INTERNET
The Votes and Proceedings for the House of Representatives are available at:
Proof and Official Hansards for the House of Representatives,
the Senate and committee hearings are available at:

SITTING DAYS—2002

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

RADIO BROADCASTS
Broadcasts of proceedings of the Parliament can be heard on the following
Parliamentary and News Network radio stations, in the areas identified.

- **CANBERRA**: 1440 AM
- **SYDNEY**: 630 AM
- **NEWCASTLE**: 1458 AM
- **BRISBANE**: 936 AM
- **MELBOURNE**: 1026 AM
- **ADELAIDE**: 972 AM
- **PERTH**: 585 AM
- **HOBART**: 729 AM
- **DARWIN**: 102.5 FM
HANSARD CONTENTS

TUESDAY, 12 NOVEMBER

HOUSE HANSARD

Questions Without Notice—
Foreign Affairs: Iraq ................................................................. 8763
Foreign Affairs: North Asia ........................................................ 8763
Telstra: Services ................................................................. 8764
Economy: Performance ......................................................... 8765
Distinguished Visitors ......................................................... 8765

Questions Without Notice—
Telstra: Services ................................................................. 8766
Trade: Agriculture ............................................................... 8766
Telstra: Privatisation ............................................................ 8767
Aviation: Sydney (Kingsford Smith) Airport .......................... 8768
Telstra: Privatisation ............................................................ 8768
HMAS Westralia ................................................................. 8770
Telstra: Service Charges ................................................... 8770
Workplace Relations: Victoria ............................................. 8771
Agriculture: Genetically Modified Canola .......................... 8771
Tourism: Seal Rocks .......................................................... 8772
Banking: Fees and Services ............................................... 8773
Employment: Work for the Dole ......................................... 8774
Rural and Regional Australia: Drought Assistance .......... 8776
Environment ................................................................. 8777
Foreign Affairs: Indonesia .................................................. 8778
Education: Higher Education Review .............................. 8779

Personal Explanations ......................................................... 8780

Questions to the Speaker—
Questions on Notice ............................................................ 8780

Parliamentary Service Commissioner ................................... 8781
Department Of The Parliamentary Library .............................. 8781
Department Of The Parliamentary Reporting Staff ................. 8781
Joint House Department—
Annual Reports .............................................................. 8781
Auditor-General’s Reports—
Report Nos 14 to 17 of 2002-03 ........................................ 8781

Papers .................................................................................. 8781

Matters of Public Importance—
Drought ................................................................. 8782

Committees—
Selection Committee—Report ............................................ 8795
Main Committee .............................................................. 8797
Bills Referred to Main Committee ........................................ 8797
Criminal Code Amendment (Offences Against Australians) Bill 2002—
First Reading ..................................................................... 8797
Second Reading ................................................................... 8797
Family Law Legislation Amendment (Superannuation) (Consequential Provisions) Bill 2002—
Consideration of Senate Message ....................................... 8798
Private Members’ Business .................................................. 8800
Civil Aviation Regulations—
Disallowance Motion ....................................................... 8800
<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environment and Heritage Legislation Amendment Bill (No. 1) 2002,</td>
<td></td>
</tr>
<tr>
<td>Australian Heritage Council Bill 2002, and</td>
<td></td>
</tr>
<tr>
<td>Australian Heritage Council (Consequential and Transitional Provisions) Bill 2002—</td>
<td>8804</td>
</tr>
<tr>
<td>Second Reading</td>
<td></td>
</tr>
<tr>
<td>Bills Referred to Main Committee</td>
<td>8816</td>
</tr>
<tr>
<td>Environment and Heritage Legislation Amendment Bill (No. 1) 2002</td>
<td></td>
</tr>
<tr>
<td>Australian Heritage Council Bill 2002</td>
<td></td>
</tr>
<tr>
<td>Australian Heritage Council (Consequential and Transitional Provisions) Bill 2002—</td>
<td>8816</td>
</tr>
<tr>
<td>Second Reading</td>
<td>8816</td>
</tr>
<tr>
<td>Adjournment</td>
<td></td>
</tr>
<tr>
<td>Shortland Electorate: Windale</td>
<td>8844</td>
</tr>
<tr>
<td>Environment: Mornington Peninsula Biosphere</td>
<td>8845</td>
</tr>
<tr>
<td>Capricornia Electorate: Moranbah</td>
<td>8846</td>
</tr>
<tr>
<td>Hume Electorate: Bushfires</td>
<td>8847</td>
</tr>
<tr>
<td>Wine Industry: Taxation</td>
<td>8848</td>
</tr>
<tr>
<td>Health: Outer Metropolitan Doctors Scheme</td>
<td>8850</td>
</tr>
<tr>
<td>Australia Post</td>
<td>8850</td>
</tr>
<tr>
<td>Notices</td>
<td>8851</td>
</tr>
<tr>
<td>Questions on Notice</td>
<td></td>
</tr>
<tr>
<td>Food Standards Australia New Zealand—(Question No. 795)</td>
<td>8852</td>
</tr>
</tbody>
</table>
Tuesday, 12 November 2002

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

QUESTIONS WITHOUT NOTICE

Foreign Affairs: Iraq

Mr CREAN (2.01 p.m.)—My question is to the Prime Minister. Does the Prime Minister agree that United Nations resolution 1441, unanimously carried by the United Nations Security Council, rules out the US taking unilateral action against Iraq before the matter is referred back to the Security Council?

Mr HOWARD—The resolution passed by the Security Council is, as I said yesterday, a very welcome resolution. It certainly requires a reporting back to the Security Council—there is no argument about that. On the question of whether it is explicit on the question of ‘unilateral action’—to use the language of the Leader of the Opposition—I do not find that language.

Could I make the point that I thought an observation made by the shadow minister for foreign affairs at the weekend was a very good point and I agreed with him. I do not always agree with the shadow minister, but on this occasion I did. He was invited to agree with the statement made in New York by the immediate past shadow minister for foreign affairs and he declined to do so. He made the observation that things could change and there should be, to use his language, a final level of constraint so far as current policy was concerned. I think that is a very sensible remark. I thought he spoke good sense. I thought he was rather more judicious in what he said than either the Leader of the Opposition this morning or the immediate past shadow foreign minister earlier.

Mr DOWNER—I thank the honourable member for his question. I appreciate the interest he shows in Australia’s relations with Asia, including in this particular case North Asia. There is no doubt now, I am sure, that our relationships with the countries of North Asia, particularly with Japan and China, have, frankly, never been better. That was illustrated by my recent visit to Japan as well as to China.

When I was in Japan I had the opportunity to meet with Prime Minister Koizumi as well as the foreign minister, the defence minister, the cabinet secretary and others. During my discussions with Mr Koizumi, we discussed, in particular, the issue of terrorism, terrorism in East Asia and the implications of that for the region. I made the point to Prime Minister Koizumi that I thought it would be appropriate if Australia and Japan were to cooperate to a greater extent than we already do in trying to assist the countries of South-East Asia to deal with the problem of terrorism. I suggested to him that Australia send a delegation of officials to Japan to sit down with Japanese officials to look at what both our countries are doing to assist the region with counterterrorism and to see whether there is not more we could do either separately or together to enhance those capabilities. This proposal was warmly embraced by Prime Minister Koizumi, and those officials will be off to Japan before too long.

We also spent a good deal of time talking about the question of North Korea. Like Iraq, this is a country which has a weapons of mass destruction capability, which is of immense concern to this government. This government has always been very concerned about the proliferation of weapons of mass destruction. Australia and Japan will work very closely together, as we will also with the Republic of Korea—South Korea—and the United States to ensure that there is an appropriate and united response to dealing with the problem of, particularly, the uranium enrichment program in North Korea, which is in clear breach of the 1994 agreed framework.

Finally, the honourable member asks also about China. I have just spent two days in Shanghai. Australia is the first country ever
to participate in the Shanghai International Arts Festival as a feature country. This week is the Celebrate Australia week in Shanghai. A large number of Australian artists will be performing this week. Shanghai is a city of 16½ million people, with an enormously high rate of economic growth. With Australian artists having such a high profile, that will not only do a great deal to promote the arts and culture of this country, which are unique and exciting, but will also do a great deal to enhance Australia's already strong reputation in China.

Telstra: Services

Mr MOSSFIELD (2.07 p.m.)—My question is to the Minister representing the Minister for Communications, Information Technology and the Arts. Is the minister aware that applications for broadband Internet access, or ADSL, in Kings Park, Western Sydney, are not being approved by Internet service providers because Telstra cannot provide acceptable service to that area? Can the minister also explain why the use of split pair gains in rapidly developing suburbs such as Kellyville and Glenwood has resulted in Internet speeds half those available to other users? Minister, how will selling Telstra improve Internet services in suburbs like Kings Park and Kellyville?

Mr McGAURAN—I thank the honourable member for his quite unexpected question. More of the same today—you are pretty desperate. We have this broken record—that you will seize on one aspect of the Estens report. The opposition will delve into the minutia of the Estens report and try to find one complaint or another. There were 606 submissions to the Estens inquiry. We invited them. We urged constituents to make submissions to the inquiry so that we would have a full and honest appraisal of the system as it presently operates and how we can improve it. So, of course, it is not surprising that issues of difficulty or problems were highlighted for the Estens inquiry—as we wanted them to be.

Ms Macklin—What are you going to do about them?

The SPEAKER—Member for Jagajaga!
Besley report. Whether it be broadband, Internet services, mobile phones, repair or installation, the Estens inquiry finds a very marked and considerable improvement on the part of Telstra and that the government’s huge injection of funding has assisted this improvement. The government will continue to improve our telecommunications services.

**Economy: Performance**

Ms LEY (2.12 p.m.)—My question is addressed to the Treasurer. Would the Treasurer advise the House of the results of the National Australia Bank’s monthly business survey released today? When will the government be updating its own economic forecasts?

Mr COSTELLO—I thank the honourable member for Farrer for her question. The National Australia Bank today released its business survey for October—importantly, it was the first of the surveys post the Bali bombing—which takes into account confidence effects and the like on business. Although business confidence was down a little from 14.9 on the index to 11.5 in October, business confidence remains quite robust. In fact, the National Australia Bank comments that it is consistent with the non-farm GDP growing by around four per cent. Business profitability increased by three points. Forward orders were up and capacity utilisation remains at high levels. The National Australia Bank comments that it would be misleading to downplay the continuing robustness of domestic economic conditions.

The government will be updating its forecasts with its mid-year review on 27 November and will be taking into account those changes in the economy since the May budget. I indicated yesterday that the severity of the drought is expected to knock up to one per cent off the GDP, but the non-farm GDP continues to remain quite strong. In addition to that, the international environment has deteriorated, although we welcome of course the cut in official interest rates in the United States late last week. The fact that the official interest rate now stands at 1¾ per cent, which in real terms could well be a negative interest rate, indicates the dangers that the authorities in the United States now see in relation to that economy. Coupled with that is continuing deflation in Japan and weakness in Europe.

Notwithstanding those international factors, the Australian economy continues to be one of the strongest performing economies in the world. The labour market results for last week showed that employment continues to grow, although the employment forecast has now actually exceeded the forecasts that we made in relation to this year’s budget. There still remain budget measures outstanding which the Labour Party refuses to pass. These are measures which will put on a sustainable basis some of the fast growing demand driven programs in our budget and cope with ageing and structural changes in relation to our population.

The changes to the Pharmaceutical Benefits Scheme are probably the most important of these measures, and they build on what the Labor Party itself believed was necessary when it was in office and when it had leadership that believed in economic responsibility. Those measures will be reintroduced into the House of Representatives as soon as possible. We call on the Australian Labor Party to reverse its position and get some responsibility; to really confront some of the issues which Australia will have to confront in the future in relation to the ageing of the population; and, for once, to try to do the right thing by Australians and the right thing by Australia’s economy.

**DISTINGUISHED VISITORS**

The SPEAKER (2.16 p.m.)—I inform the House that we have present in the gallery this afternoon Dr Alfred Sant, Leader of the Opposition and former Prime Minister of Malta, and Dr Charles Mangion, a member of the Maltese parliament. The gentlemen are accompanied by the Maltese High Commissioner. We also have in the gallery the Hon. Professor Peiris, a minister in the Sri Lankan government, who is accompanied by the Sri Lankan Ambassador. To each of those gentlemen I extend a very warm welcome on behalf of the members of the parliament.

Honourable members—Hear, hear!

**QUESTIONS WITHOUT NOTICE**

The SPEAKER—It is probably appropriate that I should at this point recognise the
next questioner—the member for McMillan. I apologise to the member for McMillan.

**Telstra: Services**

Mr ZAHRRA (2.17 p.m.)—I thought we had a more special relationship than that, Mr Speaker! My question is directed to the Minister representing the Minister for Communications, Information Technology and the Arts. I refer to an Estens inquiry submission from Belgrave in the outer eastern suburbs of Melbourne complaining of inadequate access to high-speed Internet and constant Internet line drop-outs resulting in excessive telephone bills, and to the inability of the member for La Trobe to get Telstra to respond to his constituents’ concerns.

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

Mr ZAHRRA—Minister, isn’t it true that submissions to the Estens inquiry showed that Australians living in the outer suburbs of our major cities have major problems with Telstra’s performance? How will selling Telstra improve Internet services in suburbs like Belgrave?

Mr McGAURAN—I thank the honourable member for his question. It is very hypocritical of the opposition to refer to individual submissions in the Estens inquiry about dial-up Internet speeds when there has been such marked improvement since 1996, when we came to government. In 1996 there was no digital data service obligation ensuring access to ISDN. There were no guaranteed Internet dial-up speeds or any programs to improve those speeds. In more remote areas the Internet was simply inaccessible due to the reliance on old radio concentrator systems. That is what we inherited: an ageing, out-of-date system. As a direct result of our unprecedented injection of funding we have improved dial-up Internet speeds, and the drastic improvement is very obvious.

We tabled a booklet today, through Senator Alston, entitled *Australian Telecommunications 2002*. It has been released across the length and breadth of the nation, and all Australians can dial up at least one ISP at untimed call rates. This has been done both through Networking the Nation’s Internet access fund, which has funded Internet points of presence, and through commercial solutions. In remote areas of Australia we have spent $150 million so as to provide all customers with untimed local access to an ISP. We have funded over 1,600 public Internet access facilities in regional Australia. Prices have fallen with over 600 ISPs operating in a highly competitive environment, and there is a large range of plans being offered by ISPs across Australia. We are also funding, jointly with Telstra, the Internet assistance program, which is ensuring that all Australians outside the extended zones have access to a dial-up Internet speed of at least 19.2 kilobytes per second. The extended zones have a special arrangement, including through the provision of a subsidised two-way satellite.

So the government has done a great deal on Internet speed as well as access, and the opposition look frail and incompetent when they keep seizing on some submissions to the Estens inquiry. I do not know how often we have to say it: we have never said that it is a perfect world in either urban or regional Australia. We have done a great deal to bring up the level of services across the board. The opposition did nothing during its 13 years; it should be supporting the government.

**Trade: Agriculture**

Mr FORREST (2.21 p.m.)—My question is addressed to the Minister for Trade. Would the minister inform the House what steps the government is taking to see international trade in agriculture liberalised? Furthermore, could he tell us what the government is doing to assist developing countries in the world’s trading system?

Mr VAILE—I thank the honourable member for Mallee for his question. I know that he has always been a strong supporter of our agenda to liberalise the markets of the world as far as agricultural trade is concerned. Specifically, in the area of citrus, some of the markets that we have managed to open up are in North Asia and in the United States, as well as the wine industry and the dairy industry in his electorate.

At a time when a lot of Australia is experiencing one of the worst droughts that we have had for many decades and we are na-
tionally focusing our attentions on ensuring that the farm community makes it through this devastating drought—and quite rightly so—we also need to not slacken our focus on opening up new markets across the world and getting improved access across the world for our agricultural exports. Long has it been Australia’s key trade objective in terms of the multilateral system and bilateral negotiations to improve market access, particularly for agricultural commodities. It is also a critical element of ensuring that the developing countries of the world get access to the developed markets of the world, improve their economic circumstances and improve the overall global economy.

Australia has always been at the forefront of pursuing agricultural trade liberalisation. We forced agriculture to the top of the agenda last year when we launched the Doha Round of trade negotiations through the WTO. Australia, in its capacity as the chair and the leader of the Cairns Group, made sure that a very strong mandate came out of Doha for agricultural trade liberalisation. We have clearly enunciated our position in the rounds so far. Opening up market access, eliminating trade-distorting domestic support and phasing out, with a view to eliminating, all export subsidies in the trade of agricultural commodities—they remain our core objectives in the WTO round.

Our strategy goes beyond our leadership role in the Cairns Group to developing a network of like-minded countries that share our view on agricultural trade liberalisation—countries like Egypt, Kenya, Uganda and the United States of America. Incidentally, the tabling of the US proposal was a positive step, following the passage of the Farm Bill earlier this year which absolutely challenges other heavy subsidisers of agriculture to reform at the same pace and time as the United States is prepared to. We encourage and support that and have done so through a number of fora in recent months.

We successfully chaired the meeting of the Cairns Group in Bolivia only a couple of weeks ago, where that group called for WTO members to keep the promise that they made in the Doha mandate to liberalise agricultural trade multilaterally. The commune from the successful leaders meeting that the Prime Minister attended in Los Cabos in Mexico called for the elimination of export subsidies for agricultural commodities, a move that was also supported by Japan. This week we will chair the informal ministerial meeting in Sydney where Australia will play a lead role in the overall WTO agenda as far as the development and the advancement of agricultural trade liberalisation are concerned. That is significantly important for Australia.

While we need to focus on the desperate circumstances of Australia’s farmers during the current drought, we should not lose focus on the ultimate goal of improving global market circumstances for their future benefit, once we move through to the other side of the drought. Australia is leading the way on agricultural trade liberalisation, and our government remains committed to that agenda.

**Telstra: Privatisation**

Mr McMULLAN (2.25 p.m.)—My question is to the Minister representing the Minister for Communications, Information Technology and the Arts. Can the minister confirm that the government has included $654 million in the budget to pay merchant bankers and lawyers in Sydney, Melbourne and overseas to implement the minister’s plan to sell Telstra?

Opposition members interjecting—

Mr COSTELLO—I am always happy to take questions on the budget, Mr Speaker. I will be even happier to take a question on the economy from the member for Fraser when one comes one day. In relation to the Telstra sale, the government, in accordance with usual practice once it makes a decision, puts the financial effect of that decision in its budget papers. That has always been the case, just as the budget papers include the savings from the changes to the Pharmaceutical Benefits Scheme. Included in the budget will be the savings in relation to debt retirement, any costs in relation to the sale and any other financials which arise from it. The costs in relation to financial sales are the best estimates of the department of finance at the time, but all the financials will be fully and clearly put down in the budget papers.
Aviation: Sydney (Kingsford Smith) Airport

Mr HARTSUYKER (2.28 p.m.)—My question is addressed to the Deputy Prime Minister and Minister for Transport and Regional Services. Would the Deputy Prime Minister inform the House of the results of negotiations over airline access at the former Ansett terminal in Sydney? What benefit will this and other aviation initiatives have on the travelling public?

Mr ANDERSON—I thank the honourable member for his question. I am very pleased that, after some pretty intensive negotiations, Virgin Blue Airlines and Sydney Airport Corporation have reached agreement on the former Ansett terminal—T2, as it is known—at Sydney, and that will see Virgin moving into the facility from early December this year. Virgin will take six gates on a priority basis, with access to up to another six common user gates. In doing so, it will join the four other airlines that are already operating from T2, namely, Regional Express—or Rex, as they have become known—Qantas Link, Horizon and Aeropelican.

Most of the ex-Ansett terminals have been sold to the airport operators and are now back in use with the very important provision for common user access. That is important; we do want to make certain that any new entrants to the Australian aviation sector are not denied reasonable and fully competitive frameworks. I think this is a good outcome. It will benefit the travelling public in the lead-up to Christmas; they will enjoy, obviously, access to larger and more modern facilities as well as more ready access to the relevant airlines, including Virgin.

It has to be said that Virgin Blue has grown to be quite a force in the Australian domestic aviation market; over recent times they have come to operate some twenty-eight 737 aircraft, I welcome CEO Brett Godfrey’s comments at the Australian Airports Association national convention in Adelaide yesterday, when he said that further expansion is now planned, which will see jet services extended to new regional destinations. That is something that many people, particularly those with an interest in tourism, will certainly welcome and look forward to.

There is no doubt that the last 12 months have been difficult for aviation right across the globe. In reality, our market has probably survived in better shape than almost any other around the world, but we have been busy. We have reformed airport pricing arrangements; we have liberalised international airline access to Australia’s key regional gateways; we have encouraged and supported the successful relaunch of Ansett’s regional subsidiaries; we have stepped in to keep airlines flying after the September 11 tragedy, through the provision of a government indemnity for aviation war risk insurance; we have exempted regional airlines from en route air traffic control charges; and we have endorsed and progressed a plan for low-level airspace reform.

It is time that we got on with this in Australia. There have been several attempts over the last decade; this time we have it within our grasp, with the support of all the major players, including the Royal Australian Air Force—which is very welcome indeed. We are moving to simplify our arrangements and to harmonise them with what will be known as the North American airspace arrangements, and we have announced a review of federal government taxes and charges levied on the regional aviation sector. This is in addition to my announcement yesterday that we would review the Airports Act. Coupled with announcements to come shortly about further streamlining of CASA’s arrangement—following the receipt by the government at the end of July of the report by CASA’s chairman, Ted Anson, on future government arrangements—that points to a lot of activity in the aviation sector. It is an important part of the Australian economy in its own right, but it is terribly important to our business, to our commuter sectors and also to our tourism, both domestic and international.

Telstra: Privatisation

Mr TANNER (2.32 p.m.)—My question is to the Minister representing the Minister for Communications, Information Technology and the Arts—or whoever he wants to hand the question to. Can the minister con-
firm that, after taking account of the $654 million cost of selling Telstra—just conceded by the Treasurer—the loss of $1.4 billion a year in dividends, the need to offer shares at a discount in order to sell them in the market, and the need to meet the Commonwealth’s superannuation liabilities to Telstra, your government’s plan to sell Telstra is a disaster not only for regional Australia but also for the budget?

The SPEAKER—Before I recognise the Treasurer, I would point out to the member for Melbourne that questions should be so constructed that they can be addressed through the chair. The reference to ‘your’ is therefore not appropriate in a question.

Mr COSTELLO—I thank the honourable member for Melbourne for his question. It is nice to have a question that brings one to the dispatch box. Firstly, in answer to the last part of his question concerning whether the sale of Telstra will be—what was it?—‘terrible’ for regional Australia or some such word, no, it will not. As a result of T2, this government was able to actually increase services in rural and regional Australia, which would not have otherwise been done. The thing that we on this side do not accept is the assumption held by the Australian Labor Party that the government can always provide services better than the private sector can. Anybody who has dealt with government knows that government does not always deliver services better than the private sector. If government did so, then why would the Australian Labor Party have privatised the Commonwealth Bank? If government is better at banking, why didn’t you keep a nationalised bank? If government is better at air travel, why did you privatise Qantas? The ‘born again nationaliser’ who sat through all of the privatisations when Labor was last in government conceded that principle.

The proposition that the government brings to bear is obviously that there are some services which the private sector can provide and the private sector ought to provide them. In relation to the Telstra sale, we have three principles. Firstly, there will be no further sale of Telstra until services in rural and regional Australia are up to scratch. That is why the Esten inquiry was done.

Mr Tanner—Mr Speaker, I rise on a point of order on relevance. The question was about the impact of the sale on the budget. The Treasurer has not dealt with that issue.

The SPEAKER—The member for Melbourne will resume his seat. The Treasurer was asked a question about the cost of selling Telstra.

Mr COSTELLO—Secondly, obviously there will be no further sale of Telstra shares until such time as the parliament passes legislation to that effect. Thirdly, if legislation to that effect were passed, then the government would take a decision on the best time and mode of sale. That does not mean that the government would sell the day after legislation had passed. Obviously it would take time before Telstra was in a position to have those additional shares offered to the market. As the Prime Minister said on the 7.30 Report, we would obviously take price into account so that it offers—if that should occur—at a time which maximises shareholder value.

Mr Tanner—You said it had been decided.

Mr COSTELLO—No, I said there were three conditions: rural and regional services, passing of legislation, and then taking into account value.

Mr Tanner—You said the decision is in the budget.

The SPEAKER—The member for Melbourne!

Mr COSTELLO—If the member for Melbourne would stop interjecting, he might hear something. He might start listening. In relation to Telstra, I indicate that obviously the Telstra price goes up and it goes down.

Mr Tanner—Mostly down.

Mr COSTELLO—Mostly down, he says. Let me give the member for Melbourne something to think about. When T2 was floated off, it was $7.80, and the Labor Party opposed the offering of additional shares.

Mr Tanner—Correct.

Mr COSTELLO—Correct. The financial effect of opposing that sale was, between T2 and T3, the loss of $30 billion on the share
price. The reason why we have a lot of interest in all of this is that the Labor Party loves its interest in valuation. The difference between the proceeds as they would have been at the time Labor stopped further sale at the time of T2 and today is $30 billion.

Mr Crean—Rubbish.

Mr COSTELLO—‘Rubbish,’ says the Leader of the Opposition. Mr Speaker, I ask him to go out and I will produce the calculation of the share price and the number of shares. Since the Labor Party get very interested in value, they might like to just think about that fall and the effect of $30 billion in relation to those share prices.

There are three conditions: rural and regional services, the passing of legislation, commercial decision. We believe that, subject to rural and regional services, the private sector can provide telecommunications. It does it in the United States; it does it in Britain; it does it in New Zealand. It manages to do it in Europe. It does it in North Korea and it does it in Cuba. I do not know if the member for Melbourne secretly admires them or not, but the private sector can actually provide telecommunication services.

The SPEAKER—Before I recognise the member for Curtin, I would remind the member for Melbourne that he has been granted a great deal of latitude by the chair in the last five minutes.

