaga or McEwen.

(2) Fifteen wetlands in Australia have been designated to the List of Wetlands of International Importance since 1996. The wetlands, their date of designation and location are indicated in the table below. A copy of the map regarding locations is available from the House of Representatives Table Office.

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<th>Ramsar Site</th>
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<tbody>
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</tr>
<tr>
<td>Ginini Flats Subalpine Bog Complex</td>
<td>11/03/96</td>
<td>Australian Capital Territory</td>
</tr>
<tr>
<td>Shoalwater and Corio Bays</td>
<td>11/03/96</td>
<td>Queensland</td>
</tr>
<tr>
<td>Blue Lake</td>
<td>17/03/96</td>
<td>New South Wales</td>
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<tr>
<td>Lake Pinaroo</td>
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<tr>
<td>Little Llangothlin Lagoon</td>
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<td>New South Wales</td>
</tr>
<tr>
<td>Pulu Keeling National Park</td>
<td>17/03/96</td>
<td>Cocos (Keeling) Islands</td>
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<td>Gwydir Wetlands</td>
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**Immigration: Border Protection**

(Question No. 883)

**Mr Murphy** asked the Minister representing the Minister for Finance and Administration, upon notice, on 29 August 2002:

(1) Further to the answer to question No. 392 (*Hansard*, 19 August 2002, page 4911), is he able to define the term “smuggling”; if so, (a) what is that definition and (b) where under Commonwealth law is that definition found.

(2) Does the definition only relate to a rateable tariff under Commonwealth import regulations and cannot be applied to persons.

(3) Can he clarify how the estimated $1,237 million over five years will be spent in order to maintain the integrity of Australia’s borders.

(4) Does the Government have a policy on what constitutes the War on Terrorism; if so, has the policy been announced; if so, what are the details and how does that policy relate to the moneys budgeted in the 2002-2003 Budget.

**Mr Costello**—The Minister for Finance and Administration has supplied the following answer to the honourable member’s question:

(1) and (2) Australian legislation contains offences relating to the smuggling of goods and to bringing, or organising to bring, groups of non-citizens into Australia.

Section 4 of Part 1 of the Customs Act 1901 defines “smuggling” as “any importation, introduction or exportation or attempted importation, introduction or exportation of goods with intent to defraud the revenue”.
Australian legislation does not use the term “people smuggling”. However, Subdivision A of Division 12 of Part 2 of the Migration Act 1958 contains various offences relating to bringing, or organising to bring, groups of non-citizens into Australia.

(3) The figure of $1,237 million represents the additional amount provided over the five years 2001-02 to 2005-06 to fund the Government’s comprehensive and integrated strategy to fight people smuggling and illegal migration. The strategy involves a coordinated response by several agencies including Defence, Customs, Foreign Affairs and Trade, and Immigration and Multicultural and Indigenous Affairs. The additional funding package includes the cost of reception and processing of unauthorised boat arrivals; construction and administration of immigration reception and processing centers; regional cooperation funding; increased coastal surveillance; and funding for reintegration assistance for asylum seekers who return to their country of origin. All the specific measures are set out in the 2002-03 Budget papers. (Refer Budget Paper 2, Budget Measures pages 132-143 for all relevant expense measures. Capital measures are set out in portfolio order from page 173.)

(4) The 2002-03 Budget Measure ‘Additional funding for the War Against Terrorism’ provided additional funding to support Australia’s contributions to the US led War Against Terrorism in Afghanistan and the Persian Gulf. The deployments include a special forces task group and other personnel in Afghanistan and a naval task group supporting the Multinational Interception Force implementing UN security council resolutions in the Persian Gulf and other activities in the War Against Terrorism.