HMAS Westralia

Ms JULIE BISHOP (2.40 p.m.)—My question is addressed to the Minister for Veterans’ Affairs. Minister, I understand that a coronial inquiry is to be held in relation to the fire on board the HMAS Westralia. Will the minister advise the House whether the government will provide assistance to the families of those who died in the fire so that they can be represented at the inquiry? Further, Minister, what is the government doing to help the survivors of the HMAS Westralia fire?

Mrs VALE—I thank the honourable member for her question and I acknowledge her ongoing care and support for the families involved in this tragedy. The Westralia fire in May 1998 was one of Australia’s worst peacetime tragedies in recent years. The fire claimed the lives of four sailors, while others suffered a range of physical and mental injuries. The government is sensitive to the impact of this tragedy on the shipmates and their families and has provided counselling, medical and compassionate care services. Additionally, ready access has been made available through a comprehensive range of benefits and support under the Military Compensation Scheme, which is one of the most generous compensation schemes in Australia. While I do not intend to comment on individual cases, I can advise the House that the government has already made over $1 million in compensation payments in respect of the Westralia fire, and in many cases ongoing incapacity payments will continue over a claimant’s lifetime.

The Western Australian coroner has announced that he will conduct an inquiry into the tragedy, although the form of the inquiry has not yet been determined. I am pleased to advise the House that the government will provide legal and other assistance to the families of those who died in the fire so that they may be represented at that inquiry. I am currently considering the form and the amount of that assistance and will be in a position to advise the families very soon.

I am also aware of requests for Commonwealth assistance by former sailors pursuing a civil action against defence contractors in the District Court of Western Australia. These requests raise a number of complex issues, and they will be sensitively considered in accordance with the relevant legislation. I hope to be in a position to make an appropriate response very soon.

Telstra: Service Charges

Mr ADAMS (2.42 p.m.)—My question is to the Minister representing the Minister for Communications, Information Technology and the Arts, and it follows on from the answer the Treasurer gave just a moment ago in response to the shadow minister for communications. Have you seen, Minister, reports that—

The SPEAKER—Could I just interrupt the member for Lyons and say that perhaps he ought to ask ‘Has the Minister seen ...?’
Mr ADAMS—Have you seen, Minister, reports that the fully privatised Telecom—

The SPEAKER—The member for Lyons—

Mr ADAMS—I will start again, Mr Speaker, just so that we are both not confused. Minister, have you seen reports that the fully privatised Telecom New Zealand has massively increased its regional connection fees, with some charges rising from $62 to $4,000? Minister, if you sell the rest of Telstra, how long will it be before regional Australians are hit by the same sort of unfair price hikes?

Mr McGAURAN—I thank the honourable member for his question. At the risk of restating what has been said several times today, not least of all by the Treasurer, the government will not introduce legislation with respect to the further sale of Telstra shares until it is satisfied that arrangements are in place to bring regional and rural services up to scratch. The sale of the remaining shares in Telstra—at least of the Commonwealth shareholding—is dependent on passage through the parliament, and then further sale is dependent on the situation in regard to the market—world equity markets and the like. They are the three preconditions.

Workplace Relations: Victoria

Ms PANOPULOS (2.44 p.m.)—My question is addressed to the Minister for Employment and Workplace Relations. Would the minister inform the House how ultramilitant unions damage investment—

Dr Emerson members interjecting—

Mr Abbott—Don’t let them put you off.

The SPEAKER—I warn the member for Indi.

Ms PANOPULOS—Would the minister inform the House how ultramilitant unions damage investment and destroy jobs, particularly at the Saizeriya project in Melton, Victoria? What role has the Victorian government played in this dispute?

Mr Abbott—I thank the member for Indi for her question and I note her concern to ensure that rural industries flourish, particularly in her own electorate. The Saizeriya development at Melton in Victoria should be the start of a $400 million investment in Victorian jobs. It should be a billion-dollar lifeline to Victorian farmers at the time of the worst drought in 100 years. Instead it has become almost a case study in how unions can be taken over by anarchists and standover men masquerading as workers.

I regret to inform the House that the Saizeriya project is 25 per cent over budget and 12 months behind schedule because of bloody-minded conduct by ultramilitant trade unions. Officials of the AMWU and the CFMEU have repeatedly breached orders of the Industrial Relations Commission, they have repeatedly ignored injunctions from the Federal Court, they have repeatedly broken their own solemn undertakings and they have repeatedly boasted that they are above the law—and why wouldn’t they boast that way, given that they own and operate the Victorian government?

When this project was just three months behind schedule, the Victorian government intervened to instruct the company to appoint a particular industrial relations consultant. This consultant turned out to be such an industrial relations genius that he organised a $17,000 worker barbecue on the same day that a concrete pour was scheduled. Even Victorian Treasurer, John Brumby, knows that this project has been a disaster for Victoria’s reputation. He says:

Everyone in Victoria wants this project to succeed. The only group not hearing the message is a particular element of the AMWU. But there is a problem because the No. 1 ticket holder of the AMWU is none other than Victorian Premier Steve Bracks, who specifically singled out this union to join. Just as the Saizeriya dispute was plumbing the depths, AMWU member Steve Bracks appointed AMWU member Craig Johnson to the Victorian Manufacturing Industry Council. So there is a clear message coming out of this: when Labor is in office, unions are in power. If people do not want the AMWU ruining the Victorian economy, they cannot keep Steve Bracks running the Victorian government.

Agriculture: Genetically Modified Canola

Mr ANDREN (2.49 p.m.)—My question is to the Minister for Agriculture, Fisheries and Forestry. Minister, given the announced
delay by the Gene Technology Regulator of any approval of the commercial release of genetically modified canola and given the overwhelming vote by the South Australian farmers calling for a moratorium on the introduction of GM crops, will the government consider the increasing calls from grassroots farmers and local government bodies for a moratorium in this country so that the alleged serious environmental, economic and, indeed, social consequences of this technology can be properly assessed?

Mr TRUSS—In answer to the honourable member’s question, I would remind him that the Office of the Gene Technology Regulator actually falls within the portfolio of the Minister for Health and Ageing, so it would be more appropriate for the question to be directed to the health minister. However, from an agricultural perspective, I can report to the House that these issues were discussed at the last meeting of agriculture ministers in Sydney. Considerable discussion is occurring in rural communities about the merits of, particularly, the introduction of genetically modified canola to Australia, and that discussion has been heightened as a result of the applications that are currently before the office.

There are a number of communities where there is opposition to the use of genetically modified canola. On the other hand, there are other significant parts of the industry that support the introduction of this new technology and report favourably on the economic benefits to farmers in other parts of the world where these new varieties are available. The minister has decided to set up a working group to look at some of the agronomic and segregation issues associated with alternative technologies. You will be aware that for some time now, probably a year to a year and a half, my department has been conducting a major audit and study on the question of segregation. That project is proceeding well, in cooperation with the handling authorities around Australia.

So there are a number of complex issues; it is appropriate that the community should consider those on their merits. The Office of the Gene Technology Regulator will certainly take into account implications for the environment, the health and safety of the Australian people and other related issues before coming to a conclusion on whether genetically modified canola should be released in Australia.

Tourism: Seal Rocks

Mr HUNT (2.52 p.m.)—My question is to the Minister for Small Business and Tourism. I refer the minister to the demise of the award-winning Seal Rocks tourism centre on Phillip Island in Victoria. Would the minister advise the House what impact this will have on Victoria’s tourism industry and, in particular, on infrastructure investment in regional communities within Victoria?

Mr Kelvin Thomson—Dodgy contractors!

Mr HOCKEY—I thank the member for Flinders for his question. He is concerned about jobs, he is concerned about investment and he is concerned about his electorate. The $12 million Seal Rocks development has always been seen as a major potential boost to Phillip Island and Victorian tourism.

Mr Kelvin Thomson interjecting

Mr HOCKEY—The development was initiated by the previous Liberal government. However, when Steve Bracks came to government its future immediately became bleak. The Bracks government constantly ran interference on the project. They wanted to get involved in issues like operating hours, entry fees and charges, and other day-to-day management issues. They also opposed the second stage of development, which would have created more jobs and generated more investment on Phillip Island. The previously indicated support for reconstruction of the jetty and other basic related infrastructure was not delivered by the Bracks government. So the operators were hamstrung by state government red tape and ignorance. Even from the advice of the independent adviser to the Bracks government, alarm bells were being rung in the corridors of the state’s executive arm of government and nothing was being done.

In short, as this significant tourism project welcomed its 175,000th visitor in just 12 months, the Bracks government was ignoring the pleas of the operators and its own ad-
viser, the Bracks government’s own adviser, to do something about the project. The net result was that an independent arbitrator was appointed to resolve the differences and the independent arbitrator came down with a decision that the Bracks government—

Mr Kelvin Thomson interjecting—

The SPEAKER—I warn the member for Wills!

Mr HOCKEY—had to compensate the operators of this development to the tune of $60 million. That is $60 million of Victorian taxpayers’ money because the Bracks Labor government ran constant interference in a private sector project. And it did it in partnership with the Independent member Susan Davies, who was constantly opposing this development.

According to a state parliamentary inquiry, the Bracks Labor government deliberately colluded to make the Seal Rocks centre insolvent. There are serious allegations the Labor government colluded with Susan Davies—and I quote—in a premeditated and corrupt act’. Confidential documents which were revealed in the Age newspaper—

Mr Swan—Mr Speaker, I raise a point of order under standing order 142. I did not know that the minister had any public responsibility for these matters. He may have an affinity with seals, but he has no public responsibility for this matter at all. I would ask you to bring him to order.

The SPEAKER—The Minister for Small Business and Tourism was asked a question about a tourism centre and its development, and I had allowed him to continue because he is the minister for tourism.

Mr HOCKEY—Documents obtained by the Age revealed that the Bracks Labor government was aware that it was responsible for the issues and needed to fix the problem. However, it wanted to put it to the side. This is hard to believe: a document of advice to Premier Steve Bracks prepared by the Victorian cabinet office, and supported by the Department of Treasury and Finance in Victoria, said on 7 April 2000:

It is possible for the government to do nothing, to argue that Seal Rocks knew what it was getting into and the government should not bail it out. So here you have a bureaucracy advising a government to do nothing. Maybe it is because it is the other way around: you have a government in Victoria that has done nothing and that sort of attitude pervades the attitude of the bureaucracy. The Phillip Island community has lost jobs because of this initiative being jettisoned by the Bracks government. The Phillip Island community has lost valuable tourism dollars. This says a lot about a weak, leaderless government in Victoria that is not prepared to put the jobs and the dollars of the local community ahead of its own mates in the union movement.

Banking: Fees and Services

Mr GRIFFIN (2.57 p.m.)—My question is to the Treasurer. Has the Treasurer seen the results of the Australian Consumers Association bank satisfaction survey in Choice magazine? Is he aware that 77 per cent of respondents believe that the government should monitor bank fees? With record bank profits and record fee grabs from struggling Australian families, and when more than three out of four people want you to do something about it, why won’t you instruct the ACCC to monitor bank fees?

The SPEAKER—At the risk of being repetitious, I remind the member for Bruce about the use of the phrase ‘you to do something about it’ in his question.

Mr COSTELLO—Let me say first of all that in this matter the government continues to follow the policy of the Australian Labor government which over 13 years did not introduce formal price monitoring of bank fees.

Mr Griffin—I rise on a point of order on relevance, Mr Speaker. Bank fees have doubled under this government—

The SPEAKER—The member for Bruce will resume his seat. The Treasurer has the call.

Mr COSTELLO—The government, of course, continues the policy of the Australian Labor government which over 13 years did not introduce formal price monitoring on banks.

Mr Griffin—And they have doubled the fees!
The SPEAKER—Order! The member for Bruce!

Mr COSTELLO—In fact, the last promise that was made by the Labor Party on the matter—

Mr Griffin interjecting—

The SPEAKER—I warn the member for Bruce!

Mr COSTELLO—was made on 26 February 1996 and the election, as I recall, was on 2 March 1996.

Mr Howard—I remember it very well.

Mr COSTELLO—we remember well that promise that came out, which was that if they got elected for a 14th or a 15th or a 16th year they might look at the issue again. Having said that, I think that banks really need no defence from me. Banks are very profitable institutions which can explain to their consumers why they price their products as they do and banks have people who are paid salaries much higher than mine whose job it is to explain it, and they can explain it.

I think on this side of the parliament we would say that banks have the obligation to give their customers the very best service, and where they do not do that we support new competition which can undercut the banks and give better services. The new competition that has occurred under our government—which was not allowed by Labor—was building societies gaining access to the cheque system, the introduction of community banks, which is a new development under the coalition which is undercutting the banks, and full retail competition.

We would say two other things about banks. The first is that today you get much lower interest rates from banks. We do not say that is because the banks have done anything good; that is because of good economic policy. Let me make this point: if you had a choice of paying a bank fee or a 17 per cent home mortgage interest rate, I would frankly take a six per cent home mortgage interest rate rather than what was the case under the Australian Labor Party. All of the evidence is that under the Australian Labor Party banks recovered a lot of money through increased margins. It was the compression of the margins under this government that put the acid on those banks.

Mr Crean—Have you taken the fees down?

Mr COSTELLO—I am minded to make this second point because the Leader of the Opposition said, ‘Have you taken the fees down?’ The answer is yes. This government abolished financial institutions duty. He interjects very loudly, but did the Australian Labor Party ever abolish financial institutions duty? Did the Australian Labor Party support the tax changes that took $1 billion off financial institutions duty? Does the Australian Labor Party—

Mr Griffin—Mr Speaker, on a point of order: it was $3.5 billion; now it is over $7 billion. What are you going to do about it?

The SPEAKER—I recognised the member for Bruce assuming he had a real point of order. He will excuse himself from the House under standing order 304A. I had warned him earlier of his behaviour. As the member for Bruce is aware, I had not only warned him; I had also extended a good deal of accommodation to him. The Treasurer has the call. The Treasurer will conclude his answer.

The member for Bruce then left the chamber.

Mr COSTELLO—in completion, this government abolished over $1 billion of bank fees when it abolished the financial institutions duty and this government also has a plan for the abolition of the bank account debits tax, which is another billion dollars. So as far as the government is concerned, in total I think it is $2.5 billion to $3 billion of government taxes on banks—which, on every credit and every debit, banks passed on to the consumer—are being taken off. This is the government which reduced government tax in relation to bank fees. This is the government which reformed the tax system. The Australian Labor Party opposed those measures because it opposed tax reform.

Employment: Work for the Dole

Mr FARMER (3.04 p.m.)—My question without notice is to the Minister for Employment Services. Can the minister inform
the House of increasing levels of community participation in the highly successful Work for the Dole program; in particular, how local government is taking advantage of the scheme to improve community facilities?

Mr BROUGH—I thank the member for Macarthur. I visited his electorate recently and met with some wonderful participants doing some very good work. Local governments right across Australia are undertaking successful Work for the Dole programs. In fact, there have been about 1,300 participants throughout the state of Victoria working with local governments on Work for the Dole programs—in the La Trobe shire with the member for McMillan, in the city of Ballarat, in the Mornington Peninsula with the member for Dunkley and the member for Flinders, and in New South Wales in the member for Parramatta’s electorate, which we visited not so long ago and where we met with some sponsors out there.

Despite federal ALP’s resistance to Work for the Dole, it is interesting to note that a number of Labor councils are actually throwing their support behind these worthy programs and doing something for their local areas. In Campbelltown, the local mayor out there—I believe he has recently been elected—Mr Brenton Banfield, Mayor Banfield, is showing great support to a Liberal member of parliament. They are working together to do something positive. Similar things are happening in Blacktown, where the members for Chifley and Greenway have constituencies; in Fairfield, where the members for Fowler, Prospect and Reid have constituencies; and in Liverpool, where of course we know the member for Werriwa is a supporter of Work for the Dole.

Mrs Irwin interjecting—

Mr BROUGH—We know the member for Fowler is not a supporter of Work for the Dole.

Despite this growing support for Work for the Dole at the grassroots level, there are still some councils who want to run a mile and want to say one thing to the constituents but do something totally different. The member for Lowe had this to say about Work for the Dole:

The only future young people can look forward to is Work for the Dole. Window-dressing by renaming it as Work for the Future or any other euphemism will not repair its badly tarnished reputation as a failed scheme.

But in his own backyard there are closet Work for the Dole supporters. Recently in a series of newsletters, media releases and on the Web the mayors of Strathfield and Burwood councils heralded a joint new positive initiative to bust graffiti throughout their shires in the electorate of Lowe. But guess what? It was not the councils doing this; it was not council money. In fact, it was Work for the Dole programs.

In this Burwood Council newsletter, there is an article about the graffiti solution program taking off. Have a listen to this for a quote:

We are kicking off with a six-month partnership with Strathfield Council to remove existing graffiti in both municipalities, and then to wipe out new graffiti within 72 hours of its appearance.

There is not one mention of the hard work of unemployed people making a commitment through Work for the Dole and supported by the Howard government. Not only that but the Mayor of Strathfield, Mayor Virginia Judge, is not just the Mayor of Strathfield; she is the endorsed Labor candidate for the seat of Strathfield. So here we have a Labor mayor, a Labor candidate in a Labor seat, supporting Work for the Dole but having no guts to stand up and say, ‘Thank you and well done,’ to the hardworking people in their own electorates participating in Work for the Dole. It is no wonder the member for Rankin wonders what the Labor Party stands for. We have Labor candidates, we have Labor mayors, we have Labor federal members supporting it. It is only that this mob here are so confused and so gutless that they will not actually say what they mean. They use these people and abuse these people—how about supporting them and congratulating them?

Mr Murphy—Mr Speaker, I ask you to ask the minister to table the documents from which he was reading.

The SPEAKER—Was the minister reading from a document?
Mr BROUGH—If he is referring to the *Hansard*, as promised, I am happy to table it. The rest are private notes.

The SPEAKER—The minister has indicated that the portion of the document he was reading from was confidential.

Mr BROUGH—These are confidential notes. The *Hansard* will stand for the member for Lowe.

The SPEAKER—Then I will ask the minister to do as he has offered and table those remarks that are not confidential.

Mr Latham—Table the lot.

Mr Murphy—Mr Speaker, he referred to newsletters, purportedly, and that is not—

Mr BROUGH—Mr Speaker, I table—

Mr Latham—Sit down, you idiot.

The SPEAKER—I warn the member for Werriwa. The minister will resume his seat.

Mr Murphy—Mr Speaker, on a point of order: he made reference to a Burwood newsletter. That has got nothing to do with the *Hansard*.

The SPEAKER—The member for Lowe will resume his seat. The minister has indicated that he had documents that were confidential and agreed to table those documents that were not confidential. One would reasonably presume that the newsletter was part of them.

Mr BROUGH—Finally, I table the Burwood Council’s press release. The comments regarding the *Hansard* report are also tabled.

Rural and Regional Australia: Drought Assistance

Mr FITZGIBBON (3.10 p.m.)—My question is to the Minister for Agriculture, Fisheries and Forestry. Can the minister confirm that the Queensland government lodged an exceptional circumstances application for Peak Downs on 28 October 2002? Can the minister explain why he has denied the 220 farm families covered by this application any interim financial assistance while the application is being assessed? Can he further advise if he intends to subject these families to the same administrative delays forced upon the people of Bourke and Brewarrina, thereby subjecting them to a wait of more than 60 days for their EC application to be considered?

Mr TRUSS—I can confirm that the Queensland government lodged an application for exceptional circumstances declaration for Peak Downs Shire and parts of the Belyando and Emerald shires a week or two ago. This particular application was actually prepared largely by AgForce, the farmers’ own organisation in that region, because the Queensland government has not taken much interest in providing drought assistance, and so it was left to the industry organisation to do most of the work. But eventually the application was presented.

The government announced on 19 September that we would speed up the consideration of applications by allowing predictive modelling to be used to bring forward the time at which applications can be considered, and also that we will make welfare payments available as soon as a prima facie case has been established. But it was on two conditions: firstly, that the state had to have declared the area to be in drought before the application was made; and, secondly, that they had made a significant effort to provide assistance to the farmers in the region.

This particular application covers the Peak Downs Shire and parts of Emerald and Belyando shires. The Queensland government has not declared either Emerald or Belyando shires to be in drought. So they are lodging an application for the Commonwealth to pour in potentially millions of dollars to assist farmers in an area that they do not even consider to be in drought. I have asked the Queensland government for some information on how much money they have provided to the farmers in this region, including Peak Downs. The state governments are very reluctant to tell us anything about the efforts that they are talking about, but we do expect the states to have made a reasonable contribution towards helping the farmers in the area. As the honourable member said in his question, there are about 220 farmers in the region. So what would honourable members think would be a reasonable amount for the Queensland government to have given to these farmers before they asked the Commonwealth for assistance? Would it be two
or three million dollars? Perhaps that would be a reasonable effort. But in this particular case they have not given $2 million; they have not even given $1 million. They have given a total of $12,000 among 220 farmers.

We in the Commonwealth are anxious to do what we can to help farmers in need. Exceptional circumstances has always been a ‘last call’ assistance. The states are normally expected to have made something of an effort themselves before they call on the federal taxpayers for assistance. This is a clear case of a state government trying to shift the total responsibility onto the Commonwealth—doing nothing itself and asking the Commonwealth to declare areas to be in exceptional circumstances where it has not even declared them to be worthy of its own drought declaration. The Commonwealth are concerned about these farmers and we do not want Queensland farmers to have to suffer because their own government is not prepared to provide them with any assistance. It is high time that the Queensland government provided these farmers with support. We are prepared to consider the application in spite of the dismal performance of the Queensland government, but it obviously detracts from its submission when it is not prepared to provide any assistance to these farmers itself.

Environment

Mr DUTTON (3.15 p.m.)—My question is to the Minister for the Environment and Heritage. Can the minister advise the House of the government’s initiatives to involve the community in environmental action? Further, can he advise of any response to these measures? Is he aware of any alternative approaches?

Dr KEMP—I thank the honourable member for Dickson for his question. This government believes that putting Australia on a sustainable basis is only going to occur when we involve the community in key environmental projects. One of the great achievements of the Natural Heritage Trust, which is now allocating some $2.7 billion dollars to the greatest environmental rescue effort in Australia’s history, has been the direct involvement of over 400,000 volunteers who have put their time and energy into environmental projects.

For the second phase of the trust, the Australian government Envirofund has been established to maintain and build on that momentum by providing funding to local groups and harnessing their local knowledge, their expertise and their enthusiasm to deliver on-ground results. Last Friday I announced some $20 million in grants to local groups for some 1,300 projects around Australia. These grants are aimed at building the capacity of local groups in environmental care. I am pleased to inform the House that some 42 per cent of these groups were receiving grants for the first time. What we are seeing is a building momentum in the community to address environmental issues.

As a result of these grants, the Malpas Catchment Group in New England will be able to revegetate a 10-kilometre native vegetation corridor, the Aldgate Valley Landcare Group will be able to create a wildlife corridor in urban fringe bushland in the Adelaide Hills, the Bunya Community Association will be restoring degraded areas along the South Pine River in the member for Dickson’s own electorate and in Queensland a group will address declining marine turtle numbers through monitoring and education programs.

One of the great features of the Envirofund is that it leverages a great deal of resources from the community itself. This $20 million from the Natural Heritage Trust is estimated to be leveraging an additional $34 million from the groups involved. This shows what can be done when you begin to empower the community. I noted with some satisfaction this morning that the Liberal Party in Victoria has released its environmental policy promising to ‘empower Victorians to be involved in their local environments and to ensure a whole of government, whole of community, triple bottom line approach to a sustainable future in Victoria’.

It is very good to see the commitment of the Victorian Liberal Party to sustainability and the concept of a sustainable environment and sustainable industry. This is a dramatic contrast with the Bracks government, which has rejected the policy of sustainable forestry in Victoria, has torn up the Victorian Regional Forest Agreement, has rejected the
science of the matter and has capitulated to political lobby groups in a shallow attempt to buy votes. The Bracks government says it will preserve the environment, but it says it will preserve it by locking out the community and completely doing away with the principle of sustainability, which should underlie any proper environmental policy.

Our view is that the community lives in the environment and it can do so on a sustainable basis. It is not appropriate environmental policy to say that the community has nothing to do with protecting and preserving the environment or using resources on a sustainable basis. The contrast between these approaches is very clear in the comment of a forestry union organiser in Gippsland quoted in the Australian this morning who said:

The modern Labor Party has betrayed its roots, and is prepared to sell the jobs of timber workers, paper workers, furniture manufacturers and anyone else if they think they might steal a few votes.

Labor has rejected environmental sustainability as a goal and replaced it with cheap opportunism.

Foreign Affairs: Indonesia

Mr RUDD (3.20 p.m.)—My question is to the Foreign Minister. Is the minister aware of reports that Kopassus has been actively cooperating with the militant Islamic terrorist organisation Laskar Jihad? Is the minister aware of a report from Dr Damian Kingsbury of Deakin University which states:

Kopassus members were involved in the training of the notorious Laskar Jihad near Bogor in West Java, a group which has been responsible for the deaths of many thousands in Maluku and Central Sulawesi.

and further that:

Many members of Laskar Jihad had previously fought with the Taliban and with al-Qaeda in Afghanistan.

Minister, can you unequivocally rule out whether Kopassus has cooperated with the militant Islamic terrorist organisation Laskar Jihad? Minister, if you cannot rule this out, why are you specifically ruling in the possibility of supporting joint operations between Kopassus and the Australian SAS?

Mr DOWNER—First of all, I have never ruled it in. I noticed the other day in a transcript which was sent to me while I was overseas—

Opposition member interjecting—

Mr DOWNER—You would not have clue, frankly—that the opposition spokesman on foreign affairs had claimed that I had been out there campaigning for renewed links between Kopassus and the SAS. As I pointed out on ABC Radio the other day—let us just get this clear—that was the Labor Party’s policy when they were in government until we scrapped that policy in 1998.

A government member—That is right. That was the Keating policy.

Mr DOWNER—That was the Keating government’s policy. Let us just get that absolutely right. The Prime Minister was asked this on the 7.30 Report last night, I think, and he made it perfectly clear that we have made no decision to reinstitute training between the SAS and Kopassus or links with Kopassus. That is not a decision that the government have made. We have talked on many occasions about a process of gradually re-building our links with TNI in a way that is appropriate and significant to our interests.

Mr Rudd—Including Kopassus.

Mr DOWNER—We have made no decision to renew links with Kopassus. This is the point that I am making: links with Kopassus was the Labor Party’s policy. We have not made any decision.

Mr Rudd interjecting—

The SPEAKER—The member for Griffith has asked his question, and he will hear the answer in silence.

Mr DOWNER—Obviously, what we do with Indonesia is build links, as best we can, where we think it will advance our own national interests. We will look at opportunities to expand relations with many aspects of Indonesian society where we think that is going to make a constructive contribution not only to the Australia-Indonesia relationship but, above all, to our own national interests. But we have not made any decision to expand links or to reintroduce links with Kopassus.

It always strikes me as quite odd—certainly in recent times—that on the one hand
the Labor Party have this line they try to get up, claiming that the Australian government does not put enough energy and enough effort into the relationship with Indonesia but, on the other hand, they say it is an outrage that the Australian government is looking at building relationships with TNI or with Kopassus. They make claims that we are building relations with Indonesia too strongly on the one hand, but that we are doing too little on the other. That sums up the Labor Party and the Leader of the Opposition.

Mr Rudd—Mr Speaker, I raise a point of order on relevance. The question was specifically about whether or not there is a relationship between Kopassus and Laskar Jihad—

Mr DOWNER—There were two parts to the question.

The SPEAKER—I am merely wanting to inquire—

Mr Pyne interjecting—

The SPEAKER—The member for Sturt is warned! I am merely wanting to inquire, as is the custom of the chair, whether or not the minister had concluded his answer.

Mr DOWNER—I would indeed like to answer the first part of his question, having answered the second part.

The SPEAKER—Minister, I am simply asking you a question as to whether or not you had concluded your answer?

Mr DOWNER—No.

The SPEAKER—Then the minister may continue.

Mr DOWNER—The answer to the first part of the question is that there certainly are indications that elements of TNI may have had links with Laskar Jihad—there is no question about that. Whether those elements would have been particular units of Kopassus, or whatever those elements may have been, is another matter. The honourable member quotes some academic research to that effect, but there have been a number of reports that have suggested that there may be links between Laskar Jihad and elements of the TNI—that is well known.

Education: Higher Education Review

Mr LINDSAY (3.25 p.m.)—My question is to the Minister for Education, Science and Training. Can the minister inform the House of the status of his review of higher education, which he has been conducting in the last year? Is the minister aware of other comments or policies in this area?

Dr NELSON—I thank the member for Herbert for his question, for his advocacy, in particular, for James Cook University in Townsville and for achieving $480,000 for the university for its genomics education centre. This is a university which, I might add, had removed from it last year $4 million in payroll tax by the Beattie Labor government in Queensland.

The review of Australian higher education is now completed. It has been extremely successful. Almost 800 submissions were received to the review, including from five state Labor governments, the National Tertiary Education Union and even the National Union of Students. The priorities for the government in relation to universities are diversity, quality, equity and, of course, sustainability. As the Vice-Chancellor of Melbourne University said in the Australian newspaper on 28 August this year:

The Australian higher education system needs a thorough overhaul. Without it our universities will remain trapped in a regulatory system that makes it unnecessarily difficult for them to attract, retain and reward world-class scholars, teachers and researchers.

That precisely is the point for this government in addressing adversities. Whether it is drought or improving Australia's security further, this government is thinking about Australia's future and the role that universities will play in creating that future.

I am asked about other policies. The Australian Labor Party had the opportunity to contribute to this review and there was not one single contribution made by them to the review of Australia's universities. In fact, the member Jagajaga has racked up in excess of $1.2 billion in promises in saying all kinds of things to people throughout the country. One might easily ask: what does the Australian Labor Party stand for in relation to universities? For example, the Australian Vice-
Chancellors Committee unanimously recommended in part limited deregulation of fees: some fees might go down and some fees might go up—all of them supported by government loans. This is an idea promoted by the member for Werriwa, in The Enabling State, in his wordy tome. He said that universities should be encouraged to specialise. He said that under Labor one group would be for those ‘internationally focused universities reliant on deregulated fees and private revenue sources’. The member for Jagajaga told the ABC on 10 October this year—before the review was even completed—‘We are actually trying to stop it before it happens.’ So before the Labor Party know what is actually going to happen, they are talking about trying to oppose it.

We then need to ask the Labor Party what it stands for in relation to domestic fee paying students. There are 6,000 Australian students who currently pay a fee to get a university education in Australia. The Labor Party has said that it does not want to see this happen, that $70 million would be lost to Australian universities but, worse still, a student in Tokyo or Beijing would have greater access to Australian universities than would a student living in the suburbs or the regions of Australia.

The other point that ought to be made is that the Labor Party has opposed some of the suggestions that came out of the review; for example, that we should offer a HECS loan to those 5,100 students who go from TAFE to university and get credit for their TAFE course. That was one of the suggestions. The member for Jagajaga was totally opposing it before the print was even dry, and then the member for Melbourne came in here on 15 October and said:

I would like to see the HECS system ... opened up for income contingent assistance with respect to students who are undertaking vocational education and training.

I think the member for Rankin got it right on 8 November in the Australian when he said of the Labor Party:

In trying to be all things to all people, Labor runs the grave risk of being nothing to anyone.

In the end, this is about Australia’s future. What happens with university policy over the next two years will determine what will happen in this country for the next 20 and, in particular, what will happen for the people of Far North Queensland and James Cook University.

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

PERSONAL EXPLANATIONS

Ms MACKLIN (Jagajaga) (3.30 p.m.)—Mr Speaker, I wish to make a personal explanation.

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

Ms MACKLIN—I certainly do.

The SPEAKER—Please proceed.

Ms MACKLIN—I have been misrepresented by the Minister for Education, Science and Training just now in question time. It is just a complete figment of his imagination that I have made any financial commitments when it comes to universities. I have made none.

Mr MURPHY (Lowe) (3.31 p.m.)—Mr Speaker, I wish to make a personal explanation.

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

Mr MURPHY—Yes.

The SPEAKER—Please proceed.

Mr MURPHY—During question time today the Minister for Employment Services selectively quoted from a speech that I gave in this chamber in relation to Work for the Dole. I exhort the minister to read the totality of that speech.

QUESTIONS TO THE SPEAKER

Questions on Notice

Mr MURPHY (3.31 p.m.)—Mr Speaker, under standing order 150, I draw your attention to the fact that questions on notice No. 876 to the Prime Minister and No. 878 to the Treasurer have been on the Notice Paper for over 60 days. I would be grateful if you would write to the Treasurer and the Prime Minister seeking a reason for the delay in answering those questions.
The SPEAKER—I will follow up the matter, as standing order 150 provides.

PARLIAMENTARY SERVICE COMMISSIONER

DEPARTMENT OF THE PARLIAMENTARY LIBRARY

DEPARTMENT OF THE PARLIAMENTARY REPORTING STAFF

JOINT HOUSE DEPARTMENT

Annual Reports

The SPEAKER—Pursuant to the Parliamentary Service Act 1999, I present the annual reports for 2001-02 of the Parliamentary Service Commissioner, the Department of the Parliamentary Library, the Department of the Parliamentary Reporting Staff and the Joint House Department.

AUDITOR-GENERAL’S REPORTS

Report Nos 14 to 17 of 2002-03

The SPEAKER—I present the following Auditor-General’s audit reports for 2002-03: Audit report No. 14, Performance audit: health group IT outsourcing tender process: Department of Finance and Administration; Audit report No. 15, Performance audit: the Aboriginal and Torres Strait Islander Health Program: follow-up audit: Department of Health and Ageing; Audit report No. 16, Business support process audit: the administration of grants (post-approval) in small to medium organisations; and Audit report No. 17, Performance audit: age pension entitlements: Department of Family and Community Services: Centrelink.

Ordered that the reports be printed.

PAPERS

Mr ABBOTT (Warringah—Leader of the House) (3.33 p.m.)—Papers are tabled in accordance with the list circulated to honourable members. Details of the papers will be recorded in the Votes and Proceedings. I move:

That the House take note of the following papers:

Aboriginal and Torres Strait Islander Commission—Report for 2001-02.

Airservices Australia—Report for 2001-02.

Alcohol Education and Rehabilitation Foundation Ltd—Report for 2001-02.


Attorney-General’s Department—Report for 2001-02.


Australia New Zealand Food Authority—Report for 2001-02.

Australia-Indonesia Institute—Report for 2001-02.


Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2001-02.


Australia New Zealand Food Authority—Report for 2001-02.

Australia-Indonesia Institute—Report for 2001-02.

Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2001-02.

Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2001-02.


Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2001-02.

Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2001-02.

Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2001-02.

Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2001-02.

Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2001-02.

Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2001-02.

Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2001-02.

Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2001-02.

Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2001-02.

Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2001-02.

Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2001-02.

Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2001-02.

Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2001-02.

Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2001-02.

Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2001-02.

Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2001-02.

Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2001-02.

Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2001-02.

Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2001-02.

Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2001-02.

Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2001-02.

Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2001-02.

Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2001-02.

Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2001-02.

Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2001-02.

Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2001-02.

Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2001-02.

Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2001-02.

Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2001-02.

Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2001-02.

Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2001-02.

Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2001-02.

Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2001-02.

Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2001-02.

Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2001-02.

Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2001-02.

Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2001-02.
Department of Defence—Report for 2001-02.
Department of Finance and Administration—Report for 2001-02.
Department of Immigration and Multicultural and Indigenous Affairs—Report for 2001-02.
Department of Industry, Tourism and Resources—Report for 2001-02.
Department of the Environment and Heritage—Reports, including the Annual Report of the Supervising Scientist for 2001-02.
Department of the Treasury—Report for 2001-02.
Director of National Parks—Report for 2001-02.
Gene Technology Regulator—Quarterly reports for the periods—
1 April to 30 June 2002.
1 January to 30 March 2002.
High Court of Australia—Report for 2001-02.
Industrial Relations Court of Australia—Report for 2001-02.
Insolvency and Trustee Service Australia—Report for 2001-02.
Military Superannuation and Benefits Board of Trustees—Report for 2001-02.
National Native Title Tribunal—Report for 2001-02.
Office of the Official Secretary to the Governor-General—Report for 2001-02.
PSS Board—Report for 2001-02.
Public Service Commission—
Services Trust Funds—Report for 2001-02.
Wet Tropics Management Authority—Report for 2001-02.

Debate (on motion by Mr Swan) adjourned.

MATTERS OF PUBLIC IMPORTANCE

Drought

The SPEAKER—I have received letters from the honourable member for New England and the honourable member for Hunter proposing that definite matters of public importance be submitted to the House for dis-
Tuesday, 12 November 2002

As required by standing order 107, I have selected the matter which, in my opinion, is the most urgent and important; that is, that proposed by the honourable member for New England, namely:

The crisis situation in country Australia as a result of what is becoming the worst drought in Australia’s history.

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 WINDSOR (New England) (3.35 p.m.)—I thank the House for that unanimous vote of support for this particular matter of public importance. At the outset, I recognise the member for Hunter. I believe his MPI was as important as this MPI and suggest to the House that the member for Hunter speak second on this side of the House. I also thank the Prime Minister and the Leader of the Opposition. I wrote to both of them recently, recognising the importance of the drought and intimating that I would be raising this matter of public importance. I do thank them for their support in relation to this MPI, as I do recognise you, as well, Mr Speaker.

The drought is obviously something that people living in inland Australia are very much aware of and something I think people living in urban Australia are becoming increasing aware of. We heard today the Treasurer talking about the economic impacts of the drought and the impact it will have on the GDP and the wellbeing of the nation itself. So I think it is becoming better recognised as a very severe problem. We are, in my view, on the verge in certain parts of Australia of entering possibly the worst drought in living memory. As such, one of the things that I will be doing today—and I hope I am supported by both sides of the parliament—is calling for greater assistance from this government and the various state governments where it can be recognised that this extreme climatic event that we are experiencing at the moment is having an impact on the wellbeing of not only individual farmers within those areas but also the communities from which they come.

The situation as I see it, particularly in the north-west and New England—and I think the members in those areas and further west would be very much aware of the situation—is that there were certain expectations that people in those areas had. Firstly, they geared themselves to feeding strategies and cash flow strategies which were designed, hopefully, to have a spring rain outcome. Essentially that has not happened in those particular areas and they have reached a crisis point in relation to the strategies that they adopt for the future. In particular, what do they do with the livestock? Do they sell the livestock? Do they feed the livestock? If they do decide to feed the livestock, it means engaging with the financial fraternity once again to design a future strategy, and there are certain uneasy feelings being expressed there as well: when will the drought break; how do you develop a strategy that will last for another six months; what will be the price of various grains and drought fodder that you will need to acquire to engage in that particular strategy? And there are a whole range of other things, not the least of which, and very importantly—and I am sure the Minister for Agriculture, Fisheries and Forestry would be fully aware of this—is the personal stress that is being incurred by individuals who are trying to come to grips with their feeding strategies and their financial strategies for the coming months.

It is on that particular issue that I would like to concentrate today. I believe that, at both a state and federal level, far more can be done—rather than continually hiding behind guidelines that were set up some eight years ago. This is fast becoming the worst drought in living memory in a lot of areas of Australia. I have absolutely no doubt that, if it develops in more electorates across Australia, it will be more pre-eminent in the minds of many more politicians, but I think it is time that at the federal level we attempt to engage with some degree of flexibility in terms of the policy, rather than this argy-bargy we have seen even as recently as today. I think it is probably even happening in the state parliament now, where the federal minister will get the blame for everything, and no doubt the federal minister will blame
the state people for a degree of the particular problems.

As I said, the strategies that people are adopting are really about whether they feed, whether they shoot and what they do with their cattle. One of the very significant differences with this particular drought is that in a lot of situations there is nowhere to go. In the Narrabri area, where a meeting was recently held—which the minister is aware of—the stock routes have been closed, there is no agistment and there is no feed. So there has to be a total feed program developed to get the core herds through this particular circumstance. I am led to believe that, in relation to federal assistance within New South Wales—and I am sure the minister will bring the parliament up to date on this—as of Friday, three people in the Brewarrina-Bourke area had received some $7,000 of federal assistance through exceptional circumstances. I was told yesterday that that had increased to something like $20,000. So as at this particular moment there has not been much support from the federal government.

I am sure the minister will tell us—and I agree with him to a certain extent—that he is restricted by the guidelines that were set up in 1994 and that, until certain rainfall events and income events occur, the guidelines cannot be triggered and therefore there is little that can be done until the states react to those guidelines and put in applications for exceptional circumstances. The states are saying that it is useless putting in an exceptional circumstance claim when they know they would possibly be outside the guidelines. So it is a real catch-22. I think, Minister, what the people are saying is that, in those particular areas, this is an exceptional drought in anybody’s criteria and they are crying for help. The meeting that was held in Narrabri on Friday was attended by 300 people from not only the electorate of Gwydir but also many of the communities in my electorate—Bingara, Baraba, Tamworth, Nundle, Manilla—and there were also people from the Northern Tablelands area as well. They were very stressed in relation to the concerns they have as to what they do with their livestock and what they do with their family arrangements. I think they are looking for some degree of leadership in relation to coming out the other end of this particular crisis. This crisis is not restricted to that area; it is many parts of Australia—and, if it does not rain soon, it will be growing at an exponential rate.

There were a number of resolutions passed at the Narrabri meeting, but I will not read them all out. They essentially asked for help from the federal government. They asked that the minister expedite the exceptional circumstance provisions in the north-west and New England area where it could be shown that there was an extreme climatic event occurring. They asked that, because of the circumstances—closed stock routes, no feed, escalating feed prices and those sorts of issues—the federal government move at a faster pace and put in place interim arrangements to make sure that people can actually get food on the table and design strategies for the future. I know—and I am sure the minister will reflect on this—that because of the rainfall event in November 12 months ago the EC provisions are somewhat restrained in the way in which they can be applied at this time. Minister, I would suggest that, given the very extreme circumstances that these people are facing, we should remove the bureaucratic red tape of one month. As the minister would understand, within a month, the original guidelines of the 1994 arrangement would be able to go ahead and there will be an application coming through. Essentially, the resolutions that were passed were about asking for help. They were not necessarily critical of any government. I think they were disappointed in all levels of government in relation to the care and concern that is not—in the view of those at the meeting—being reflected with respect to this particular issue.

So that is the question to the federal minister, and hopefully it is being put in the state parliament as well. They believe that a certain degree of flexibility can be exhibited. There has been some degree of flexibility on other occasions when there have been natural disasters. I know the minister will probably say that the natural disaster of a flood is seen in a different context and that the Deputy Prime Minister was able to recognise cash
grants and business assistance in another context under ‘natural disaster’. Maybe therein lies some degree of the solution. The package that we have at the moment is not working effectively and, in my view, it should be revisited. We should set up a national disaster fund that covers not only drought but also things like the Newcastle earthquake, the Sydney hailstorm, the Wollongong mudslide and various disasters of that nature.

We have done some modelling which suggests—and I am oversimplifying it—that a dollar a week from every Australian would raise a billion dollars in a year. A billion dollars in a year would cover any of those national disasters since 1974—other than possibly one, depending on how you cost them out. National disasters may not occur for many years in Australia; in the years they do occur the costs are in the $50 million to $100 million category. So, with a little bit of thinking outside the square, I think we can make quite dramatic decisions.

No-one in this parliament argued terribly much against the rescue package for the housing industry, which was having a bit of a rough trot, according to some, with the goods and services tax. The Commonwealth government has spent $1.8 billion on the housing industry. No-one was arguing against the $7,000 first home buyer’s grant; up until last Friday the Commonwealth government had spent $7,000 on the farmers of New South Wales. We assist some industries; there is no philosophical objection to assistance, as some people would suggest this government or this parliament has. The government does assist when it would reflect on votes, and I suggest that, accordingly, it should assist very soon to help the people who are suffering.

Other suggestions were made at the Nar- rabri meeting. One was that unemployment benefits be transferred into various businesses where skill loss was going to occur. In a sense, that would be revenue neutral to the government, but could keep the skill levels up, keep families together while they are experiencing the drought and keep those very important service businesses together. I know there are difficulties—and the minister will probably explain them—with coordination. However, it is fairly difficult out there at the moment, and I suggest that the government look very closely at that. In its first year there have been problems in relation to income tax provisions with accessing money in the Income Equalisation Deposit Scheme, which is a good scheme the government put in place. I think there are a number of ways you could equalise the impact on cash flow over a number of years with the IED Scheme.

I conclude with a quote from 1994 in relation to the livestock industry:

The problem is that graziers, not knowing how long this will continue and faced with their own huge financial problems, are right now making the decision to let their stock go or, worse, simply die. The Commonwealth should stop ducking this very important national issue and address it squarely. This country cannot afford a wholesale reduction in such an important asset as its breeding flocks and herds.

The current Deputy Prime Minister, John Anderson, said that in relation to a debate in this place. I agree with him wholeheartedly and suggest that he act on his own words. There is a lot of concern and stress out there in his electorate. I am disappointed that he is not here today to listen to this issue. He was not in his electorate to listen to this issue the other day. But there are things that he and the Minister for Agriculture, Fisheries and Forestry, who is at the table today, can do to assist these people. I urge the minister to expedite federal assistance and stop the arguments between state and federal governments. Move into those arguments at another time, but stop talking about another EC arrangement that could exist in the future. I personally believe it is a good idea, but it is not there now, and we should act upon the EC arrangements that are currently in place.

Mr TRUSS (Wide Bay—Minister for Agriculture, Fisheries and Forestry) (3.50 p.m.)—I thank the honourable member for New England for introducing this matter of public importance in the House. Government members were happy to support a discussion on this issue today. There is no doubt at all that the drought is already having a significant impact on our nation. ABARE has estimated that the loss of farm income will re-
duce GDP by 0.7 per cent and, in a more recent estimate, the Reserve Bank put that figure as high as one per cent. Something like $7 billion has been taken off the spending capacity of Australia as a result of this drought, and that clearly has implications not just for rural communities but for the nation as a whole.

The four major winter crops totalled a near record 34.1 million tonnes last year; the latest estimate is that we will be lucky to reach 15 million tonnes, and some believe that there is room for downward movement on that prediction. The wheat forecast is for about 10 million tonnes; barley, 3.4 million tonnes; and canola, 0.7 million tonnes. All those figures are very substantially below the comparatively good recent years and demonstrate the loss of income that many farmers around Australia are currently facing. Clearly, the implications of that loss of income are significant for farmers.

Farmers are somewhat better placed to meet this drought than they have been on previous occasions. I have been impressed, as I have visited farm areas, by the large number of farmers who have destocked early. That is good, sound management practice; it is caring for their natural resource base. They were encouraged to do that because animal prices were comparatively high, and I think that is certainly a demonstration of good management practice. Unfortunately, for many farmers, their good intentions have been undermined by kangaroo plagues, which have destroyed the pasture they were trying to save. Bad management in many of the national parks around the country has placed pressure on those farmers who were seeking to preserve their resource base for the future.

However, the federal government has provided very substantial support to help farmers prepare for this drought—close to a billion dollars. Most important among those measures is the new Farm Management Deposit Scheme; farmers currently have over $2 billion in that scheme which is going to be a tremendous asset to them as they endeavour to find their way through these difficult times and also to rebuild and restock their properties when the drought is over.

Some have said that this money is not available—I heard Premier Carr making the quite false statement today that this money is not available to farmers. Over half that money has been there for more than 12 months and can be brought out under the normal arrangements. The balance can also be withdrawn. Money that has only been there a short period can also be withdrawn. The guidelines clearly provide for that. And from a tax perspective, it will simply be treated as though the farm management deposit was never made. So there is provision for all of that money to be accessed by farmers who want to use it.

The provision of aid to farmers in these circumstances is clearly a priority. When farmers are facing stress of this nature, they are looking for recognition from the community—for the community to acknowledge the problems they are facing—and also for some practical assistance. Under the Australian Constitution and through our way of life over the years, it has always been primarily the responsibility of the states to meet immediate needs in a disaster or in a situation such as severe drought. It is only when the states have exhausted their reasonable resources that those affected come to the Commonwealth for assistance. The natural disaster relief arrangements are specifically built that way: the states have to spend a certain amount of money before the Commonwealth contributes anything.

The spirit of the exceptional circumstances arrangements is exactly the same—that the states should put in an effort, and then it is appropriate for the Commonwealth to contribute. Even though the exceptional circumstances assistance is supposed to be a partnership between the Commonwealth and the states, the reality is that the states’ share of the costs of exceptional circumstances has been whittled away over the years to the stage now where the Commonwealth is meeting about 96 per cent of the total cost of the benefits provided under exceptional circumstances arrangements. To give you a practical example, the Commonwealth has so far provided about $20 million in direct payments to farmers in the Darling Downs EC area in Queensland, while the state gov-
ernment has contributed only $700,000. To
make it worse, the state government has ac-
tually received $500,000 from the Com-
monwealth in administration fees for the
program. The states have been walking away
from their share of the obligation under the
exceptional circumstances arrangements.

I have been trying to reform EC. I know it
does not work well. You do not have to tell
me that; I am a farmer myself. I know that
the arrangements are not working effectively,
and for two years I have been trying to get a
more flexible scheme that provides more
generous benefits and includes the commu-
nity early in the piece. We should go out and
talk to the farmers as soon as a problem
emerges, state and Commonwealth repre-
sentatives together with the civic and agri-
cultural leaders, to talk through the issues
and look for a suitable support mechanism
for the farmers in the region. It is not always
EC. Sometimes, when the problem is actu-
ally low prices or farms are too small, there
may be other programs we should use to help
the farmers in those situations—

    Mrs Hull—Hear, hear!

    Mr TRUSS—such as the Agricultural
Development Partnership Program that is
being used in the honourable member for
Riverina’s seat at the present time. That pro-
gram is designed to help with structural ad-
justment. Unfortunately, the states have
bailed out on the Agricultural Development
Partnership Program. It has always been a
fifty-fifty sharing arrangement between the
Commonwealth and the states, but the states
are refusing to fund any new programs under
the ADPP; so there is no capacity for that
terrific program to continue to do the excel-
lent work that has been done in, I think,
every state of Australia over the last five or
six years. The states are very good at rushing
around the place and making announcements
about the level of assistance they are pro-
viding, but when you look at what they have
actually done, it is utterly threadbare.

    I would like to go through the announce-
ments of the various states and have a look at
them. The honourable member opposite
comes from New South Wales, and the New
South Wales Premier has been particularly
vocal today as well as inaccurate in a whole
range of comments. He talked about the 31
measures that the New South Wales govern-
ment has put in place, most of which are not
worth a cracker to farmers, with a total
value, I am told, of about $15.8 million—
although how much of it has actually been
paid is open to conjecture. Only 28 of New
South Wales’s 48 Rural Lands Protection
Boards are eligible for any assistance under
this package, and you have to be drought de-
clared for six months before you are eligible
for a single cent—you have to wait six
months after the drought declaration before
you can even apply. And we have Labor
Party people coming into this House and
having the temerity to criticise this govern-
ment for taking 10 days to get payments to
farmers. This demonstrates the appalling
double standards of the Labor Party.

    In addition, a number of the New South
Wales measures are simply not very helpful.
To provide a destocking subsidy six months
after the drought was declared is as good as
useless; farmers need to get the animals off
early, not receive the subsidy after they have
already spent the money. The New South
Wales government are also offering things
such as payroll tax relief for businesses af-
fected by drought. There are not too many
farms that pay payroll tax, so it is another of
these Clayton’s measures that the New South
Wales government have put in place to give
the impression that they are busy and active,
but they are delivering nothing.

    Let us go to Victoria. Victoria had no
measures at all for drought assistance until a
week before the election was announced,
when the government announced a $27 mil-
ion package and that 22 municipalities
around the state were eligible—about a third
of the state. However, it is very difficult to
qualify for assistance. You have to meet a
whole set of criteria; you have to have had an
income reduction in particular areas and you
have to have practised a risk management
activity for the past three years. So if some
bureaucrat thinks you did not do the right
thing three years ago, you are simply not
eligible for any assistance under the Victo-
rian package—and literally none has flowed.

    Now let us go to South Australia. South
Australia had no drought assistance measures
in place until a week or so ago, and then the state government announced a new $5 million drought assistance package. Of that, $1 million is to replace some of the $5 million they had taken out of the FarmBis program only a few weeks earlier. They slashed $5 million out of the program to help farmers prepare for drought, and now they have put $1 million back. They should hardly be cheered for that. In addition, one of the measures that they have funded, allegedly as drought relief, is assistance for farmers managing frost. In the middle of the summer, in the drought, the South Australian government have decided to help farmers with frost. They are also providing some additional road maintenance money—as though that is the sort of thing that farmers need in times of extreme drought.

Let us go to Queensland. The Queensland government have put $6 million in their budget for drought assistance this year—hardly much, considering the importance of agriculture to that state and the $30 million that goes into footbridges and stadiums etcetera. I gather that very little of that money has been paid out. We saw the classic case of the Peak Downs Shire revealed today. This is the shire that the Queensland government identified as the worst affected in the state—the one that most needs exceptional circumstances assistance—and yet they have provided only $12,000 in benefits to the 220 farmers in that region. It is clear that their measures are not designed to provide any assistance whatsoever. In addition to that, only 43 shires are declared. What Queensland do have, which I think is commendable, is an arrangement whereby individual farmers are allowed to apply for themselves. But most farmers do not bother because they know there are simply no benefits at the end of it.

We go to Western Australia, where the government have just announced $6.8 million for their package. Again, some of that is money that they had previously slashed. But, to qualify in Western Australia, you have to have suffered two consecutive years of negative income. You cannot have made any money for two years and you cannot have received any interest rate subsidies from the Commonwealth. So who is going to qualify for relief in Western Australia? Tasmania, of course, offers absolutely nothing at all.

These are the Labor states that are going around complaining about the Commonwealth’s lack of effort and failure to provide support for farmers. None of them is providing any real assistance whatsoever. Many of the farm industry organisations say, ‘We have given up on Labor. You cannot expect Labor to take any interest in farmers. They are just performing up to their normal standard.’ Therefore, the Commonwealth should pick up the bill for the states’ inappropriate cost-shifting.

As I mentioned earlier, I am desperately trying to get the EC package reformed. The states are resisting because it is going to cost a bit more. It will cost the Commonwealth more and it will cost the states more, and the states will not pay. They simply will not pay. They are not prepared to offer any assistance. We are really keen to offer cash grants. My proposed reform involves $60,000 cash grants, which would give the farmers the flexibility to do a lot of the things that they need to do by providing some practical assistance. But the states have refused to agree to that. The Commonwealth pay 100 per cent of the cost of the welfare measures under EC. We pay 90 per cent of the cost of business support. I have written to the states—as a last ditch, compromise effort—and said, ‘We will continue to pay 90 per cent of the cost of the business support measures so long as you will agree to a fifty-fifty arrangement in the second year.’ Surely that is a reasonable request. It is asking for them to meet about 10 per cent of the total cost of EC.

It is not as though that is the only thing that the Commonwealth does to support farmers in need. I have already mentioned $500 million in tax benefits to support the Farm Management Deposit Scheme. We support financial counsellors, and we support a full range of measures to assist in the FarmBis program to help farmers to train for these kinds of things and to offer them some support in that regard. If there are farmers who are in need of assistance and they are not in an EC declared area, we have a program called Farm Help. Over 1,000 Austra-
lian farmers are currently receiving assistance under Farm Help. In four states around Australia, 1,300 farmers are receiving exceptional circumstances assistance. The numbers quoted by the honourable member for New England in relation to who is receiving funds in the Bourke-Brewarrina area are about 10 times too low. As time goes on, more and more will receive funds from that source.

I know there are many farmers who are suffering. The states have clearly not pulled their weight, but the Commonwealth will not leave them to stand alone. We have already demonstrated that by the $1 billion we have put on the table to assist in preparing for the drought. We estimate at least $200 million in exceptional circumstances payments this year, we are looking at other programs we might be able to provide and we are willing to work with the National Farmers Federation. AgForce and other organisations have worked constructively in this field to develop new programs to support them. We will stand by farmers in this difficult time. We will do more than our share to help them. We are anxious to work with men and women of goodwill in rural communities to achieve a successful transition through this drought.

Mr FITZGIBBON (Hunter) (4.05 p.m.)—I was more than happy with the Speaker’s decision to invite the member for New England to lead this matter of public importance debate about the drought. I think that is symbolic of the bipartisan spirit which surely extends right across this chamber. I do not doubt that there are members on that side, including the minister, who are most concerned about the impact of this severe drought on people living in rural and regional Australia. What I do question is the government’s priorities. Rural and regional Australia is becoming the victim of the government’s ongoing fiscal war with the Labor states around this country. This is the government’s opportunity to drive the wedge in. Six Labor states: a perfect opportunity to try to shift the burden onto the states and therefore blame the states for many of the problems currently being experienced in rural and regional Australia.

Those members in this place who have studied constitutional law will know that it is all about power. Case law in that area is all about questions of what power the Commonwealth does have and what power the Commonwealth does not have. When you go to issues like industrial relations, the Commonwealth under the Howard government is crazy for power. It wants more power all of the time. That is its play to the big end of town. It wants to demonstrate to the business community that it has the power to help raise their profits at the expense of ordinary working people in this country. But when it comes to issues like drought, water and land sustainability, the government wants to take no responsibility whatsoever. The minister has demonstrated that during question time and he has reinforced it during this MPI in the minds of all Australians: the government is more concerned about a fiscal war with the states than it is about people affected in drought-ridden communities.

There is no leadership, no vision. I warn the government that it has a problem. It has a problem in this instance because this is a drought that affects big business too. The Reserve Bank estimated yesterday that the current drought would cut Australia’s GDP for the year 2002-03 by a full one per cent or, in dollar terms, $1.7 billion. ABARE has forecast that Australia’s wheat production will be 58 per cent lower this year, and 40,000 jobs have already been displaced because of the current drought. An ABS survey released on 6 November shows that fruit and vegetable prices are already significantly on the rise because of drought. Even the rising cost of power generation is being attributed partly to drought conditions.

The government must understand that this is not a problem which just hits rural and regional Australia and working farming families. It also hits the government’s key constituency, the big end of town. Drought affects us all, just as salinity and sustainability of land and water use have implications for all Australians. These are issues that are shared by big business. These are issues for all Australians. They are national issues and we require Commonwealth leadership on them. The Murray does not
stop at the South Australian border. Drought affects all rural communities, no matter which state they are situated in.

The minister has just waxed lyrical about how simple the process is. All he wants is for the states to put in a little bit more money. He says that the Commonwealth is prepared to put in a bit more money as well, but he was not prepared to nominate the amount. He was not prepared to nominate the amount, because what the minister is about is changing the ratio. He wants, as a proportion of the total package, for the states to start to deliver more. The question is: why should the states offer to deliver more in financial terms when the government, the Commonwealth, is not prepared to increase its own contribution by a commensurate amount?

Mr Truss—AgForce could do it.

Mr FITZGIBBON—I am glad the minister makes that point. Why has it become necessary for AgForce to become involved? It is simply because, on the North Coast, in the Grafton and Kempsey area, the exceptional circumstances application currently involves 30 full-time staff, including people from many other agencies, such as the local rural lands protection board. This is a significant process. There are layers of red tape after layers of red tape. This is the performance of the current government.

There is no better example of the burden than the one I just mentioned—Bourke and Brewarrina. Applications there were lodged on 10 September. Remember that the minister at the time promised that they would get immediate assistance. That was 63 days ago. The minister promised them immediate assistance 63 days ago. If the agreed reforms had been in place, the benefits of that program would have been available to farmers in that region over a month ago, and most of those would have been at no cost to the government.

Not only is the government, through the minister for agriculture, incapable or unwilling to progress exceptional circumstances reform, its administrative competencies leave much to be desired. The minister told the House on 19 September that he would deliver that immediate assistance to Bourke and Brewarrina. I can see him nodding his head, but I cannot understand why. People living in those areas are asking the same question. The Leader of the Opposition has called on the government to move on this issue. Certainly they should. The Leader of the Opposition set down a Labor alternative, the key approaches being a coordinated approach to rural programs to deliver more effective assistance to farmers and rural industries.
I want to take the remaining time available to me to talk very quickly about another important issue in rural and regional Australia. I do this with some surprise, because I have just had put in my hand a transcript of something the Prime Minister of East Timor, Mari Alkatiri, had to say about the development of the gas fields in the Timor Sea.

Mr Truss—What has this got to do with it?

Mr FITZGIBBON—It has a lot to do with it. We are going to matters of national interest and matters which affect people in rural and regional Australia. In addition, the people living in the newly democratic East Timor are people we consider friends of Australia. The issue is, to paraphrase Alkatiri’s own words, whether this government is exploiting that country’s vulnerability to reap as much revenue out of those gas fields in the Timor Sea as is possible. What the government does not realise is that it is also jeopardising important infrastructure and gas projects in the Northern Territory which are critical to the development of people living in that region of this country. My message to the government is to get on with the ratification of the Timor Sea Treaty and to get on with the unification and unitisation agreement. Without it, at the end of 30 December, that Bayu-Undan project will fail and many potential jobs will be lost. (Time expired)

Dr STONE (Murray—Parliamentary Secretary to the Minister for the Environment and Heritage) (4.15 p.m.)—Those last remarks from the member for Hunter just about sum it up. We have a most important matter of public importance before the Commonwealth of Australia in this place, and the member for Hunter talks about East Timor gas and the infrastructure associated with that. I think that summarises exactly where the Labor Party sits and why we are having such difficulties with the Labor states in this country in dealing with a most extraordinary drought. It is exactly as the Independent member for New England, who put forward today’s MPI, said, ‘It is probably the most severe drought on record.’ The Bureau of Meteorology points out that some 70 per cent of Australia is in drought and that the last seven months have been the driest on record. Also, it is the first time we are seeing drought in irrigation regions—in northern Victoria and southern New South Wales. We are in uncharted waters. I thought that performance we just saw was extraordinary.

We in the John Howard led government—and Minister Truss, in particular, in leading the agricultural debate—have known we needed to try to reform the exceptional circumstances response to drought. Minister Truss has, over the last two years, been trying to work with the states to streamline the system. We know that drought is quite different from a bushfire or a flood event, which are very immediate and sharply focused events that need almost a 24-hour response. Drought is insidious, it works up over a number of months—sometimes years—and it requires a long-term response over one to two years and perhaps even longer in some cases. Minister Truss has tried to introduce a streamlined system to make it much less bureaucratic and to have the state authorities work with us to bring forward an application. The trigger of an exceptional circumstances application, of course, is drought declaration by the states.

The system we are proposing would provide a more generous business assistance package. We acknowledge that some $60,000 cash in hand would give farmers the ability to buy in fodder, in the case of so many who need it, or to buy water, in the case of those in irrigation areas that are drought affected. They cannot at the moment access that $60,000 through the states. The exceptional circumstances package does not have that cash component; instead, it has interest rate relief. We wanted the states to provide 50 per cent of business assistance. That would have increased their contribution overall to only 17 per cent of the total exceptional circumstances payment. That would have increased their contribution overall to only 17 per cent of the total exceptional circumstances payment. That would put their contribution up from the current four per cent to 17 per cent—not a big ask. Unfortunately, as we heard from Minister Truss, we have had basically no interest in that offer. We have even said to the states they can pay the 50 per cent of business assistance from the second and subsequent years of EC declaration. Still, there has been no response to give our drought-
declared areas any satisfaction or relief. I think that is a total disgrace.

Let me tell you a little more about some of the uncharted territory we are in with the drought that is now affecting so much of eastern Australia, Western Australia and parts of South Australia. We are for the first time facing drought in areas where we have irrigation infrastructure and a considerable degree of value adding. I am talking about fruit manufacturing and dairy processing. In my electorate of Murray, which is the home of dairying in Victoria—and it is all irrigated dairying—we have seen water levels in the Eildon Dam and the other storage areas drop over the last four years. Today in the Goulburn system only 49 per cent—in other words, less than half—of water entitlement is available to the irrigated agriculturalists. That means they cannot grow the fodder, and they cannot buy the fodder or the grain at the dollars that are being asked. More than three times the usual price is being put on those products. They are facing at the same time a drop in price of between 25 and 30 per cent for their dairy product. That drop occurred at the fastest rate ever seen, over a three- to four-month period.

Our dairy farmers are very proud of the genetics of their herds. They have built them up over generations. I put to the opposition member at the table, who is more interested in the East Timorese gas fields, the circumstance—Mr Fitzgibbon interjecting—

Dr STONE—Indeed, note that. I put to him: what would he do if he were on his dairy property with a herd he had built up over generations, which he had culled two to three times, and he had no fodder or grain remaining, no grazing and a four-week wait for those animals to go to the abattoirs? What do you do in that four-week wait with no food for your livestock? It is an extraordinary situation.

Mr Fitzgibbon—Thank you for arguing our case. Get onto it.

Dr STONE—I will tell you what we, in our state, are concerned about. The gross value of farmgate agriculture from this drought affected region alone, the Goulburn Valley, was $1 billion in the year 2000. Wouldn’t you have thought Premier Bracks would have done something about declaring the area drought affected some time ago? Let me tell you what Premier Bracks wanted to call it: a dry seasonal condition. He still calls the premier state committee dealing with the issue the dry seasonal conditions task force. He cannot cope with the concept of drought. We challenged him. We said, ‘Premier Bracks, we need you to declare drought because that will allow us to begin the process of the exceptional circumstances applications.’ Premier Bracks and his ministers Hamilton and Garbutt said, ‘That will panic the townspeople in those regions; they will lose confidence.’ Excuse me. Anyone in a small town, a large town or, indeed, a regional city like Echuca or Shepparton knows the instant the farmers’ chequebooks snap shut. They do not have to be told, through something being called a drought, that there is an extraordinary and exceptional circumstance occurring in their local economy.

I can imagine how ashamed Labor Party members in Victoria must feel when they have to put up with this ‘dry seasonal conditions task force’ nonsense, which persists. As Minister Truss said, the day that Premier Bracks finally conceded that, yes, there was a drought over half of Victoria, he offered about $27 million in relief. That was on the Monday. On the Wednesday he offered $32 million to the Melbourne Zoo. That is the sort of priority that Premier Bracks has. The elephants’ enclosure apparently needed a bit of a fix-up; a bit of extra work was needed for the seals. So the Melbourne Zoo received substantially more than farmers within days of the announcement of an offer of help to drought affected farmers.

The horticulturalists and orchardists—I refer to the fruit and vegetable growers in this region in Victoria that is so severely drought affected—looked at the Bracks package to see if there was anything in there that would assist them because there was a $20,000 cash payment offered. They read the form carefully. Orchardists from non-English-speaking backgrounds immediately put it to one side and said, ‘No, we can’t understand this; it doesn’t seem to relate to us.’
speaking orchardists said, ‘We can’t make head nor tail of it either.’ There is total confusion. The Bracks drought form makes no sense at all. You have to fill in question 11 before you can fill in question 4. In terms of the assistance to our dairy farmers, numbers of them who have taken the form to an accountant have been asked to pay $2,500 to get it filled in.

I think that the Victorian government have been shameful in their response to this drought so far. They are dragging the chain in terms of applying for exceptional circumstances, both for the dryland areas and the irrigated areas of the state. They have turned their backs on the Commonwealth offer over the last two years to streamline the exceptional circumstances process itself. And then they have the cheek, through their Labor representatives in the Commonwealth parliament, to suggest that in fact we at the Commonwealth level are not doing our bit.

Let me tell you that the communities of northern Victoria are doing all they can to have a dairy and a fruit industry for the future. The communities there are pulling together, like they always do. We have extraordinary distress. The communities are meeting together and supporting one another. There are 10,000 cattle on agistment—a lot of them for no cost. There are offers of help, but we need a larger effort from the state. We need the state of Victoria to use some of their national competition payments and place them in the hands of our irrigators. I suggest that would be a much better idea than subsidising the trams, fixing up the facade of Spencer Street railway station and putting out more ads about how jolly good they think they are.

Mr KATTER (Kennedy) (4.25 p.m.)—The previous speaker in this place—

Mr FORREST (Mallee) (4.25 p.m.)—I move:

That the business of the day be called on.

Question put.

The House divided. [4.30 p.m.]

(The Deputy Speaker—Mr Jenkins)

Ayes............. 73
Noes............. 58
Majority........ 15

AYES

Abbott, A.J.  
Andrews, K.J.  
Bailey, F.E.  
Baldwin, R.C.  
Billson, B.F.  
Bishop, J.I.  
Cadman, A.G.  
Charles, R.E.  
Cobb, J.K.  
Downer, A.J.G.  
Elson, K.S.  
Farmer, P.F.  
Gambare, T.  
Georgiou, P.  
Hardgrave, G.D.  
Hawker, D.P.M.  
Hull, K.E.  
Johnson, M.A.  
Kelly, D.M.  
Kemp, D.A.  
Ley, S.P.  
Lloyd, J.E.  
May, M.A.  
McGauran, D.J.  
Nairn, G. R.  
Neville, P.C.  
Prosser, G.D.  
Randall, D.J.  
Schultz, A.  
Sliper, P.N.  
Somlyay, A.M.  
Stone, S.N.  
Ticehurst, K.V.  
Truss, W.E.  
Vaile, M.A.J.  
Wakelin, B.H.  
Worth, P.M.  

NOES

Adams, D.G.H.  
Andren, P.J.  
Bevis, A.R.  
Byrne, A.M.  
Cox, D.A.  
Danby, M. *  
Emerson, C.A.  
Ferguson, L.D.T.  
Fitzgibbon, J.A.  
Gibbons, S.W.  
Grierson, S.J.  
Hall, J.G.  
Hoare, K.J.  
Jackson, S.M.  
Kerr, D.J.C.  
Latham, A.M.  

Anderson, J.D.  
Anthony, L.J.  
Baird, B.G.  
Bartlett, K.J.  
Bishop, B.K.  
Brough, M.T.  
Cameron, R.A.  
Ciobo, S.M.  
Costello, P.H.  
Dutton, P.C.  
Entsch, W.G.  
Forrest, J.A. *  
Gash, J.  
Haase, B.W.  
Hartsuyker, L.  
Hockey, J.B.  
Hunt, G.A.  
Jull, D.F.  
Kelly, J.M.  
King, P.E.  
Lindsay, P.J.  
Macfarlane, I.E.  
McArthur, S. *  
Moylan, J. E.  
Nelson, B.J.  
Pearce, C.J.  
Pyne, C.  
Ruddock, P.M.  
Secker, P.D.  
Smith, A.D.H.  
Southcott, A.J.  
Thompson, C.P.  
Tolner, D.W.  
Tuckey, C.W.  
Vale, D.S.  
Williams, D.R.  

Albanese, A.N.  
Beazley, K.C.  
Burke, A.E.  
Corcoran, A.K.  
Crosio, J.A.  
Ellis, A.L.  
Evans, M.J.  
Ferguson, M.J.  
George, J.  
Gillard, J.E.  
Griffin, A.P.  
Hatton, M.J.  
Irwin, J.  
Katter, R.C.  
King, C.F.  
Lawrence, C.M.
Mr KATTER (Kennedy) (4.35 p.m.)—I move:

That so much of the standing and sessional orders be suspended as would allow issues concerning Queensland and Australia with respect to drought to be properly aired.

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

Mr ABBOTT (Warringah—Leader of the House) (4.36 p.m.)—I move:

That the question be now put.

Question put.

The House divided. [4.37 p.m.]

(Original question put: That the motion (Mr Katter's) be agreed to.)

**AYES**

<table>
<thead>
<tr>
<th>Name</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abbott, A.J.</td>
<td>Anderson, J.D.</td>
</tr>
<tr>
<td>Andrews, K.J.</td>
<td>Anthony, L.J.</td>
</tr>
<tr>
<td>Bailey, F.E.</td>
<td>Baird, B.G.</td>
</tr>
<tr>
<td>Baldwin, R.C.</td>
<td>Bartlett, K.J.</td>
</tr>
<tr>
<td>Billson, B.F.</td>
<td>Bishop, B.K.</td>
</tr>
<tr>
<td>Bishop, J.I.</td>
<td>Brough, M.T.</td>
</tr>
<tr>
<td>Cadman, A.G.</td>
<td>Cameron, R.A.</td>
</tr>
<tr>
<td>Charles, R.E.</td>
<td>Ciobo, S.M.</td>
</tr>
<tr>
<td>Cobb, J.K.</td>
<td>Costello, P.H.</td>
</tr>
<tr>
<td>Downer, A.J.G.</td>
<td>Dutton, P.C.</td>
</tr>
<tr>
<td>Elson, K.S.</td>
<td>Entsch, W.G.</td>
</tr>
<tr>
<td>Farmer, P.F.</td>
<td>Forrest, J.A. *</td>
</tr>
<tr>
<td>Gambbaro, T.</td>
<td>Gash, J.</td>
</tr>
<tr>
<td>Georgiou, P.</td>
<td>Haase, B.W.</td>
</tr>
<tr>
<td>Hardgrave, G.D.</td>
<td>Hartsuyker, L.</td>
</tr>
<tr>
<td>Hawker, D.P.M.</td>
<td>Hockey, J.B.</td>
</tr>
<tr>
<td>Hull, K.E.</td>
<td>Hunt, G.A.</td>
</tr>
<tr>
<td>Johnson, M.A.</td>
<td>Jull, D.F.</td>
</tr>
</tbody>
</table>

**NOES**

<table>
<thead>
<tr>
<th>Name</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adams, D.G.H.</td>
<td>Albanese, A.N.</td>
</tr>
<tr>
<td>Andren, P.J.</td>
<td>Beazley, K.C.</td>
</tr>
<tr>
<td>Bevis, A.R.</td>
<td>Burke, A.E.</td>
</tr>
<tr>
<td>Byrne, A.M.</td>
<td>Corcoran, A.K.</td>
</tr>
<tr>
<td>Cox, D.A.</td>
<td>Crosio, J.A.</td>
</tr>
<tr>
<td>Danby, M. *</td>
<td>Ellis, A.L.</td>
</tr>
<tr>
<td>Emerson, C.A.</td>
<td>Evans, M.J.</td>
</tr>
<tr>
<td>Ferguson, L.D.T.</td>
<td>Ferguson, M.J.</td>
</tr>
<tr>
<td>Fitzgibbon, J.A.</td>
<td>George, J.</td>
</tr>
<tr>
<td>Gibbons, S.W.</td>
<td>Gillard, J.E.</td>
</tr>
<tr>
<td>Grierson, S.J.</td>
<td>Griffin, A.P.</td>
</tr>
<tr>
<td>Hall, J.G.</td>
<td>Hatton, M.J.</td>
</tr>
<tr>
<td>Hoare, K.J.</td>
<td>Irwin, J.</td>
</tr>
<tr>
<td>Jackson, S.M.</td>
<td>Katter, R.C.</td>
</tr>
<tr>
<td>Kerr, D.J.C.</td>
<td>King, C.F.</td>
</tr>
<tr>
<td>Latham, M.W.</td>
<td>Lawrence, C.M.</td>
</tr>
<tr>
<td>Livermore, K.F.</td>
<td>Macklin, J.L.</td>
</tr>
<tr>
<td>McClelland, R.B.</td>
<td>McFarlane, J.S.</td>
</tr>
<tr>
<td>McMullan, R.F.</td>
<td>Melham, D.</td>
</tr>
<tr>
<td>Mossfield, F.W.</td>
<td>Murphy, J. P.</td>
</tr>
<tr>
<td>O'Connor, G.M.</td>
<td>O'Connor, B.P.</td>
</tr>
<tr>
<td>Organ, M.</td>
<td>Pibbersek, T.</td>
</tr>
<tr>
<td>Price, L.R.S.</td>
<td>Quick, H.V. *</td>
</tr>
<tr>
<td>Ripoll, B.F.</td>
<td>Roxon, N.L.</td>
</tr>
<tr>
<td>Sawford, R.W.</td>
<td>Sciacca, C.A.</td>
</tr>
<tr>
<td>Sercombe, R.C.G.</td>
<td>Sidebottom, P.S.</td>
</tr>
<tr>
<td>Snowdon, W.E.</td>
<td>Swan, W.M.</td>
</tr>
<tr>
<td>Thomson, K.J.</td>
<td>Wilkie, K.</td>
</tr>
<tr>
<td>Windsor, A.H.C.</td>
<td>Zahra, C.J.</td>
</tr>
</tbody>
</table>

* denotes teller
The House divided. [4.41 p.m.]
(The Deputy Speaker—Mr Jenkins)
Ayes...........  59
Noes........... 74
Majority........ 15

AYES
Adams, D.G.H.
Andren, P.J.
Beazley, A.E.
Burke, A.E.
Crosio, J.A.
Ellis, A.L.
Evans, M.J.
Ferguson, M.J.
George, J.
Gilard, J.E.
Griffin, A.P.
Hatton, M.J.
Irwin, J.
Katter, R.C.
King, C.F.
Latham, M.W.
Macklin, J.L.
McFarlane, J.S.
McMullen, R.F.
Organ, M.
Price, L.R.S.
Ripoll, B.F.
Sawford, R.W.
Sercombe, R.C.G.
Snowdon, W.E.
Thomson, K.J.
Windsor, A.H.C.

NOES
Abbott, A.J.
Andrews, K.J.
Bailey, F.E.
Baldwin, R.C.
Billson, B.F.
Bishop, J.K.
Cameron, R.A.
Charles, R.E.
Cobb, J.K.
Dowman, A.J.G.
Elsen, K.S.
Farmer, P.F.
Gambaro, T.
Georgiou, P.
Hardgrave, G.D.

Hawker, D.P.M.
Hull, K.E.
Johnson, M.A.
Kelly, D.M.
Kemp, D.A.
Ley, S.P.
Lloyd, J.E.
May, M.A.
McGauran, P.J.
Nairn, G. R.
Neville, P.C.
Pearce, C.J.
Pyne, C.
Ruddock, P.M.
Secker, P.D.
Smith, A.D.H.
Southcott, A.J.
Thompson, C.P.
Tollner, D.W.
Tuckey, C.W.
Vale, D.S.
Williams, D.R.

Hockey, J.B.
Hunt, G.A.
Jull, D.F.
Kelly, J.M.
King, P.E.
Lindsay, P.J.
Macfarlane, I.E.
McArthur, S. * Moylan, J. E.
Nelson, B.J.
Panopoulos, S.
Prosser, G.D.
Randall, D.J.
Schultz, A.
Slipper, P.N.
Somlyay, A.M.
Stone, S.N.
Ticehurst, K.V.
Truss, W.E.
Vaile, M.A.J.
Wakelin, B.H.

* denotes teller

Question negatived.

COMMITTEES
Selection Committee

Report
The DEPUTY SPEAKER (Mr Jenkins) (4.48 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, 2 December 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, 2 December 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, 2 December 2002. The order of precedence and the allotments of time determined by the Committee are as follows:
COMMITTEE AND DELEGATION REPORTS

Presentation and statements


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]

PRIVATE MEMBERS’ BUSINESS

Order of precedence

Notices

1 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—35 minutes.
Speech time limits—
Mover of motion—10 minutes.
First Opposition Member speaking—5 minutes.
Other Members—5 minutes each.
[Proposed Members speaking = 1 x 10 mins, 5 x 5 mins]
The Committee determined that consideration of this matter should continue on a future day.

2 Mr Baldwin: to move:
That this House:
(1) recognises the need to ease traffic congestion on the New England Highway to assist motorists from areas such as Beresfield and Thornton;
(2) acknowledges a recent audit of the New England Highway by the NRMA which found the worst section of the highway is a 12.8km stretch between Hexham and Maitland which includes the Weakley’s Drive intersection;
(3) further acknowledges the audit which found that this particular stretch of road has a crash and casualty rate 79% higher than the route average;
(4) recognises the most recent fatality on the New England Highway when a motorist was killed on the South Seas Drive intersection in August 2002; and
(5) calls on all levels of government to progress work along this highway as quickly as possible, including:
   (a) State Government construction of a link road between Beresfield and Thornton;
   (b) construction of an interchange at the Weakley’s Drive intersection; and
   (c) funding of improvements to intersections along the highway that have an historically high rate of accidents. (Notice given 26 August 2002.)

Time allotted—remaining private Members’ business time prior to 1.45 p.m.
Speech time limits—
Mover of motion—5 minutes.
First Opposition Member speaking—5 minutes.
Other Members—5 minutes each.
[Proposed Members speaking = 6 x 5 mins]
The Committee determined that consideration of this matter should continue on a future day.

3 Ms Vamvakinou: to move:
That this House:
(1) recognises that youth suicide is becoming an increasing cause of death amongst young people with youth suicide figures in 2000 at 2,363 with 1,860 of those males;
(2) recognises that the youth suicide rates for males and indigenous people, particularly in rural areas, are amongst the highest in the western world and that males are three times more likely to complete a suicide attempt;
recognises that admissions to hospitals for intentional self-injury are close to 10 times as common as fatalities for suicide, with males more likely to take far more drastic suicide methods;

(4) recognises there is a role for families, education, role models and health workers in identifying and supporting young people at risk of depression and self-harm;

(5) notes The Sydney Morning Herald 7 February 2002 article regarding government alarm on suicides rates with the Minister for Youth Affairs stating that “Australia is losing the war against youth suicide and needs a fresh approach.”; and

(6) calls on the Government to implement further measures to lower the rate of juvenile depression and youth suicide. (Notice given 16 October 2002.)

Time allotted—remaining private Members’ business time.

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

[Proposed Members speaking = 2 x 10 mins, 8 x 5 mins]

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

MAIN COMMITTEE

The DEPUTY SPEAKER (Mr Jen-kins)—I advise the House that the Deputy Speaker has fixed Wednesday, 13 November 2002, at 9.40 a.m., as the time for the next meeting of the Main Committee, unless an alternative day or hour is fixed.

BILLS REFERRED TO MAIN COMMITTEE

Mr LLOYD (Robertson) (4.49 p.m.)—by leave—I move:
That the following bills be referred to the Main Committee for further consideration:
Migration Legislation Amendment (Migration Advice Industry) Bill 2002
Broadcasting Legislation Amendment Bill (No. 2) 2002.
Question agreed to.

CRIMINAL CODE AMENDMENT (OFFENCES AGAINST AUSTRALIANS) BILL 2002

First Reading

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

Second Reading

Mr WILLIAMS (Tangney—Attorney-General) (4.49 p.m.)—I move:
That this bill be now read a second time.

The terrorist attacks of September 11 in the United States marked a fundamental shift in the world’s security environment. The tragic events in Bali brought the reality of this threat closer to home in a direct and horrific way.

Australia is committed to the war against terrorism.

The Bali attacks have only strengthened our commitment to fight this menace that threatens the safety and security of our families and communities. We cannot hope to hide from terrorism by shirking from this fight. Terrorists have shown that they do not care who they harm, whether their victims come from nations outspoken against their aims or those that remain silent. Australia will not stand mute. We must and will do everything possible to fight the scourge of terrorism.

Australia has a history of strong and well-established arrangements in place for counter-terrorism coordination. These arrangements were strengthened following a comprehensive review after the September 11 attacks on the United States. The Howard government acted swiftly and decisively to address the new terrorist environment with an extensive package of new counter-terrorism policy, legislation and resources for relevant agencies.

A package of legislation was enacted to strengthen Australia’s counter-terrorist laws. Among other things, this legislation introduced a range of new offences relating to terrorism.

Sadly, we now know at a horrific cost that our region and indeed Australia’s shores are not immune from the evils of terrorism. We must continue to do all we can to protect
Australians and Australian interests. The Howard government is committed to doing just that within the framework of a strong legal and judicial system, using established powers granted to intelligence and law enforcement agencies to protect the community. Where necessary, we will seek to have those powers extended to ensure our security and law enforcement agencies have tough tools which will enable them to do all they can to protect the community from terrorism and prosecute the perpetrators of these evil crimes.

In response to the Bali attacks the Howard government is reviewing current arrangements to identify any possible action to strengthen our counter-terrorism capabilities still further.

As a result of that review the government announced that it would enact, as a matter of urgency, new legislation outlawing the murder of Australians abroad. The government is strongly committed to ensuring that Australia has every tool it needs to prosecute those who engage in heinous crimes overseas against Australian citizens and residents, such as those we experienced in Bali. This Criminal Code (Offences Against Australians) Bill 2002 demonstrates that commitment.

This legislation amends the Criminal Code to create new provisions making it an offence to murder, commit manslaughter or intentionally or recklessly cause serious harm to an Australian outside Australia. It will ensure there are no loopholes in terms of prosecuting terrorist acts involving murder overseas. And it further strengthens legislation in our new counter-terrorism package, which already has extraterritorial effect. The legislation will operate from 1 October this year.

The new offences provide Australia with jurisdiction to prosecute those responsible for attacks on Australians committed overseas. The offences will complement the existing terrorism legislation and will provide a prosecution option where perpetrators are unable to be prosecuted under the terrorism legislation.

To extradite a suspected offender from a foreign country there must be ‘dual criminality’—that is, the conduct must constitute an offence in both Australia and the other country.

Other countries may not have specific counter-terrorism laws, but they will have murder laws. This new offence will fulfil the precondition for extradition that there is dual criminality and enable extradition for murder. If the suspects are located outside Australia, prosecution of the offences will still depend on the country in which the suspects are located agreeing to their extradition to Australia.

The bill recognises that those involved in the tragic Bali bombings could now be anywhere in the world. The new offences will provide coverage for overseas attacks on Australian citizens and residents—such as those which occurred in Bali—where it is appropriate that the perpetrators of those attacks be prosecuted in Australia. The maximum penalty under the new laws will be life imprisonment.

This bill demonstrates the government’s commitment to ensuring that Australia has every tool it needs to prosecute those who engage in terrorist attacks on Australian citizens and residents overseas.

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

Debate (on motion by Mr Melham) adjourned.
1AAA Section 90MD (at the end of paragraph (b) of the definition of operative time)

Add “or paragraph 90MLA(2)(c) as appropriate”.

(2) Schedule 1, page 3 (after line 9), after item 1, insert:

1AA After subsection 90ML(4)

Insert:

(4A) Subsection (4) does not apply if the splittable payment is made in circumstances in which section 90MLA applies.

Note: A defendant bears an evidential burden in relation to the matter in subsection (4A) (see subsection 13.3(3) of the Criminal Code).

1AB After section 90ML

Insert:

90MLA Some splittable payments payable if payment flag operating

(1) This section applies if:
(a) a superannuation interest (original interest) a person has in an eligible superannuation plan (old ESP) is identified in a superannuation agreement; and
(b) a payment flag under section 90ML is operating on the original interest; and
(c) a splittable payment is made by the trustee of the old ESP to the trustee of another eligible superannuation plan (new ESP) in respect of the original interest as part of a successor fund transfer.

(2) If this section applies, then:
(a) the new interest in the new ESP is taken to be the original interest identified in the superannuation agreement; and
(b) the payment flag operates on the new interest; and
(c) despite section 90MK, the operative time for the payment flag in respect of the new interest is the time that the payment to the trustee of the new ESP is made.

(3) In this section:
successor fund transfer means the transfer of a person’s superannuation interest in the old ESP in circumstances where:
(a) the new ESP confers on the person, in relation to the new interest, equivalent rights to the rights the person had in relation to the original interest; and
(b) before the transfer, the trustee of the new ESP had agreed with the trustee of the old ESP to the conferment of such rights.

(3) Schedule 1, page 3 (after line 22), after item 1B, insert:

1C At the end of Division 3 of Part VIIIIB

Add:

90MUA Some splittable payments may be made without leave of court

(1) A flagging order made under subsection 90MU(1) in relation to a superannuation interest (original interest) a person has in an eligible superannuation plan (old ESP) does not apply to a splittable payment if the splittable payment is made by the trustee of the old ESP to the trustee of another eligible superannuation plan (new ESP) in respect of the original interest as part of a successor fund transfer.

(2) If the splittable payment is made, then the flagging order is taken to be made in relation to the new interest from the time that the payment to the trustee of the new ESP is made.

(3) In this section:
successor fund transfer means the transfer of a person’s superannuation interest in the old ESP in circumstances where:
(a) the new ESP confers on the person, in relation to the new interest, equivalent rights to the rights the person had in relation to the original interest; and
(b) before the transfer, the trustee of the new ESP had agreed with the trustee of the old ESP to the conferment of such rights.

(4) Schedule 1, page 3 (after line 31), at the end of the Schedule, add:

5 Subsection 90MZD(2)

Omit “on any person who subsequently becomes the trustee of that eligible superannuation plan.”, substitute:
on:
(a) any person who subsequently becomes the trustee of that eligible superannuation plan; or
(b) in a case where section 90MUA applies—a person who is the trustee, or any person who subsequently becomes the trustee, of the new ESP.

Mr WILLIAMS (Tangney—Attorney-General) (4.56 p.m.)—I move:

That the amendments be agreed to.

Government amendments to the Family Law Legislation Amendment (Superannuation) (Consequential Provisions) Bill 2002 were passed by the Senate. The amendments enable the consolidation of superannuation plans and the transfer of a superannuation interest from one plan to a successor when a flag is operating on that interest. An integral part of the new family law superannuation regime is that it will be possible to flag a superannuation interest by agreement or court order. The effect of a flag is that it will not be possible for the trustees of a superannuation plan to make splittable payments out of a superannuation interest until the flag is lifted. A transfer of interest from one eligible superannuation plan to another is a splittable payment. The reason that parties or a court might consider placing a flag on a superannuation interest is that a condition of release is imminent and it will, when the condition of release is reached, be able to actually value the interest.

There is an increasing tendency in the superannuation industry to consolidate plans and for superannuation interests to be transferred from one superannuation fund to a successor fund. A successor fund in relation to a transfer of a superannuation interest means a fund that satisfies two conditions. The first condition is that the fund confers on the member equivalent rights to the rights that the member had under the original eligible superannuation plan in respect of the interest. The second condition is that before the transfer the trustee of the new superannuation fund has agreed with the trustee of the original plan that the plan will confer on the member those equivalent rights. The Superannuation Act, in effect, prevents such consolidation when a flag is operating on an interest in the plan that is seeking to transfer the interest to a successor fund. The Superannuation Act therefore may hinder consolidation of the superannuation industry.

The government amendments enable the consolidation of superannuation plans and the transfer of a superannuation interest from one plan to a successor when a flag is operating on that interest. The flag will follow the interest and operate in respect of the new superannuation interest in the successor fund in the same way as it would have operated had the superannuation interest not been transferred to the successor fund. I commend the amendments to the House.

Question agreed to.

PRIVATE MEMBERS’ BUSINESS

Mr TUCKEY (O’Connor—Minister for Regional Services, Territories and Local Government) (4.59 p.m.)—by leave—I move:

That so much of the standing and sessional orders be suspended as would prevent notice No. 13, private members’ business, being called on forthwith.

Question agreed to.

CIVIL AVIATION REGULATIONS

Disallowance Motion

Mr MARTIN FERGUSON (Batman) (4.59 p.m.)—I move:

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

I rise to support the motion and, in doing so, indicate to the House that, following detailed discussions with the government, the opposition has reached agreement with the minister that the government will make a range of significant changes to the regulations before us. In my view, and in the view of many in the industry, the unamended regulations open the back door to privatisation of important aviation safety services. At most risk are services in regional communities, such as the Northern Territory, where the cost of providing these services is far higher than in major metropolitan areas.

The changes that the minister has agreed to are as follows: firstly, and importantly, improving the accountability of CASA by
making the manuals of standards disallowable; secondly, changes to clarify which organisations can be licensed to provide safety services under the new regulatory framework, and I suggest that these were important changes to stop the backdoor privatisation of aviation safety functions; thirdly, the proposed move to shift the onus for providing aviation fire services to airport owners is now also gone—I might say it is clear that this was a responsibility that the airport owners did not want, and no doubt they conveyed that to the minister at their dinner in Adelaide last night; fourthly, changes will also be made to provisions relating to the impact of prior drug and alcohol offences on air traffic control and flight services staff, which had the potential to be quite draconian in their reach; and, fifthly and finally, technical errors in the regulations will also be fixed to ensure the appropriate allocation of ICAO standards and to ensure aviation fire services have the right coverage.

The details of these changes are in a letter that the minister’s junior assistant, Mr Tuckey, will table today. Our support for the modified regulations will deliver a regulatory environment for a framework of critical aviation safety services and related functions.

Mr Georgiou interjecting—

Mr MARTIN FERGUSON—I was just testing if he was awake. While many of these services are invisible to the travelling public, the community should be assured that these functions and related assets combine to form the national airways system. It is this integrated safety system that permits the safe departure, transit and arrival of civilian aircraft and their passengers and crew.

Mr Hockey—He’s off the leash. You’ll regret that.

Mr MARTIN FERGUSON—The importance of these functions to aviation safety—and I note the member for North Sydney is paying close attention to these matters because of the importance of Sydney airport to his electorate—cannot be understated here today. There will now be a framework for these services. It has been lacking since the Civil Aviation Authority was split in 1995. CASA has had responsibility for the regulation of these services with no clear framework in place. But what of the future?

The commencement of this regulatory framework is a milestone for Airservices Australia. Today I also want to talk about future policy and about the possibility of Airservices gaining further opportunities to expand its activities and to create additional training and employment opportunities in Australia. I suggest to the House today that Airservices Australia is an organisation that has enormous untapped potential, but it requires leadership at the government level to actually take Airservices Australia forward. In that context, I suggest it is being held back because of old-style political thinking and a lack of leadership at the government level at the moment.

The potential exists for Airservices Australia to compete in the international market for a large range of services, such as air traffic control en route charges, aeronautical technical services, aviation fire services and technical project management functions. However, for these opportunities to be unleashed, the foot must be taken off the brake on Airservices’ ambition and outlook. The time has come for leadership and for a government decision to be made that, for Airservices, competition is about how well it can go in the international market. For too long the policy focus has been on the phoney options for domestic competition. The world is bigger than Australia and our domestic market. Domestic competition for these functions can always only be at the margins. It is doubtful that the effort, the angst and the potential risks to safety in the long term are worth it. There is no doubt that airports, airlines and the industry expect Airservices to be efficient and effective. So does the opposition.

The organisation has delivered reduced charges to the industry and regular dividends to the Australian taxpayer. In essence, it is akin to Telstra, which the government wants to privatise despite its performance and the dividend it pays to the Australian community. The potential and demand for competition for Airservices functions in Australia is
often misrepresented and the opportunities overlaid. For example, it became abundantly clear during these detailed negotiations over many weeks that the owners of Australia’s key airports do not want to be responsible for Airservices functions. This has put to bed one furphy that has been hanging over the head of the organisation for about five years.

The aviation industry will continue, correctly, to demand, with support from the opposition, that Airservices be efficient, accountable and effective. But the debate must be broader. That is the challenge to the Howard government today and to the Minister for Transport and Regional Services and his junior minister, the Minister for Regional Services, Territories and Local Government. Labor advocates an expansionist, outward looking role for Airservices Australia. It is now time for a policy approach that gives Airservices the security, stability and confidence it needs and demands to compete on Australia’s behalf for international work and, in doing so, to create additional training and employment opportunities for Australians. That is in stark contrast to the Howard government’s approach to shipping, which is about selling jobs offshore to countries that compete on the basis of substandard employment conditions and subsidised taxation arrangements. In essence, let us use Airservices to put jobs in Australia—unlike the government’s approach to shipping, which is about bringing foreigners into Australia, such as crews from the Ukraine and the Philippines, to take Australian jobs. It is a stark contrast. It is about leadership in the transport portfolio.

It is also time that policy makers looked at what Airservices Australia needs in order to compete on the international stage and set about taking those issues on. The cutting edge technical systems of Airservices Australia—something we should all be proud of as a nation—and highly skilled staff could beat the world with the appropriate policy parameters, backing and leadership. The TAAATS system, I suggest to the House—as is well known to the industry that relies on it and to the Australian public that depends on it—is probably the best in the world, and justifiably so. Airservices has the technology, professional staff, credibility and experience to become a great export earner for Australia. Airservices staff members are specialists in their field and they are committed to doing what it takes to grow their business. It is therefore time for a policy debate on how to grow the specialist jobs and expertise at Airservices, not on how to cut them and stifle their potential. It is no longer acceptable to let the organisation be diverted by a strategy of watching its back in Australia. By keeping all the services intact, Airservices will have the full suite of expertise to take forward to international competition. In essence, it will be able to compete on the international stage in a manner no different from that in which we compete on the sporting fields internationally and no different from that in which our manufacturing and rural industries compete internationally to earn export dollars and to create jobs and opportunities for Australian workers and their families.

The problem is that there is much untapped potential to use Airservices Australia’s expertise as part of our foreign aid packages. That is a new challenge to government. At the moment, the whole world is dealing with the fallout from September 11 and the use of an aircraft—as we all know—as a weapon. It is not the time to create uncertainty or instability, or to take risks with aviation safety or the security of these critical services. Instead, it is time for Australia to use the opportunities that we have for our national interest and for that of our regional neighbours. There are many countries in our region without the same high-quality national airways systems or expertise. Our job is to make sure that they get that quality, because they lack it at the moment. In some cases, it is, unfortunately, about cost and resources. Many of their economies struggle. In other major countries, existing air traffic control organisations are not nearly as efficient or proficient as Airservices Australia. Take some neighbours in our region, such as East Timor, Papua New Guinea or Fiji, for example. By taking up this challenge, Airservices Australia could enable these countries to access high-class aviation safety systems that are expensive to develop. In essence, Australia should share the benefit of
its achievements with less privileged countries in our backyard. They are our neighbours and we should extend a helping hand.

Airservices as an organisation can also use that international growth to help maintain important safety services in regional Australia. The technology that has been refined at Airservices may also be useful, I suggest, for other public interest priorities, such as the border protection effort. The regulatory framework in these regulations is a good safety outcome. It is consistent with an outward looking nation and an outward looking role for Airservices. The current regulations, however, have a regressive side agenda that will severely undermine Australian aviation safety standards. The opposition is satisfied that the changes conceded are welcome and, more importantly, that they will remove that agenda and will not stifle the potential for the growth and expansion of Airservices and its highly skilled professional work force.

The Australian taxpayers, the aviation industry and aviation workers and their families have correctly made an investment in Airservices and its staff. It is our responsibility to maximise the return on that investment. I conclude by saying that the opposition will withdraw our notice to disallow these regulations in the House and the Senate, following the tabling of the agreement between the opposition and the government. In doing so, I call upon the government today to have a hard look at Airservices and at the agreement they have now willingly entered into with the opposition to create a better opportunity for Airservices. Let us make sure that, as a result of these negotiations, conducted in good faith and with an open mind, the government now develop an outward looking policy approach to Airservices Australia.

The DEPUTY SPEAKER (Mr Wilkie)—Is the motion for disallowance seconded?

Mr Snowdon—I second the motion and endorse the remarks of the shadow minister for regional and urban development, transport and infrastructure.

Mr TUCKEY (O’Connor—Minister for Regional Services, Territories and Local Government) (5.14 p.m.)—In opening my remarks I might point out to the member for Batman that, as one who has been here for about 22 years and had a great experience on both sides of this parliament, being a junior minister sure beats being a shadow minister, particularly in a party that has a little way to go.

Mr Martin Ferguson—It took you a long time to get there!

Mr TUCKEY—It sure did; and I can tell you that I intend to stay here.

Mr Martin Ferguson—They couldn’t dig you out with an iron bar!

Mr TUCKEY—Quite right; that is, if I have not got mine out first. I am pleased that the member for Batman, on behalf of the opposition, has agreed to withdraw his notice to disallow this vital aviation safety package, subject to the government tabling a letter which sets out its agreement to certain amendments to the regulations, which I will do on the conclusion of these words.

This regulatory package contains a number of regulations, made as parts of the Civil Aviation Regulations 1998. Specifically, the package includes part 65, air traffic services licensing; subpart 139H, aerodrome rescue and firefighting services (ARFFS); part 143, air traffic services training providers; part 171, aeronautical telecommunication service and radionavigation service providers; and part 172, air traffic service providers. These regulations will become effective on 1 May 2003.

The primary reason for these regulations is to address a gap in regulatory cover. Put simply, there are no legislated standards governing vital aviation safety services such as air traffic control services and aerodrome rescue and firefighting services. There are no legislated standards governing matters such as licensing of air traffic controllers or institutions providing air traffic control training. The government is determined to deliver a strong aviation regulatory framework. This package of regulations, setting standards for aviation safety services like firefighting and air traffic control, is an integral part of that framework.
The making of these regulations in June represented one of the government’s most important aviation safety initiatives. These regulations will replace the current inter-agency agreement between Airservices and CASA, which is dependent on cooperation and goodwill, not law. The government believes that regulating on the basis of an inter-agency agreement is no way to ensure aviation safety. That is why we developed these aviation safety standards—standards that are consistent with those in other major aviation countries, standards that will add to the Australian public’s confidence that they will be flying safely, standards that will ensure our aviation industry is the safest in the world. Australia’s aviation industry supports these safety standards. CASA conducted an extensive industry consultation program while developing these regulations and in fact made full use of the considerable expertise in our aviation industry to refine the regulations.

I hereby table the letter from the Minister for Transport and Regional Services, Mr Anderson, who is my senior minister. The government has agreed to the amendments contained therein in the interests of getting this vital aviation safety package through, not necessarily because it agrees with all the assertions that have been made by the shadow minister for regional and urban development, transport and infrastructure. In conclusion I express my appreciation for the efforts made to secure today’s outcome by officials of Mr Anderson’s office, the shadow minister and his office, the Department of Transport and Regional Services, the Civil Aviation Safety Authority and Airservices Australia.

Mr MARTIN FERGUSON (Batman) (5.18 p.m.)—On the basis of the tabling of the exchange of the letters setting out the agreement between the government and the opposition, I hereby seek leave to withdraw my motion of disallowance with respect to the Civil Aviation Amendment Regulations (No.2) 2002, as contained in Statutory Rules 2002 No. 167 and made under the Civil Aviation Act 1998. In doing so I would like to extend my appreciation to the minister, the staff of the minister’s office, Airservices Australia and CASA for the constructive way in which they entered into negotiations and settled these matters with Denise Spinks of my office.

Leave granted; motion withdrawn.

ENVIRONMENT AND HERITAGE LEGISLATION AMENDMENT BILL (No. 1) 2002

Cognate bills:
AUSTRALIAN HERITAGE COUNCIL BILL 2002
AUSTRALIAN HERITAGE COUNCIL (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2002

Second Reading

Debate resumed from 11 November, on motion by Dr Kemp:

That this bill be now read a second time.

Mr GEORGIOU (Kooyong) (5.20 p.m.)—As I was saying prior to last night’s adjournment debate, the Register of the National Estate will be retained, in accordance with the commitment made by the government during the 2001 election campaign. Nothing on the Register of the National Estate will have its protection diminished by this package of legislation, and some places will be afforded increased protection.

The expansion of the definition of ‘environment’ in the EPBC Act to explicitly include the heritage values of places means that the heritage values of places on the Register of the National Estate are clearly within the scope of the act’s protection for the environment. Ministerial approval is required for actions by anyone on Commonwealth land that will have or are likely to have a significant impact on the environment. Ministerial approval is also required for actions by the Commonwealth or a Commonwealth agency that will have or are likely to have a significant impact on the environment, as defined, wherever it is located. Under the amended legislation, with the explicit inclusion of ‘heritage’ in the definition of environment, it is clear that ministerial approval will be required for actions by the Commonwealth anywhere, and for actions by anyone on Commonwealth
land if those actions have a significant impact on the heritage values of a place.

This is stronger and broader protection than under the existing legislation, which allows the Commonwealth to act on places listed on the register if there is ‘no feasible and prudent alternative’ and if all reasonable measures to minimise the adverse effects have been taken, and which does not restrict action on a place on the register unless the action is by the Commonwealth. The register will also be a means of identifying and providing information about significant natural, cultural and Indigenous heritage places in Australia, for public education and the promotion of heritage conservation.

I turn to the new National Heritage List. Each place on that list will have a management plan developed for it. These plans will outline how the heritage values of a particular place are to be protected and will be made in accordance with national heritage management principles. For a site entirely located within a state or territory, the Commonwealth will pursue bilateral management agreements with the relevant government.

A new body, the Australian Heritage Council, will be established by the Australian Heritage Council Bill 2002. The Australian Heritage Council will replace the Australian Heritage Commission as the Commonwealth’s expert advisory body on heritage matters. The council will consist of experts in the fields of natural and cultural heritage, and will provide independent and expert advice to the Minister for the Environment and Heritage on the identification, conservation and protection of heritage places. The Australian Heritage Council Bill stipulates that two of the council’s six members must be Indigenous persons with experience or expertise in Indigenous heritage. By stipulating this, the Australian Heritage Council Bill will ensure that Indigenous people participate in heritage matters that are important to Indigenous communities.

The Heritage Council will assess places against the listing criteria for the National Heritage List and will advise the minister as to whether the nominated place is eligible for inclusion. The Heritage Council will also have the power to nominate places for inclusion in the National Heritage List. Public comment on proposed listings will be sought and assessed by the council. Final decisions on listings will be made by the minister, who will have the discretion to take into account any social and economic factors relevant to a particular place.

As well as the National Heritage List, the Environment and Heritage Legislation Amendment Bill (No. 1) 2002 will establish for the first time a list of heritage places owned or controlled by the Commonwealth, to be known as the Commonwealth Heritage List. It will be incumbent upon Commonwealth agencies that own or lease places included on the Commonwealth Heritage List to develop a management plan for each place. When selling or leasing a Commonwealth heritage place, agencies will be required to ensure that the heritage values of the place are suitably protected. Agencies will also be required to seek the advice of the minister for the environment before taking any action that will have or is likely to have a significant impact on a Commonwealth heritage place, unless the action is in accordance with the management plan for that place. These provisions relating to Commonwealth agencies will implement policy commitments made by the government in the lead-up to the 2001 election.

The Environment and Heritage Legislation Amendment Bill provides a framework for nomination, assessment and management of places on the Commonwealth Heritage List that is similar to that for the National Heritage List. The process for nominating a place for inclusion in either list will be open and transparent and will include a public consultation process and the consideration of public nominations. This accessibility to the public is important, as it gives all Australians input into the identification and protection of their heritage.

I would like to mention another important innovation included in this package of bills: the protection of sites that are significant to Australians but that are located beyond our shores. As anyone with even a rudimentary understanding of Australian history will be
aware, some of the places that have borne witness to the most important moments in our history, and that have come to comprise a facet of our national identity, are of course not actually in Australia. The depth of feeling evident at the recent commemoration of the 60th anniversary of the battles fought along the Kokoda Trail in PNG provides a prime example of a foreign place dear to the hearts and the sense of identity of many Australians. The Environment and Heritage Legislation Amendment Bill will establish a means for overseas national heritage places to be included on the National Heritage List and the Commonwealth Heritage List, with the consent of the relevant country and the approval of the Minister for Foreign Affairs.

In summary, this package of bills will strengthen the level of protection for places of aesthetic, historic, scientific, social or other significance for current and future generations of Australians. The creation of the Commonwealth and National heritage lists will allow the Commonwealth to focus on heritage matters of national significance, with the potential for the lists to reach beyond our shores to include the places overseas that we equate with some of the most significant moments in Australian history. Every place on both lists will have an individual management protection plan. The bills will create a new, expert heritage advisory body, the Australian Heritage Council. The inclusion of Indigenous representatives on the council will help to ensure that issues of Indigenous cultural and natural heritage, so fundamental to the identity of Indigenous Australians, will be treated with importance and respect. I commend the bills to the House.

Ms GILLARD (Lalor) (5.28 p.m.)—Labor have already acknowledged through the contribution of our shadow minister for the environment that the Environment and Heritage Legislation Amendment Bill (No. 1) 2002, the Australian Heritage Council Bill 2002 and the Australian Heritage Council (Consequential and Transitional Provisions) Bill 2002 represent a substantial improvement on the bills dealing with this area that were presented to the House in the last parliament. But, as the shadow minister said in his speech at the second reading stage, there are five principal defects in this package of legislation.

First, the present Australian Heritage Commission, which has a very broad range of functions, is replaced by the Australian Heritage Council, which is only an advisory body. Second, the definition of the actions that trigger consideration of heritage matters has been narrowed. Third, the decision to list a place, which presently lies with the Australian Heritage Commission—that is, with an independent body—is moved so that it lies with the Minister for the Environment and Heritage. So there is a politicisation of the heritage process. Fourth, in this package of legislation the government is proposing to reduce the heritage protection provided for what is known as ‘a place and its associated values’ to simply ‘the values of the place’. Lastly, the government has not honoured its commitment to transfer Commonwealth places on the existing Register of the National Estate to the new Commonwealth Heritage List.

It is that final failure that I will direct my remarks towards, because there is a live issue in my electorate about what happens when a very valuable heritage asset, currently owned by the Commonwealth, is in the process of being transferred. In this case, the Commonwealth’s proposal is to sell it. I am referring to the Point Cook RAAF Base in my electorate, which is a site of extreme heritage importance and which currently is listed on the Register of the National Estate. Because of the problems of transition in this legislation and because of another section of the legislation which deals with the protection of Commonwealth heritage places when they are sold or leased, I fear that there is a real risk that the appropriate protections for a heritage site like Point Cook will not be in place on sale. In order to explain that fully to the House, it might be necessary to briefly explain why it is that this site is of such amazing heritage importance.

The first central flying school for Australia was established at Point Cook in 1913, and the aviation field there has been in continuous use since then. Obviously, 1913 is a long time ago—not quite a century ago but
getting there—but I think it is important, in aviation terms, to place that in some context. The first flight with a human being on board took place on 17 December 1903, so we are talking about an aviation strip which, some 10 years later, became the home of the Central Flying School in Australia. It is a very early aviation facility in terms of the history of aviation and a very important aviation facility in the Australian context.

The other thing to note is that the strip is still in use. Planes have flown there every year since the establishment of the Central Flying School and, all these years later, planes still fly from Point Cook. That means that Point Cook lays claim to being the oldest operational airstrip in the world. There were earlier airstrips, but they are no longer used for aviation purposes. This is the oldest operational airstrip in the world. Apart from that—which ought to be sufficient to recommend it as a site of major heritage importance—it is very important to the remainder of aviation history in Australia. Point Cook is, of course, the birthplace of the Australian Flying Corps and the Royal Australian Air Force. It was the departure point for the first north-south and the first east-west crossings of the continent by air, and it was the departure point for the first aerial circumnavigation of the continent. Recognising the nature of its history, Point Cook is home to both the RAAF Museum and the RAAF Chapel. This is a very important site in terms of the history of the Air Force and the history of aviation, and it is a site of special significance to Air Force officers who trained there, and that has been recognised by its presence on the current Register of the National Estate.

What is happening with this site? Point Cook has been viewed as surplus to the current requirements of the Air Force. Some Air Force operations remain there. The RAAF Museum and the staff college are there, and there are some junior air training corps that work from there, so it does have some continuing connection with the RAAF even to this day. But it is viewed as surplus to the ongoing requirements of the RAAF, and that has been the position of the Air Force for some considerable period of time. That means that there has been a very long debate nationally and locally about what is to happen to this very important heritage site. My predecessor, Barry Jones, served on a committee many years ago that dealt with the issue of the future of Point Cook. Barry Jones’s committee recommended that Point Cook should be retained by the Air Force and that another air base in my electorate, Laverton, ought to be the base that was sold. But, as history would record, that was not the arrangement that was entered into by the government. Laverton is still functioning as an operational base for the Air Force and Point Cook has been marked for sale.

The local community has become aware of the Commonwealth’s intentions to sell Point Cook in the last few years, and the aviation community more broadly, and certainly the aviation heritage community have been involved in a lot of discussion and campaigning about what ought to happen next with this site. When I was first elected as the member for Lalor, I embarked on a major consultation process about the future of the site. I met with all of the current users of the site, aviation heritage groups, representatives of the Air Force, representatives of the local councils and everybody who had an interest. The clear message that came through to me as I went through that process was that whatever was to happen on the site in the future, it would need to include aviation because of the site’s heritage importance as the oldest operational airstrip in the world. Even from the earliest days, when the Commonwealth embarked on the process of selling this site, it was agreed that the RAAF Museum would remain there.

From a community point of view and an aviation heritage point of view, there was clearly a concern that, if the Commonwealth disposed of this site in a freehold sale for anything goes kind of purpose, there was a real risk that someone would buy it and perhaps develop it for housing or as an industrial precinct, and you would end up with the RAAF Museum marooned in a sea of surrounding buildings without the capacity to fly planes. What would be the purpose of having an aviation museum if you could not get heritage planes out on the tarmac, do
heritage displays and do school excursions and talks—all of the things that currently happen from Point Cook?

The need to ensure that aviation is part of the future of Point Cook was a campaign embraced by my local community. In the last parliament, I presented to the House a petition about this matter with more than 10,000 signatures. Our local community were saying that they wanted to see a future vision for Point Cook which respected its extreme heritage value, kept it as an aviation precinct and also allowed it to function as a tourist precinct, building on the RAAF Museum, and as an educational precinct. That was the broad community vision for this site. I am pleased to say that, as a result of that quite long running campaign which the community was engaged in, in the last parliament, in the last term of the Howard government, the then Parliamentary Secretary to the Minister for Defence, Dr Brendan Nelson, who is now serving the government in another capacity, agreed with the community campaign that, whatever the future for Point Cook was, it had to be a future which involved aviation. In his capacity as parliamentary secretary, Dr Nelson set up a steering committee to guide the site to its new future.

It was clear at the establishment of that steering committee that a range of options was possible for that new future. There was the possibility that the site would be sold freehold, but the freehold owner would have to keep the RAAF Museum there, would have to keep aviation and the like there, and would have to broadly respect the heritage value of the site. Then there was a different pathway, which was clearly open at the time the steering committee was established. That different pathway was to allow the site to be disposed of in a leasehold sense—if you like, to get it off the Commonwealth’s books, from the point of view of generating costs for the Commonwealth, because any site, in terms of maintenance requirements and security requirements and the like, even if it is wholly mothballed, generates costs. There was a desire to shift those costs off the Commonwealth account. I can understand why the government took the view that that ought to happen, but in the steering commit-

tee process it was clearly open to strike an appropriate leasehold arrangement that would satisfy the Commonwealth’s needs.

The question of leasehold is important because there has been formed a not-for-profit company called Point Cook Operations Ltd, which seeks to take the lease of the site, reduce the recurrent costs of the Commonwealth for the site and operate the site as a heritage, tourist and aviation precinct on the basis that it funds and expands the RAAF Museum and allows the RAAF Museum to do even better than it does now. It does a very good job now, but PCOL sought to do even better in terms of preserving the heritage of aviation in Australia, particularly the heritage of the Air Force.

Here we are some 12 months after the last election. As I noted, the then parliamentary secretary for defence now serves the government in another capacity. The debate, if you like, has moved on. The steering committee is still in operation, but it appears that, as far as the steering committee is concerned, the track that is available now is simply freehold sale. I know that, at the highest levels of government, the Minister for Defence and others are still actively considering the Point Cook Operations Ltd vision of the site.

I use this opportunity to strenuously urge the government to study, consider and, I hope, accept that future for the site. I believe it is the appropriate future. It is the appropriate future from the point of view of the local community and it is the appropriate future from the point of view of the aviation community. Whilst members of our defence forces do not seek to be politicised—and I will not get into some debates that we have had in this chamber this year about the politicisation of our defence forces—I will just say this: I have never met a serving or retired officer from our Air Force who does not have a very special attachment to Point Cook and who is not supportive of this kind of vision for it. If you talked to any Air Force officer and allowed them to answer freely, they would say they are very attracted to the PCOL vision for the site. It respects the heritage of the site, it keeps the RAAF Museum up and functioning in an expanded way and it makes sure that buildings on the site
like the RAAF chapel, the very historic parade ground and the very historic heritage housing on the site are all appropriately dealt with. I use this opportunity to say to the government that there is a clear way forward in terms of the future of Point Cook, and leasing the site to Point Cook Operations Ltd is it.

Should the government disappoint serving members of the Air Force, retired members of the Air Force, people concerned about aviation heritage in our community and people in my local community—and, I suspect a lot of others—by not accepting that vision of the site, we are in circumstances where what is being contemplated is freehold sale. In terms of this package of legislation that is before the parliament, I am concerned that, should we get to that option—I personally hope we do not, and I will be campaigning to ensure we do not—this package of legislation simply does not offer appropriate protection where a heritage site of this significance is being transferred by the Commonwealth to freehold.

My concerns are twofold. Firstly, if we look at the actual section of the legislation which deals with protecting Commonwealth heritage places when they are sold or leased, what we find is that the Minister for the Environment and Heritage at best plays a secondary role in the decision of any Commonwealth agency as to how to deal by covenant or in some other way with the sale or lease contract. With the financial pressure that is on agencies in the current circumstances—I guess the Commonwealth always has financial pressure on its agencies—and with the very grave financial pressures that are on defence, there might come a time when there is a need to maximise return on the sale of this site and, in order to maximise return, some of the heritage values will get punted out the window. I do not think this package of legislation is sufficient to prevent that happening, particularly when the minister who is seized of the power to protect heritage is in the secondary chair.

Secondly, and perhaps more concerning still, there is a lack of appropriate interim arrangements for heritage protection if we move from the current scheme to this package of legislation because the bills pass through all stages of the House. We know that, on the current Register of the National Estate, there are some 13,000 entries and, as I have indicated to the House, obviously Point Cook is one. We also know that, under this package of legislation, the current list will come to an end and a new list will be started, and there have been indications that in the order of six places a year will be added to the list. The government says it will put all Commonwealth places on the new list—if I can use that terminology—but that is not effected in this package of legislation. It is an undertaking, and it might take some time. As I have indicated, the steering committee working at the Point Cook site is preparing it for sale and is obviously under some pressure to get the sale process started and completed.

If the government does reject the PCOL vision and pushes that sale ahead—depending on the timing of that as opposed to the timing of this bill coming into force—we might well see the sale of that site at a time when it is largely or completely unprotected. I would think that, really, no-one in the government would deliberately seek to have that as a consequence of this piece of legislation but, from the timing perspective and from the knowledge I have about the circumstances of the site, we are at real risk of that. It would be a tragedy if, in a period of time without protection, there was a freehold sale and disposal of this very important heritage site in a way which did not respect its heritage values. In the concluding moments available to me, I say to the government: please think seriously and consider the plan of Point Cook Operations Ltd, which resolves all of these concerns; and, in terms of Point Cook specifically and heritage sites more generally, resolve the problems in this package of legislation that our shadow minister for the environment pointed to and which I indicated in the course of this speech exist.

Mr HARTSUYKER (Cowper) (5.47 p.m.)—I wish to commend the Environment and Heritage Legislation Amendment Bill (No. 1) 2002 to the House as a move to establish a more appropriate and clearer means
of identifying what properties have genuine heritage value to the nation. The Commonwealth’s existing heritage conservation regime is now seriously outdated and is subject to significant limitations. Under the Australian Heritage Commission Act 1975, there are in the order of 13,000 places listed on the Register of the National Estate. Some of those places are of national significance but many would be properly regarded as places of state or local significance. Therefore, the Commonwealth is often involved in matters that are not appropriately the responsibility of a national government. As a result, the current regime is characterised by unnecessary intergovernmental duplication, which causes uncertainty and delay for businesses and industry.

It is also important to recognise that the AHC Act provides no substantive protection for heritage places of national significance. The limited procedural safeguards included in the AHC Act fall well short of contemporary best practice in heritage conservation. The deficiencies in the existing regime are numerous. There is a lack of an overarching national heritage policy on the one hand and on the other a Commonwealth heritage regime that is involved in great detail at local and state levels. There is duplication in heritage laws and processes between the Commonwealth, the states, the territories and local governments. Further, the Commonwealth is being repeatedly involved in heritage protection controversies that are more properly the responsibility of state and local governments. In the community, there is widespread confusion about the various heritage regimes and lists in operation and the lack of real protection for nationally important heritage places.

The current Commonwealth regime was established by the AHC Act in 1975. At that time, it was Australia’s only heritage protection statute. Now, all states and territories have heritage protection legislation and many local government bodies identify and protect heritage and local planning instruments. The Commonwealth’s listing of places has been widely duplicated in state and local lists, with the result that different pieces of protection and planning law can apply to the one site. The Council of Australian Governments, COAG, in the 1997 agreement in section 6, agreed on the need for more rationalisation of existing Commonwealth-state arrangements for the identification, protection and management of places of heritage significance. COAG accepted that the Commonwealth’s role should be to focus on the protection of places of national heritage significance and to ensure Commonwealth compliance with state heritage and planning laws. Implementation of the strategy envisaged by COAG was subject to widespread consultation through 1998 and 1999. It is now proposed that the Commonwealth take action to recognise the roles and responsibilities of the Commonwealth and the states consistent with the COAG agreement.

The Commonwealth, the states, the territories and many non-government and independent organisations maintain lists of heritage places for statutory and non-statutory purposes. Multiple listing has generated confusion in the community about the implications of listing and the relationships between the registers. At the Commonwealth level, the Register of the National Estate, RNE, is a statutory list covering natural and cultural heritage places. It includes places significant at the national, state and local levels. However, the RNE does not differentiate between the different levels of significance and is sometimes confused with other lists, including the World Heritage List, the Ramsar list, state lists and National Trust registers. Approval processes related to a place that is listed on more than one statutory list and involves more than one regulatory authority can result in unnecessary delays and costs and uncertainty for both industry and the community.

The RNE contains places of all levels of significance but does not differentiate between them. In 1997 COAG agreed to the establishment of a list of places of national heritage significance and accepted that this would be a further matter of national environmental significance. The Environment Protection and Biodiversity Conservation Act, the EPBC Act, provides a framework for the protection of places of national envi-
It is now proposed that the identification and protection of sites of national heritage significance be included as places of national environmental significance in that act. Other places of national environmental significance, as identified by COAG, are already recognised in the EPBC Act framework. There is little doubt that we need legislation which addresses the inadequacies which exist with properties of heritage significance. The COAG move to rationalise existing Commonwealth-state heritage management arrangements cannot be implemented without Commonwealth legislative change. The operation of the Australian Heritage Commission Act duplicates state responsibilities and fails to provide substantive protection for heritage places of national significance. In addition, the AHC Act does not provide for the identification of places of national heritage significance as envisaged by COAG. Legislation is required to address these two shortcomings.

This legislation has many objectives which the federal government has identified. It aims to: firstly, assign responsibility for identifying, protecting and managing heritage places to the appropriate level of government; secondly, ensure that heritage management systems are compatible, complementary and streamlined across all levels of government to minimise duplication and provide certainty to property owners, decision makers and the community; thirdly, ensure that nationally significant heritage places are identified and protected; fourthly, facilitate the protection of places of heritage significance on Commonwealth land, other than sites of national significance; and, fifthly, retain the Register of the National Estate in a modified form as a valuable information resource that will provide guidance to the Minister for the Environment and Heritage when making decisions on the impact of an action on the environment under the EPBC Act.

The only options available to the government are: one, to continue with the existing Commonwealth-state heritage regimes, which fails to give effect to the COAG agreement; or, two, to implement the COAG agreement through the reform of the Commonwealth heritage legislation. Changes to the legislation will affect government, business and the community to varying degrees. The most significant regulatory impacts would arise from changes to the Commonwealth’s heritage assessment and approvals regime. In reforming its heritage legislation, the government can do one of two things: amend the Australian Heritage Commission Act, or incorporate a new heritage regime into the existing Environment Protection and Biodiversity Conservation Act. The required amendments to the AHC Act would be extensive. It would be necessary to establish a substantive protection regime, to prescribe an approval process for proposed actions and a framework for entering into bilateral and other agreements, to establish different levels of assessment and a process for the establishment of management plans. To follow this route would therefore involve extensive changes to the older legislation and could lead to duplication of processes. It would in particular require duplicating the existing Environment Protection and Biodiversity Conservation Act framework. This would be contrary to COAG’s commitment to reduce such duplication in Commonwealth-state environmental responsibilities and to increase stakeholder certainty in approvals processes.

Incorporating the heritage protection regime within the EPBC Act would be legislatively simpler. All it would require would be the inclusion of heritage as an additional matter of national environmental significance. The government’s objectives would then be met by relying on the protection framework already established by the EPBC Act. This approach would also be in keeping with COAG’s desire to simplify the assessment of nationally significant heritage matters and to provide a robust framework for federal-state cooperation on environmental matters. There are numerous benefits of these amendments for all levels of government, industry and the community. For the Commonwealth, there will be improved efficiency and transparency in decision making on heritage matters involving the Commonwealth and the states. The Commonwealth will be more focused on issues based on matters of national significance, which will
lead to better use of Commonwealth resources and improved environmental outcomes. Unnecessary duplication of heritage assessment and approval processes through the framework for accreditation of state processes and decisions will also be removed and there will be opportunities for coordinating and streamlining Commonwealth decision making on heritage matters involving the states. The total cost of assessments and approvals processes to the government sector will also be reduced.

For the states, there will be improved efficiency and transparency in decision making on heritage matters involving the Commonwealth and the states, with mechanisms that involve the states in decision making. There will also be clear arrangements for determining whether matters of national heritage significance exist, and the removal of unnecessary duplication of Commonwealth environmental assessment and approval processes through streamlined accreditation arrangements. Industry will also enjoy greater certainty of Commonwealth and state roles, responsibilities and processes relating to the environment, particularly of Commonwealth involvement in heritage issues.

There will be a simplified framework for improved accreditation arrangements whereby only one government heritage assessment and approval process will be applied to an activity or proposal, and the government best placed to undertake an assessment will do so with any unnecessary duplication removed. The delay, uncertainty and inefficiency associated with indirect triggers for Commonwealth assessments which come from other levels of government will be eliminated under these changes. The community will be the obvious beneficiary, with enhanced protection of heritage places, especially those of national significance, and potential benefits such as better environmental and social outcomes. While the bill retains current opportunities for community input to heritage assessments and approvals, a more certain process with explicit time lines will ensure that community comment is considered earlier in the development process and is therefore more effective. Decisions will continue to be transparent and information will continue to be available to the public. All these benefits and the overall streamlining of the heritage listing procedure make this bill one which will benefit the Australian community.

In my electorate of Cowper we are blessed with many properties which have been listed on the Register of the National Estate. For example, Trial Bay Gaol in South West Rocks boasts an enthralling history and has for many years been recognised as a tremendous landmark in the region. There are other examples such as the Nambucca North Headland in Nambucca Heads, the Split Solitary Island lighthouse off Coffs Harbour and the Angourie National Park near Yamba. We also have the World Heritage listed Dorrigo National Park, which is an area of exceptional natural beauty and is one of Australia’s most accessible rainforests. The park encompasses 11,732 hectares of the Great Escarpment of the Dorrigo Plateau. All these place have individual levels of importance, and highlight why the present duplication of government assessment requires adjustment. This will assist in ensuring the preservation of these properties into the future. I commend the bill to the House.

Mr SNOWDON (Lingiari) (5.59 p.m.)—I am pleased to be able to speak to the Environment and Heritage Legislation Amendment Bill (No. 1) 2002, together with the bills that are consequently tied to it, the Australian Heritage Council Bill 2002 and the Australian Heritage Council (Consequential and Transitional Provisions) Bill 2002.

Since the introduction of the current regime in 1975, Australia’s heritage arrangements have been praised internationally and recognised as representing, at least until recent years, world’s best practice. However, I have to say, although it pains me to say it—though I guess it should not be any surprise—that there are aspects of this bill that have nothing whatsoever to do with improving heritage protection. I note the member for Wills in his speech on the second reading enumerated a number of issues which combined to constitute a reduction of effective heritage protection in a number of important respects. These enumerated were:
First, the present Australian Heritage Commission has a broad range of functions; the replacement Australian Heritage Council will be an advisory body only. Second, the definition of actions which trigger heritage consideration has been narrowed, deleting matters such as the provision of grants and the granting of authorisations. Third, the decision to list places presently lies with the Australian Heritage Commission; the government proposes to transfer this previously independent, technical, merits based decision to the minister. Fourth, the government is proposing to reduce the heritage protection provided from what is known as ‘a place and its associated values’ to just ‘the values of the place’.

Fifth, the government has not honoured its commitment to transfer Commonwealth places on the existing Register of the National Estate to the new Commonwealth Heritage List. This failure could have important adverse consequences for the future of Commonwealth assets around Australia—such as those in the city of Darwin in my previous electorate of the Northern Territory. These are issues of great concern and contention. They are sites at Myilly Point. He went on:

Finally, presently the Australian Communications Authority has to consider impacts on the environment regarding communications facilities where a place on the Register of the National Estate is affected. The Commonwealth—under this legislation—proposes to remove this provision.

One of the issues listed by the member for Wills which is of grave concern to me is this issue of giving the power to the minister as opposed to the independent commission. I noted in the discussion of the Environment and Heritage Legislation Amendment Bill 2000, which this bill we are debating tonight supersedes, there was quite a deal of discussion on the relationship between the council and the minister. There is a quote from the Australian Conservation Foundation in which it says:

Listing is a technical decision, not a political decision, and needs to be based on clearly defined and specified criteria. It is a decision in which the Minister should be seen to be at arms length and one for which the Australian Heritage Council should be publicly accountable through a public appeals process ...

It is very important that there is a clear separation of responsibilities between listing decisions as against management decisions or political decisions. It is not appropriate for the Minister to make the decision on whether or not to list a place and then to be the person responsible for making the decision on whether a proposed action is significant and would adversely affect the place. It will be, and should be, the Minister who makes the decisions on actions involvement.

I believe that is an appropriate way to deal with this issue. I think that, despite whatever good intentions the minister and other ministers might have and ministers in the future might have, the cultural, natural and Indigenous heritage of this country is too important to sully with the prospect of it being politicised. In my view, decisions regarding these matters should always be in independent hands—well away from the lobby influences and political pressures of government—not in the minister’s. I think this aspect of the proposed bill, which would in effect mean the end of the independence of the Australian Heritage Commission, would be an enormous step backward.

But, as I said earlier, it should not surprise us that the government has taken these sorts of steps, although I have to say frankly it is very disappointing. It was this government, for example, that foisted one of its own, the now member for Wentworth, into the chair of the Australian Heritage Commission in 1998, where the member remained until his election to this House last year. It is this government which has been equivocating and prevaricating over the last number of years over negotiations on strengthening Aboriginal and Torres Strait Islander heritage legislation.

I note, again referring to the Bills Digest for this particular piece of legislation—there is reference to schedule 2 and then sections 324G(4) of the legislation which we are discussing here this evening and subsequent sections down to 341J(8B)—that this bill acknowledges the establishment of a director of Indigenous heritage protection. To my knowledge, such a person does not exist and will not exist until the government deals with the Aboriginal and Torres Strait Islander Heritage Protection Bill 1998, which is yet to be debated, as I understand it because the government appears not to have come to any
conclusions about how to satisfactorily deal with the issue of Indigenous cultural heritage.

As someone whose electorate comprises a population where in the non-urban areas in excess of 50 per cent are Indigenous people who live on their traditional lands and have great cause for concern about the protection of their heritage, I have to say that there seems to be an absolute failure by the government to have come to terms with its obligations for the protection of Indigenous heritage. That is a matter of grave concern. There have been plenty of arguments about how the legislation dealing with Indigenous cultural heritage could probably be amended, but these have yet—as I understand it—to be properly finalised. That is, in my view, an extremely important matter which needs to be dealt with expeditiously and which needs to be dealt with by agreement with Indigenous people across Australia.

I am concerned about these issues of cultural heritage in particular, although I must admit that, in my own electorate, environmental and natural heritage issues are extremely important. We have in the Northern Territory two of the great icons of natural heritage and of our cultural heritage. Both are listed on the World Heritage List for their cultural and natural attributes—two of only a small number of such listings in the world. They of course are Kakadu National Park and Uluru-Kata Tjuta National Park. Only 19 sites, I am advised, from across the globe are on the World Heritage List for their outstanding natural and cultural values.

I can remember well the debate that took place around the establishment of those parks—in particular the transfer of ownership to the traditional owners of Uluru and Kakadu—by conservative elements in our community, particularly by CLP representatives in the Northern Territory and by the then Northern Territory government. I am concerned that, if these sorts of proposals about ministerial responsibility as encompassed in this legislation are allowed to proceed, ultimately there will be a real question mark over the ability of this government and any future government, in reality, to go back and do the sort of groundbreaking work that happened over the establishment of both Uluru and Kata-Tjuta national parks in making them World Heritage listed parks. It is important, I think, that we acknowledge nationally how important these parks are, not only because of their natural and cultural heritage but also because of their economic importance—economic importance which has increased dramatically as a result of their World Heritage listing.

Manifestly obvious if you visit the Northern Territory is that the large proportion of people who visit the Northern Territory—and indeed, I would argue, especially overseas visitors who come to Australia—experience the cultural heritage and natural heritage values of those parks. They are important intrinsically for their own natural and cultural heritage values, but they are also extremely important for, and vital to, the tourism industry of the Northern Territory. I will not take the time of the House to go through chapter and verse the development of those parks, but I have been associated with their development ever since the late seventies. I was fortunate enough to be involved politically—as an employee of Aboriginal organisations and since 1987 in this parliament—with matters to do with those parks. I am extremely proud of the way in which the Indigenous people of the Northern Territory, and the successive governments that have dealt with them, have managed to develop a joint management approach to the parks, which are owned by traditional owners, leased back to the Commonwealth for the enjoyment of the nation and then successfully managed on a joint basis with an Aboriginal majority on the boards.

It goes without saying that there are obviously tensions which arise from time to time, and it is no doubt also true that there can be improvements. By and large, that system of joint management has worked extremely successfully. It has worked successfully because there has been from the outset the idea that this was a partnership, with the underlying premise being that the Indigenous cultural values are the mainstay of those parks. They are recognised by the fact that those lands have been scheduled as Aboriginal lands under the land rights act, and they have
been transferred to the traditional Aboriginal owners and leased back to the Commonwealth for the benefit of the nation.

I want to take a moment or two to applaud work which has recently been done by the Northern Territory government, because issues of natural, cultural and Indigenous heritage are of particular relevance to the Northern Territory. I want to draw attention to the values of heritage protection in the seat of Lingiari—but also in the Northern Territory generally—and the changes taking place in today’s Northern Territory that acknowledge these values. Little more than two weeks ago, the Chief Minister of the Northern Territory, Clare Martin, announced that the Northern Territory Solicitor-General had advised that the High Court Ward decision meant that 50 parks set up by the previous CLP government until 1998 had been invalidly declared.

This meant that many of the parks and reserves in the Northern Territory were now available for a variety of land claims and also for native title compensation. On Thursday last week, the Northern Territory government re-declared 38 of those parks under the Territory Parks and Wildlife Conservation Act. Eleven of the parks will remain available for claim under the Aboriginal Land Rights (Northern Territory) Act. I presume that, ultimately, these will be placed under a regime of joint management for the benefit of the whole community.

Importantly—and in a significant break from the past practice of conservative governments—Clare Martin chose to include Aboriginal people in developing an approach for the future management of this land, much of which is heritage listed. We need to compare the approach being adopted now by the Labor government in the Northern Territory with the 27 years of CLP administration and understand the chasm which previously existed between the attitudes of the then Northern Territory government and the interests and concerns of Indigenous people, and the community generally, over the issue of parks and how that has changed.

Clare Martin took a very different course to that taken by her predecessors. She moved away from past governments’ reflex response of litigation and decided that the best course was to negotiate. In respecting the right of traditional Aboriginal owners to be involved, her government is seeing the rewards that this action brings. Out of what could have been, upon provocation, a costly legal mess, the Northern Territory government has shaped an outcome that will benefit all Territorians; indeed, I would argue, all Australians. The results of taking the course of negotiation over litigation will be: that Territory parks and reserves will remain accessible to all visitors on a no-fee no-permit basis; that where title changes it is conditional on land being leased back to the government for use as parks and is subject to joint management arrangement; and, thirdly, that current mining and exploration leases and current tourism operator concessions are guaranteed for the life of the concession.

As the Chief Minister noted on 7 November when she announced the Northern Territory government’s move:

My Government has decided to negotiate with the Aboriginal Land councils, rather than fighting the claims in the courts which could cost up to $100 million, and take years ...

This is the best way of developing joint management plans that really work for the Territory.

This approach does work, and one only needs to consider what must be the two most recognised and successful heritage assets in Australia to see that it works. They are the two parks that I referred to earlier: Kakadu and Uluru. I want to commend not only the traditional owners but also those people who, on their behalf, been involved in the boards of both Kakadu and Uluru. I commend to you the difficult work that, from time to time, they have had to do.

I also want to mention another park in the Northern Territory—which, again, emerged as a result of negotiation over land related issues—and that is the Nitmiluk National Park in the Katherine Gorge. Nitmiluk’s traditional owners are the Jawoyn people. It is an alternative model—not dissimilar, but an alternative—to that being developed at Uluru, Kata Tjuta and Kakadu. It is an effective joint management, recognising the enormous cultural and natural heritage values of this area and also acknowledging, un-
derstanding and coming to terms with the need for the whole community to have access to this area.

I want to commend again the work being done in the management of this park—in this case by the traditional owners, the Jawoyn people, through their respective organisations. I say to you that, whilst I am concerned about the way this legislation is headed and sorry that the government has not picked up on the need to address Indigenous heritage issues, despite these actions, we have plenty of room for hope that much more will be done to build on this very successful work. This work has been done in the Northern Territory by respective Labor governments, at both the Territory and the national levels, to come to terms with Indigenous traditional ownership of the land, the cultural and natural heritage values of those lands, and the opportunities that exist by jointly managing those lands for the benefit of all Australians.

Debate (on motion by Ms George) adjourned.

BILLS REFERRED TO MAIN COMMITTEE

Mr HARDGRAVE (Moreton—Minister for Citizenship and Multicultural Affairs) (6.19 p.m.)—by leave—I move:

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

International Tax Agreements Amendment Bill (No. 2) 2002.

Question agreed to.

ENVIRONMENT AND HERITAGE LEGISLATION AMENDMENT BILL (No. 1) 2002

Cognate bill:

AUSTRALIAN HERITAGE COUNCIL BILL 2002

AUSTRALIAN HERITAGE COUNCIL (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2002

Second Reading

Debate resumed.

Ms GEORGE (Throsby) (6.21 p.m.)—It gives me great pleasure to participate in the discussion on these very important bills before the House: the Environment and Heritage Legislation Amendment Bill (No. 1) 2002, the Australian Heritage Council Bill 2002 and the Australian Heritage Council (Consequential and Transitional Provisions) Bill 2002. I do so in the context of believing that one of the most significant and memorable achievements of the Whitlam government was its commitment to international conventions concerning the preservation and protection of Australia’s environment and heritage. I think this came through very clearly in that recent excellent SBS interview with Gough, conducted by Senator Faulkner, in which he reflected on some of the most memorable achievements from his term in office. In that regard, I think the Australian Heritage Commission Act, which this government is proposing to amend, actually revolutionised the way in which Australian heritage was to be managed and, at the time, represented world’s best practice.

Some on the government side have argued that, after 26 or 27 years in existence, it is time for the management of our heritage to be reviewed. One should not quibble with that; everything moves on and there are always arguments for updating and reviewing practices and procedures. However, in doing so, I think we need to ensure that what is considered by the parliament is not going to be a retrograde step—that is, that we are not going to lose the essence of the very visionary legislation that was introduced back in 1975. As we recall, at the time, the heart of the legislation that was brought in by the Whitlam government focused on the creation of an independent statutory authority, the Australian Heritage Commission, and for the first time the creation and maintenance of a Register of the National Estate.

I think we all recall Justice Hope’s committee of inquiry into Australia’s National Estate and the fact that he concluded that the estate had been downgraded, disregarded and neglected. Very importantly, there was a recognition that the average Australian really did want to identify and conserve their culture, their heritage and their natural heritage. That being the case, the legislation that came
before this parliament defined the National Estate in the following terms:

Those places, being components of the natural environment of Australia, or the cultural environment of Australia, that have aesthetic, historic, scientific or social significance or other special values for future generations as well as for the present community.

In the context of the discussion on the point we have reached since that time, it is appropriate to acknowledge the visionary work and inspiration provided by former parliamentarian and colleague of mine Tom Uren, who was responsible for bringing the legislation into this House. I want to quote a few things that Tom Uren, as the then member for Reid and the minister responsible for this area, said at the time. He said that the concept of the National Estate was one that he devised and promoted and publicised. I am not going to quibble with Tom’s assessment that it was his personal initiative; I think we all agree that he stood out as a person who was remarkably committed to the preservation of our National Estate and our heritage.

In his second reading speech on the legislation, he said:

A key part of our attitudes—that is, Labor’s attitudes—to the National Estate is the rejection of the widely-held notion that this is a middle class issue, that it has no relevance to most of the people. The forces which threaten the National Estate often bear most heavily on the less affluent groups. Poorer people suffer most intensely from the loss of National Estate features such as the parkland, familiar town and country scapes, even dwellings. They feel in much stronger measure the withering away of the physical environment into ugly and barren patterns.

In that speech he went on to talk—in glowing terms, of course—of his commitment to the Blue Mountains escarpment. He said that it was in constant danger of scarring by poorly planned development from both the public and the private sectors. He went on to argue that his reference to the beauty of the Blue Mountains escarpment and the potential risk of development could be multiplied many times from other cities and regions throughout Australia.

In the Illawarra at the moment there is quite a deal of community angst about the development occurring at Sandon Point, which threatens longstanding Indigenous archaeological sites in the area that is being developed. I am pleased to say that the matter is now the subject of consideration in the Senate. Tom Uren further argued:

Deprived community groups have not the same access as the wealthy to other sources of personal enjoyment and fulfilment. This is why it is often the less affluent who are most active in working to protect the best features of our heritage.

I think that is absolutely true. When you look at the kind of work that is done at the grassroots level by volunteers, by people who are active in the preservation of our heritage, one can only wonder at the kind of commitment that you see from ordinary folk every day of the year—much of it, of course, conducted under the auspices of the national trusts in the various states.

It was 26 year ago that the legislation which created our Australian Heritage Commission and set up the Register of the National Estate was introduced into the parliament. I think now is an opportune time to reflect on whether developments in the intervening period have been positive. There is no more authoritative analysis than that prepared by the Australian Council of National Trusts, which reported in June 2001 its findings about progress—or, indeed, lack of it—in that intervening period. Its report was, interestingly, titled Cinderella revisited: impoverishing Australia’s heritage. The report posed a number of questions, including:

...as we celebrate Australia’s centenary of nationhood, just how safe is our nation’s heritage?

The answer was that it is not safe at all. A further question posed was:

Has the overall Commonwealth support for Australia’s heritage significantly increased in the quarter century since 1975? Has the Commonwealth built on the strategic directions suggested in the Hope and Piggott reports?

Again, I am sad to say that the conclusions reported by the Australian council was that the short answer to both of those very important questions was a resounding no. So here we have the most authoritative body concerned particularly with the preservation of our cultural heritage giving a big thumbs down to developments over the course of a
quarter of a century. As we look at the details of the bills before us, we need to ask: are the bills in their current form going to enhance future developments in terms of preservation of our natural and cultural heritage, or are they going to be a retrograde step?

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

Ms GEORGE—Why did the Australian Council of National Trusts come to the conclusion in that very significant year of celebration of our centenary of nationhood, 2001, that our nation’s heritage was not safe at all? I want to quote some of the criticisms contained in their very important report, specifically as it relates to the protection of Australia’s cultural heritage. They came to the negative conclusions that I alluded to earlier. In their report they concluded that there had been a:

... running down of Commonwealth support for built heritage and a failure to address (let alone implement) broader cultural heritage policies ...

They believed that there was:

... little Commonwealth support or oversight of state and local governments who bear the main responsibility for listing and protecting Australia’s heritage places ...

They concluded:

... the Commonwealth has performed worse than most state or territory governments in caring for its own heritage places, and has yet to implement the recommendations of ... Schofield Report.

They argued:

After more than 25 years, Commonwealth funding for cultural heritage (outside its own institutions and programs) remains cursory and there is no overall strategy in place in relation to cultural heritage generally.

In the context of the report, they also pointed to the fact that the Commonwealth was adding insult to injury, in that it was ‘committed to selling many public buildings’. They say:

Up for sale throughout the country are hundreds of Commonwealth buildings and large areas of public lands, at the same time as any prospect of protection for most of these places through Commonwealth heritage listing is lost. Australia’s great experiment in nation-building is being dismantled before our eyes as heritage places and lands are sold and priceless objects and records are lost.

It is interesting that the report drew attention to what continues to be a considerable imbalance between funding for the natural environment and funds that are dedicated to the protection of our historic environment.

Obviously, when you look at all the funding outlays, there has been a significant imbalance in terms of the funding of our natural environment. The trust argued:

... the principle of ‘intergenerational equity’ demands the proper stewardship of Australia’s cultural heritage for future generations; there is a high cost of doing nothing to address the needs of heritage conservation resources since heritage properties which are allowed to deteriorate are either lost to future generations or will cost future generations considerably more to restore; and clear evidence exists concerning the positive economic benefits and ‘economic multiplier effect’ that funds spent on heritage conservation have in generating employment and adding value to community owned places.

I thought it was a pretty scathing analysis of the performance of Australian governments over the 26 years since that visionary legislation was introduced by the Whitlam Labor government.

In looking at these bills, I ask: are they going to enhance the very important function of preserving Australia’s heritage, particularly its cultural heritage, or are they potentially a very severe, retrograde step? The first thing I would like to draw attention to is the fact that the bill proposes to abolish the Australian Heritage Commission, which I believe has served our nation and our communities extraordinarily well. It has been able to do that because it has been an independent statutory authority which makes the final decision as to whether a place should or should not be listed on the Register of the National Estate.

In the bills before us, it is proposed that the commission be replaced by a council with limited functions in comparison to the broad range of functions that currently exist. More seriously, it is proposed that the final decision on whether or not a site is listed lies in the hands of the minister for the environment. After considerable public pressure, the minister must now consider advice from the
council but is not obliged to act on that advice. So, in effect, we will have a situation where expert scientific advice on heritage matters will be weighed against political judgments in the determination of listings.

The power to list is to be transferred to the minister, which is a change from the current situation where an independent, technical, merit based decision is made by a thoroughly reputable and autonomous Australian Heritage Commission. That is why Labor have made it very clear that we seek a fully-fledged independent commission with the powers to nominate, fully assess and list places of heritage significance. In our view, the minister, who is obviously—as any minister would be—motivated by political judgments and potentially by economic judgments, should not be allowed the final decision on what matters are included on the heritage list.

The second area of concern that I want to draw attention to is what happens to the 13,000-plus places currently listed on the Register of the National Estate. This register has been amassed over a quarter of a century. When you look at the proposals in the legislation, it is my contention that the register will be effectively gutted. The legislation creates two specific heritage lists: one presumably listing sites with some kind of iconic status—that is, those places that are deemed to be of truly national significance—and the other listing Commonwealth owned or managed sites of heritage significance. It seems very clear that the overwhelming majority of places currently on Australia’s Register of the National Estate will not end up on either of the two proposed new lists. The responsibility for the protection of the overwhelming majority of sites will be devolved to state and territory governments, but no new funding will be provided for this new legislative regime. After considerable public pressure, the government has now conceded that the register will be maintained, but any existing legislative basis for the protection of sites, however inadequate it may be currently, will disappear completely. I take the view that, at a minimum, the legislation should improve the protection of Australia’s Indigenous sites by ensuring that all Indigenous sites that currently appear on the Register of the National Estate—and there are probably not enough of them currently listed—automatically find their way onto the national or Commonwealth lists. I think the contribution made by the member for Lingiari amplifies that proposition quite substantially.

I read with interest the words of the member for Wentworth, himself a former chair of the Australian Heritage Commission. But I must say, reading his remarks, that he probably was not a co-signatory to the submission to the Senate inquiry made by seven former eminent chairs and commissioners of the Australian Heritage Commission. They set out six principles that should guide any further amendments to the Commonwealth heritage legislation. They stated, in brief, that heritage protection needed a strong national presence, with national leadership, that there needed to be complementary state and territory heritage action and that any amendments to the existing legislation should strengthen and not weaken existing legislation in any way. They further stated:

- Constitutional powers of the Commonwealth should be used to their full extent to protect places of heritage value to the nation—and, very importantly—
- The decision to include or not include and to remove places ... should be vested in an independent professional body, not in the Minister.

Finally—and I think this is where the strength of the amendments foreshadowed by the member for Wills lies—these seven eminent former chairs and commissioners argued:

- Those parts of heritage systems that have worked well for a long time should not be lightly discarded.

In conclusion, there are many of us in the community who remain in awe of the wonderful achievements of the Whitlam Labor government. Amongst those telling achievements was the commitment to the preservation and protection of Australia’s environment and heritage. Fundamental to that was the independent statutory Heritage Commission and the Register of the National Estate. It is for these reasons that we believe that the legislation that we are discussing in the
Ms BURKE (Chisholm) (8.12 p.m.)—I rise tonight to speak on the Environment and Heritage Legislation Amendment Bill (No. 1) 2002 and the associated legislation. At the outset, I want to thank the member for Grayndler, who allowed me to do aerobic gymnastics up and down the corridor of the parliament and who also left upstairs the vital piece of my speech. So when I fall over, it is the member for Grayndler who is going to cop it sweet at some stage this evening. But, having said that, the proposed legislation, comprising the Environment and Heritage Legislation Amendment Bill (No. 1) 2002, together with the Australian Heritage Council Bill 2002 and the Australian Heritage Council (Consequential and Transitional Provisions) Bill 2002, represents too pervasive a shift away from the current construct—the Australian Heritage Commission. In this speech, I will be recommending that the government desist in its attempt to delimit aspects of the Australian Heritage Commission, such as its status, composition, authority and agency.

Since 1975, the Australian Heritage Commission has promoted an approachable and inclusive regime. In my electorate of Chisholm, it has assisted and sustained heritage and conservative developments and has met historical, cultural and local municipal achievements. The landmark legislation that was introduced by the Whitlam government in 1975 was world’s best practice at the time. Numerous countries followed that and adopted the legislation that we put into place. We recognise that that legislation is now outdated, but what the government has put before us does not address the critical areas that need to be addressed. As has been outlined previously by numerous speakers on this side of the House, it actually takes away from some of the fundamentals of the original legislation.

This government has deemed 2002 as a year ‘to celebrate the history, culture and achievements’ that form a significant part of our land. While my electorate of Chisholm does not showcase itself in the same way as those other urban or outback centres which have been recognised over this past year, I believe that with its own environment and heritage features, local though they may be, Chisholm is entitled to the protection and lasting legacy of formative benefits. These benefits were originally established under the Australian Heritage Commission. This year rural, regional and remote Australia was expected to ‘unite all Australians in striving to develop their country’s infinite potential and in recognising its past achievements’. I am not sure if it is because the electorate of Chisholm resides completely in inner suburban Melbourne that I am not brimming with vitality over these aims, outcomes, proposed matters of national significance and Commonwealth responsibilities that I expected would highlight outback Australia this past year.

Admittedly, I boast about the existing list of heritage places in my electorate that are celebrated and that create activity and engender community interest and responsibilities. I cannot help comparing the technical merit and heritage protection package in The heritage trails in Whitehorse, a wonderful document that was produced through Commonwealth funding and that listed some sites within my electorate that were recognised under the original legislation and established some heritage sites in my electorate that were originally supported by Commonwealth funding—with an independent listing process. Had the member for Grayndler not destroyed my evening, I would now have in front of me my copy of The heritage trails in Whitehorse, and would quote from it the wonderful sites and read out liberally some of the wonderful things listed there, like the first all-girl private school—I know that that is something that we on this side of the House should not be proud of, but it is a wonderful institution that was established in the suburbs of Melbourne—and one of the original subdivisions in Victoria, where the quarter-acre block that now creates our dream was born. Sadly, that dream is now
being squandered by mass overdevelopment in our area, but something this legislation can do and has done to is to protect those areas of national heritage significance in suburbia.

One of the other areas is the original founding brickworks, established in the 1880s. The original brickworks site on Surrey Drive still exists; sadly, it is now being purchased by private developers, and we are going through yet another great debate locally about the loss of both open space and historically significant areas. It might not be the greatest thing to be proud of, but the brickworks is a site that everyone in downtown Box Hill knows and recognises. Next door to it was what was known as Surrey Dive, where a whole generation learnt to swim—admittedly, in a very dangerous environment, because it was an old quarry mined for brickworks, but it was a beautiful site that was used by generations. Surrey Dive and the old brickworks site are now in the hands of developers and we are yet again going through the process of losing that open space to medium-density housing. Whether that is a good thing remains to be seen, and we will have that argument. But, had this legislation been in place in its current form, we could have looked at putting that site down as a historically significant site to be preserved as is.

Consultation involving local history societies and interested members of the community has contributed to the creation, agency and lasting legacy of these remarkable places and their associated value. Ministerial approval—the key issue I raise here concerning the management of the legislation—was not the precedent for their inception. Rather, a collaborative and extensively researched project enabled reconstruction of the environment and natural landscape of the heritage trails in Whitehorse; that was done by extensive community consultation. The Whitehorse Historical Society is to be commended; in particular, William Orange, who has dedicated his life to this project, has been extensively involved throughout the community. Commonwealth support fosters the trails’ continued history, culture and achievements.

This perception is vital to the city of Whitehorse’s sense of place, health and survival—its sense of identity. As a focal point in the city of Whitehorse the heritage trails are dependent on consultative advisory bodies to allay fears of limitations on future conservation and heritage development under the current regime. Based on the Australian Heritage Commission Act 1975 and its use of the 1999 EPBC Act, I would argue that any downgrading of the present commission to an advisory council would be detrimental to the proposed scheme; it would be detrimental to the development of the scheme as we now have it. Operating solely under ministerial direction in line with the watering down of the existing act of 1975 would raise matters of great concern for the constituents in my electorate and, more broadly, amongst all Australians who value independent consultation—aspects which I have already stated are valuable to the existing positive elements of the Australian Heritage Commission.

One of the other areas that is highlighted in my neck of the woods—and most people would not realise this—is the birth of the Heidelberg School of artists, who came and camped, most originally and significantly, around the Box Hill area. The original paintings of the artists’ camp were done in Box Hill—paintings such as Blackburn Lake, The Beehives and A Sunday Afternoon Picnic at Box Hill. Many of McCubbin’s, Roberts’s and Streeton’s original works within the Heidelberg School were not actually painted in downtown Heidelberg but in Box Hill and Blackburn. Although these areas are now predominantly surrounded by houses and schools, they still have significant value, and we need to have them recognised. Tragically, because of development in urban areas, some of those sites have been lost and it is now difficult to pick out where they were—to come along and say, ‘This is the point on Gardeners Creek where the original artists’ camp was.’ If we had ways of identifying and locating those areas through consultations with individuals under the original regime of the act, I think their historical value would be preserved longer and we would not lose the significance of them in the overdevelopment of our urban areas.
In relation to the future actions and decisions of the new Heritage Council—which, as already mentioned, will replace the Heritage Commission if the Australian Heritage Council Bill 2002 is passed—if the legislation is introduced in its present state and there is a watering down from a nationally protected environment to one that is vulnerable to ministerial whims to dispose of it, this legislation will be the precursor to legislation that will amount to political error.

In summation, the theme adopted by the government for 2002, with its impetus to ‘unite all Australians in striving to develop their country’s infinite potential and in recognising its past achievements’, seems not to resonate within the government’s proposed legislation, nor does an effective regime seem to be envisaged regarding assessment of the environment and our heritage. Therefore, I call on the government to strenuously consider the amendments this side of the House has put forward for implementation prior to advancing the Environment and Heritage Legislation Amendment Bill (No. 1) 2002, the Australian Heritage Council Bill 2002 and the Australian Heritage Council (Consequential and Transitional Provisions) Bill 2002. I call on the government to ensure the integrity of a wonderful institution, adopted way back in 1975, that led the van-guard in dealing with areas of heritage significance, natural environment and the history of our great land. I ask that these be protected with a rigorous legislative process, not merely by ministerial whim.

Mr SERCOMBE (Maribyrnong) (8.23 p.m.)—I rise to speak on the Environment and Heritage Legislation Amendment Bill (No. 1) 2002, the Australian Heritage Council Bill 2002 and the Australian Heritage Council (Consequential and Transitional Provisions) Bill 2002. I call on the government to ensure the integrity of a wonderful institution, adopted way back in 1975, that led the van-guard in dealing with areas of heritage significance, natural environment and the history of our great land. I ask that these be protected with a rigorous legislative process, not merely by ministerial whim.

The Australian Heritage Commission was the child of the 1973 Committee of Inquiry into the National Estate, chaired by Justice Hope. The commission was a very important landmark in establishing a framework within which we as Australians could look at ways of protecting and enhancing the cultural and physical heritage of this very unique nation of ours in a more systematic way than perhaps we had in the past. Indeed, Fraser Island, the world’s largest sand island, was the first place entered by the Australian Heritage Commission on the new nationwide heritage list. It was at that stage quite a cause celebre amongst both heritage and environmental movements in Australia, so I think it is very important to talk about any legislation that reviews the commission.

The Register of the National Estate, which forms a critical part of the system of heritage protection, is a mechanism which, whilst it undoubtedly has its faults—it lacks teeth in many respects—is nonetheless very important because, as the Heritage Commission says in the report tabled in parliament today, the purpose of the register is to alert all Australians to the presence of National Estate places and their natural and cultural heritage values. It is to provide planners and decision makers at all levels of government and in the private sector with objective information about the National Estate values of places when decisions are being made. It of course obliges the Commonwealth government to avoid damaging national estate places—although there is a caveat to that objective that I want to refer to in more specific terms that affects my electorate. The register also provides researchers and scientists with information about the national estate and, very importantly, makes places eligible for grants

The Register of the National Estate, which forms a critical part of the system of heritage protection, is a mechanism which, whilst it undoubtedly has its faults—it lacks teeth in many respects—is nonetheless very important because, as the Heritage Commission says in the report tabled in parliament today, the purpose of the register is to alert all Australians to the presence of National Estate places and their natural and cultural heritage values. It is to provide planners and decision makers at all levels of government and in the private sector with objective information about the National Estate values of places when decisions are being made. It of course obliges the Commonwealth government to avoid damaging national estate places—although there is a caveat to that objective that I want to refer to in more specific terms that affects my electorate. The register also provides researchers and scientists with information about the national estate and, very importantly, makes places eligible for grants
for conservation or promotion under relevant
Commonwealth heritage programs.

As the member for Wills and others have
indicated, there are some significant prob-
lems with the legislation. Whilst I think the
regime of protection at the moment is inade-
quately, the bills together actually serve to di-
minish further the capacity to adequately
protect heritage areas. Firstly, the present
Australian Heritage Commission has a broad
range of functions, and replacing it with the
Australian Heritage Council will result in an
advisory body only. Despite the limitations
on the commission’s existing capacity to act,
it is our view that the capacity of the advi-
sory body that has been proposed to replace
it is even more diminished. Secondly, the
definition of actions that trigger heritage
consideration has been narrowed, in the pro-
cess deleting matters such as the provision of
grants and the granting of authorisations.
Thirdly, the decision to list places presently
lies with the Australian Heritage Commis-
sion. The government’s proposal is to trans-
fer this previously independent, technical
decision making process to the minister.

Fourthly, the government is apparently not
honouring its commitments to transfer
Commonwealth places on the existing Reg-
ister of the National Estate to the new Com-
monwealth Heritage List. This may very well
have quite serious implications in my own
home state, for places such as Point Cook,
and Point Nepean on the Mornington Penin-
sula, about which there is presently debate.
In addition, I understand that the government
is proposing to remove the capacity to claim
tax deductions for gifts of land and donations
to sites that are on the Register of the Na-
tional Estate. Overall, the opposition would
suggest very strenuously that the proposals
contained in this raft of legislation, which is
subject to cognate debate, really erode an
already not entirely satisfactory regime for
heritage protection and substitute even less
adequate protections.

In looking at the way in which the system
has operated to date, through the prism of my
electorate, I have to say there have been
some noteworthy successes but there have
also been some significant failures. On the
success side, I draw the attention of the
House to a place in Keilor Park, not terribly
far south of Melbourne airport, called Har-
ricks Cottage. It is a 19th century colonial
homestead that was located on Common-
wealth government land a kilometre or so to
the south of the southern end of the north-
south runway. When the Commonwealth
disposed of the land, very admirably the
Commonwealth excised the portion of land
on which the homestead is located and en-
tered into quite adequate arrangements with
the local municipality to ensure that the
homestead and its historic importance to the
Keilor community are protected in perpetu-
ity. Furthermore, the Commonwealth made a
grant, which I recollect as being of $100,000,
to contribute substantially to the restoration
of that homestead as part of Victoria’s heri-
tage.

I contrast that successful approach with
the way in which the Commonwealth has
handled heritage aspects arising out of the
disposal of the Albion explosives factory
site, between Deer Park and St Albans, over
recent years. The Commonwealth sold the
site to the Victorian Urban Land Corpora-
tion. The problems arose from the fact that it
appears that no adequate provision—or no
provision at all, frankly—was made in any
formal sense by way of a covenant on the
title change to a state government instru-
mentality for the areas that were on the Reg-
ister of the National Estate. The most signifi-
cant of these is a site known as the black
powder mill. The black powder mill was
listed on the Register of the National Estate.
It is a rare and a distinctive example of a
milling plant that was used for the prepara-
tion of gunpowder. The black powder mill
was listed on the Register of the National Estate.
It is a rare and a distinctive example of a
milling plant that was used for the prepara-
tion of gunpowder. It is the only surviving
manufacturing building on the former explo-
sives site. It is broadly seen in the local
community, particularly among people who
take an interest in the history of the area, as a
symbol of the importance of the munitions
industry and of the thousands of workers
who worked in the munitions industry at that
site in times of dire threat to this country,
particularly during the Second World War. It
is seen by industrial heritage experts as a
unique and very important example of that
type of industrial application.
This particular item was actually discussed in a report to this House by the Public Works Committee back in 1997, when that committee was dealing with the question of the disposal of the Deer Park site to the Victorian Urban Land Corporation. The committee was chaired at that stage by a distinguished gentleman, who is now the Speaker of this House, Neil Andrew. The report to this House on 19 June 1997 refers to the need for heritage protection for the black powder mill. A number of other items on the site were not deemed to be of such importance by that parliament’s Public Works Committee to require a particular provision to be made, but the black powder mill was clearly identified as being an important site for protection. Nonetheless, for reasons that frankly escape me—despite the fact that I contacted the office of the parliamentary secretary at the table asking for information, in preparation for this debate, about why the Commonwealth does not appear to have made a provision through some sort of covenant arrangement in the legal agreement for the transfer of land that it entered into with the Urban Land Corporation—I still have not received an explanation for that; there may be some commercial-in-confidence aspects. Nonetheless, it is quite clear that a building that was on the National Estate register was transferred out of the Commonwealth’s ownership and in the process lost its protection, without any significant attempt being made by the Commonwealth to ensure some sort of continuity of protection.

The local council, who have had the specific site transferred to them by the Urban Land Corporation, originally gave a permit for a partial demolition of this mill, which was part of the National Estate register. Fortunately very strong and strenuous community opposition has forced that particular council to backtrack on that, and there is no current proposition, as I understand it, to facilitate demolition. In fact, the National Trust of Victoria presently has an application before the heritage authorities in Victoria—Heritage Victoria, I understand, is the name of the organisation—to ensure that state level protection is offered to this fine example of the industrial heritage of this part of Melbourne’s manufacturing history in the western suburbs. Nonetheless, there is quite clearly a significant loophole where the defence department, in the process of transferring a very significant site in the west of Melbourne to a state government agency, obviously did not pay attention to the need to ensure that there was an adequate regime of protection in place. The consequence of that was that the building was very nearly demolished. As I said, the local council, which picked up responsibility for this as part of the town planning and land management arrangements for the whole suburban subdivision that is now proceeding rapidly on that Albion explosives site, did issue a permit to partially demolish it. Frankly, that is just not satisfactory. It shows a significant loophole that I would like a more complete explanation for and, despite my attempts to get that explanation from the parliamentary secretary’s office, I have been unsuccessful.

I raise and emphasise this because Defence is presently engaged, as the parliamentary secretary is very much aware, in another very major exercise of planning, abutting my electorate—the site of the former Maribyrnong explosives factory, which is a little further to the east of the Albion site that I have been referring to. To its great credit, I am advised that Defence has commissioned up to five heritage assessments, under the direction of Professor Richard Mackay, on the heritage importance of the Maribyrnong explosives site. I hope Defence handles this particular set of heritage issues with more attention to detail than it appears to have shown over the Albion site, for the reasons that I have outlined in respect of the Albion site.

There is a range of archaeological issues in relation to the Maribyrnong site. A range of issues also arise from the racing history in that part of Melbourne, including the historic Fisher stables, which are part of that site. The site also has significant military heritage value, because it was from this particular area that the Light Horse departed Australia for the Middle East in the First World War. Local legend has it that the only horse that returned from the Middle East as part of the Light Horse after the end of the First World War—a horse called Sandy—was buried on
the site. I use the word ‘legend’ not to in any sense reflect on the fact that the horse may be buried there, but I understand that no-one is presently quite sure of that matter. Nonetheless, given the importance of the Light Horse in the context of Australian military history, this is an area of great heritage interest and I trust that Defence will handle the process of assessing the heritage values and ensuring adequate protection of them with considerable skill—as I said, with considerably greater skill than they appear to have shown over Albion.

All of these things point to the fact that, whilst Australia is a relatively young country in terms of European settlement and our European history, it does have a very rich cultural heritage, archaeological heritage and other heritages from pre-European times, and they ought to continue to be treated with all the dignity that they deserve as well. Also, because of the ethnically diverse and very multicultural character of areas such as those in my electorate, as an exercise in nation building and an exercise in bringing communities together, heritage issues assume very considerable importance because they provide symbols and common focal points that all of us as Australians, irrespective of our background, can look to with pride. It is for all those reasons that heritage values are extremely important, particularly in an area as diverse and rich in a cultural sense as my electorate, and I look forward to good progress in relation to that Maribyrnong explosive site.

In summary, I think the track record to date is somewhat mixed. There have, undoubtedly, been some successes under the present regime, but there have also been some that have frankly not been so successful. We as an opposition are quite concerned that the proposals the government presently has before the House are not going to improve the situation; on the contrary, they may well lead to a significantly diminished capacity for the Commonwealth in relation to heritage protection. On that basis, I urge the government to look very seriously at further improving its legislation in line with the proposals that the opposition is putting forward.  

Mr ALBANESE (Grayndler) (8.41 p.m.)—One of the reasons that heritage legislation is important is that it is a recognition that it is not only the natural environment that is beautiful, culturally significant and worthy of protection; human existence has brought us many man-made structures which are also beautiful, of cultural significance and worthy of protection. Sometimes the two can combine in spectacular ways. Every time I am away from home and see the quintessential Sydney visual of the Sydney Opera House and Sydney Harbour Bridge either from or to the Sydney Harbour National Park, it gives me a real sense of pleasure. The familiarity of our surroundings gives us all a sense of security and a recollection of fond memories.

Last Friday, I had the honour of going back to the Great Hall of the University of Sydney. It was a very special day. I was there to see Tom Uren be awarded an Honorary Doctorate of Science in Architecture. It was a marvellous ceremony and Tom delivered a fine speech which reflected his philosophy of ‘pragmatic idealism’. Tom left school at age 14, went to fight in World War II in 1939, was captured on Timor, was a captive in Changi in Singapore, worked on the Burma-Siam railway, and ended the Second World War in Japan. He actually saw the second atomic bomb blast in Nagasaki from a distance. So it was an extraordinary privilege to be there when he was awarded an honorary doctorate from the University of Sydney. Tom has truly inspired many people and he is a public figure who is very much loved. I am proud to be his friend and his comrade.

This legislation—the Environment and Heritage Legislation Amendment Bill (No. 1) 2002, the Australian Heritage Council Bill 2002 and the Australian Heritage Council (Consequential and Transitional Provisions) Bill 2002—concerns one of Tom Uren’s finest achievements: the creation of the Australian Heritage Commission and the Register of the National Estate. In seeking to amend these bills, it is important to consider the historical context in which landmark national heritage legislation was first enacted. In 1973 the then Whitlam Labor government set up a committee of inquiry to evaluate Australia’s
natural environment, Aboriginal sites, buildings and sites of historical and archaeological significance. It found:

The Australian Government has inherited a National Estate which has been downgraded, disregarded and neglected. All previous priorities accepted at various levels of government authority have been directed by a concept that uncontrolled development, economic growth and "progress" and the encouragement of private as against public interest in land use, use of waters and indeed in every part of the National Estate was paramount.

It made two recommendations: first, that a permanent statutory authority be set up to work with the states, local government, voluntary groups and members of the public for the protection, conservation and presentation of the National Estate; and, second, that a fundamental task of this commission be to start surveying the National Estate and making an inventory of its components. In tabling the report to the parliament, the then Minister for Urban and Regional Development, Tom Uren, noted:

The Committee has devoted a great deal of work to defining with precision the things that make up the National Estate. It has opted for a very wide ranging definition of the National Estate, which can be summed up in this way: Elements of such outstanding world value that they need to be conserved, managed and presented as part of the nation as a whole; and elements of such artistic, social, historical, cultural or other special value to the nation or any part of it that it should be conserved, managed or presented for the benefit of the community as a whole. This very broad definition of the National Estate extends from great national parks and awesome rainforests to a simple stand of trees or patch of coastline. It includes the remaining treasures of our colonial architecture and such homely parts of the national heritage as paddlesteamers and even a Chinese joss house.

The legislation to set up an Australian Heritage Commission was prepared by Professor David Yencken, the interim chairman of the committee of inquiry, along with the Department of Urban and Regional Development. In his book Straight Left, Tom Uren recalls:

... some within DURD were not happy about creating a statutory authority, thinking that the Department would lose control. There was also disagreement over the authority of the Minister within the legislation. The interim chairman of the Committee a Mr. David Yencken however pushed for the Commission to be free of ministerial control and I supported his position.

One aspect of the legislation was the establishment of a national register comprising those aspects of the built and natural environments which were most worthy of preservation. The Australian Heritage Commission Bill was introduced into parliament in May 1975 by Minister Uren. He described its broad aims as follows:

To set up an Australian Heritage Commission on a broad and representative basis to advise the government and the parliament on the condition of the National Estate and how it should be protected; to establish and maintain a register of the things that make up the National Estate, to require that the Australian Government, its department and agencies, and those acting on its behalf, respect the National Estate and do all that they can to preserve it.

In July 1976, the Australian Heritage Commission was established as an independent statutory authority. Its functions included: on its own motion, or on the request of the minister, to give advice to the minister on matters relating to the National Estate, including advice relating to action to identify, conserve, improve and present the National Estate; to identify places included in the National Estate; and to prepare a register of those places.

Today, the Register of the National Estate has over 13,000 places on it. In my electorate of Grayndler, there are a number of places on the register. There are great civic buildings such as the Leichhardt Town Hall, the former Marrickville Town Hall and the former Annandale council chambers. There are local schools such as Annandale North Public School, Leichhardt Public School, Summer Hill Public School and Dulwich Hill High School. There are churches such as the former St Andrew’s Presbyterian Church in Leichhardt and St Peter’s Anglican Church and its graveyard. There are post office buildings such as those at Marrickville and Annandale and the one which used to be the post office at Summer Hill. There are other places of significance which are very diverse: the Golden Barley Hotel on Edgeware
Road in Enmore, the Leichhardt civic precinct, the Yeo Park band rotunda in Ashfield and even the Johnstons Creek sewer aqueduct in Annandale.

The main weakness of the Australian Heritage Commission Act 1975 really came about because the Commonwealth was not sure of its powers to enact legislation to completely protect these places of historical significance. Being listed on the Register of the National Estate does not of itself provide any real legal protection to a place unless the proposed action is being taken by the Commonwealth. Even then, the Commonwealth can take adverse action if it is satisfied that there is no feasible or prudent alternative and that all measures have been taken to minimise the adverse impact. There are no civil or criminal penalties for breaches of the act. The commission has no power to direct private owners or state or local governments on actions that might affect a place on the register. This is because, at the time the legislation was enacted, it was thought that the Commonwealth did not have the constitutional authority to enact these provisions. We now know that is not the case.

Despite its limitations, the 1975 act has been extremely effective in protecting many places from development activities. Most state heritage regimes have concentrated on protecting the built environment rather than heritage sites in natural areas or Indigenous areas, so the 1975 Commonwealth legislation has been able to afford some protection—albeit within the limitations I have outlined—to those places not covered by state legislation. Over the past 25 years, there have been calls from a number of interests, including resource development industries such as fishing and mining, to significantly weaken the Commonwealth legislation affecting places in natural and Indigenous areas. Reducing Commonwealth protection for such areas would have left them without that limited Commonwealth protection. It is now an appropriate time to strengthen Commonwealth heritage laws. To date, however, the present government has been unsuccessful in formulating a revised comprehensive national heritage regime. In April 1999 the then minister, Senator Hill, issued a consultation paper entitled *A national strategy for Australia’s heritage places*. The strategy required rationalisation of existing state—Commonwealth arrangements and therefore amendment to some states’ legislation. The senator could not get agreement from the states, and this strategy collapsed.

A package of heritage bills was introduced in 2000 and it was periodically debated in the Senate during 2001. This original package of bills did not even reach this House—the people’s house, the House of Representatives. These bills’ main proposals were to abolish the Australian Heritage Commission, to establish an Australian Heritage Council, to abolish the Register of the National Estate and to establish two new lists: a National Heritage List and a Commonwealth Heritage List. The Commonwealth Heritage List was to contain places of heritage value in Commonwealth areas and the National Heritage List was to contain places of national heritage value that are not in Commonwealth areas. Another main proposal of the bills was to offer more comprehensive protection against destruction or significant damage to those places listed than was available under the 1975 act. For the National Heritage List, it was proposed that Commonwealth agencies would be bound, with the threat of fines, not to take any action that would have or would be likely to have a significant impact on the heritage value of a place. Individuals and corporations were also bound, with similar threats of fines and in some instances jail, where the place was a Commonwealth place or one where the Commonwealth has obligations under the international biodiversity convention or where the place has Indigenous heritage values.

It was also proposed to vest with the minister the decision making power as to whether or not to list a place. This was a significant change because it was about taking away the power from the council. That was a main area of concern. There was no guarantee that places on the Register of the National Estate would be listed on the National Heritage List and the Commonwealth Heritage List, and for those places likely to be listed it would take some time for assessment and listing processes to be completed. Places
not on the lists would not be afforded any Commonwealth protection. This was particularly troubling for places of significance to Indigenous people, which in some states are not afforded protection under state legislation. But the biggest area of concern was that the decision to list a place should be independent of the minister and party politics.

These concerns remain with the present bills. These bills were introduced into the House of Representatives in June this year. Like the previous bills, the new bills seek to abolish the Australian Heritage Commission and to establish an Australian Heritage Council and two new lists: the Commonwealth Heritage List and the National Heritage List. There are some good proposals as part of this. Unlike in the previous bills, the Register of the National Estate is retained. Like the previous bills, the new bills introduce legal protection for heritage places listed on either of the two new smaller lists. They provide protection for national and Commonwealth heritage places outside of Australia—an example would be Anzac Cove. They ensure greater responsibilities for Commonwealth agencies in relation to Commonwealth heritage places that they intend to sell or lease. And they do ensure greater accountability of the environment minister and relevant Commonwealth agencies.

But the legislation still very much comes up short. The only way that places can obtain legal protection is by becoming listed on one of the new lists. Like the earlier proposals, the decision whether or not to list a place on one of these two new lists is to be made by the environment minister rather than an independent council or commission. In his submission to a Senate committee on the introduction of the 2000 bills, the inaugural chair of the commission, Professor Yencken said:

The decision to include or not include and to remove places from national registers or lists should be vested in an independent professional body not in the Minister. For 25 years the Commission has had this responsibility. In Victoria under a coalition government the Heritage Act was amended to transfer the responsibility of listing from the Minister to the Victorian Heritage Council with appropriate safeguards, despite the fact that the protective provisions are much stronger in the Victorian Act than under the proposed national legislation.

It is very significant that you had a Victorian Liberal government doing the right thing, not being frightened of the independence of a body to list and to protect our heritage. But here, this government is determined to control, in a political fashion, the process, the outcomes and the functioning of this heritage legislation. Professor Yencken went on to recommend:

The new council should retain the current functions and powers of the Australian Heritage Commission. It should have the scope to act of its own motion related to listing, advice, education, training, promotion and research as under the Australian Heritage Commission Act. There should be provisions in the bill to ensure ... that the Council will be independent and not subject to undue political or bureaucratic influence. Decisions to list or not to list should remain the responsibility of the council.

These recommendations were supported by the Australian Conservation Foundation, whose submission stated:

Listing is a technical decision, not a political decision, and needs to be based on clearly defined and specified criteria. It is a decision in which the Minister should be seen to be at arm’s length and one for which the Australian Heritage Council should be publicly accountable through a public appeals process ... it is very important that there is a clear separation of responsibilities between listing decisions as against management decisions or political decisions.

I fully endorse the comments of both Professor Yencken and the Australian Conservation Foundation. There are other problems with the bill that Labor’s amendments seek to address. The government is pursuing its proposal to remove the tax deductible status for gifts of land and donations to the Register of the National Estate. The government wants share options for corporate executives to be tax deductible, but not philanthropic donations to preserve our natural and built heritage. The bill also proposes to limit heritage protection to the values of a place rather than the place itself. The implications of not transferring all Commonwealth places onto the proposed Commonwealth Heritage List are very dangerous for places like the Geor-
ges River in Sydney, Myilly Point in Darwin or Point Nepean in Victoria.

I pay tribute to the role of the shadow minister, Kelvin Thomson, who has shown real leadership on these issues and that he would be an outstanding environment minister. He has indicated that if Labor’s amendments are not carried we will vote against this bill. It is a shame that this debate has gone almost full circle and that we are forced to re-argue these matters of independence for the supreme national heritage body that were discussed and debated at length before the inception of the 1975 act.

It is typical of the political perspective of the current government that, in its attempt to improve and strengthen worthwhile institutions, it has put forward proposals which are reflective of a move backwards. Labor are committed to the preservation of the Australian Heritage Commission and its fine work and we are concerned to see that it is given the legislative tools it needs to strengthen its independent authority. It is only then that we can be confident that the innovative vision of people like Tom Uren and the first commissioner, David Yencken, can be truly realised. I urge the parliament to support Labor’s amendments to this bill. (Time expired)

Mr JENKINS (Scullin) (9.01 p.m.)—As has been outlined earlier in this debate, one of the things that we can at least celebrate when we discuss the Environment and Heritage Legislation Amendment Bill (No. 1) 2002 is what the Whitlam government set up and how it made us more aware of the need to protect the national estate and our national heritage. Many contributions from this side of the House have acknowledged the work of Tom Uren as the responsible minister. But I think the point is that, as we move towards the 30th anniversary of the election of the Whitlam government, we can pause at this time and look on this area as one of the major achievements of the Whitlam government. I make no apology that I describe myself as an unreconstructed Whitlamite. I think that many of the things that were done by the Whitlam government, in what can now be seen as just a brief period, have withstood the element of time that sometimes brings things like that asunder.

We have had the review of the way in which we put in place protection of the National Estate and of our national heritage. As with so many items of public policy, this is an area where we are confronted with the difficulties that our federation presents us with. We see the Commonwealth government with a legal and regulatory regime for the protection of heritage values but we also see legal and regulatory regimes at the state and territory levels. Therefore, as part of the COAG agreement to do with environment and heritage, we have moved to put in place a new regime. As has been outlined throughout the debate by my colleagues on this side of the House, while we acknowledge that there are a number of positive items in these three pieces of legislation, we still have some overriding concerns that, in putting in place what is a truly national effort, we are going to in some forms diminish our ability to protect our Australian heritage.

I would like to mention a few of the deficiencies in the present legislation. The Australian Heritage Commission is to be replaced by the Australian Heritage Council, which is an advisory council with limited functions. The proposal for the new role of the council is a significant downgrade from the role of the commission that it replaces. Currently, the commission’s role includes the ability to identify places to be included on the Register of the National Estate. The new council will operate as an advisory body under ministerial direction. At present, the listing of heritage places is based on an independent, technical, merit based assessment undertaken by the Heritage Commission. Under these pieces of legislation, the responsibility for the final listing will lie with the minister responsible. Throughout the debate there have been examples of worries that honourable members have about the way in which political interference will be a cause of concern.

A number of bodies have indicated their disquiet with a number of the features. The National Trust has indicated that while they had six issues earlier in the year that were outstanding, three of them have been addressed but there still are three issues that cause concern. One is that the legislation...
before us does not talk about protection of place and values but, rather, just the heritage values of the place. They also had concern about ensuring that there was absolute transparency in the making of the listing decisions. One of the failures of the proposed system is, as I have said, the ministerial decision making process.

Also, there has been a concern about the need for the broadening of the definition of action that would trigger consideration under the legislation. One of the things that we believe should be considered is that the definition of action should be broadened to include the disposal actions and grant actions. At present, the Australian Heritage Commission is alerted to the planned disposal or sale of Commonwealth property by Commonwealth agencies. Regrettably, the proposed legislation does not effectively cover the disposal of properties that are not already heritage listed and where the heritage value of the place has not been identified. Other concerns are the way in which the trigger for action would intermesh with any funding or grants that might be attracted and whether the proposal that was being put forward would also see protection of the heritage measures.

There will be two listings added to the existing Register of the National Estate: the Commonwealth Heritage List and the National Heritage List. One of the real problems at the moment is that there are something like 13,000 places currently on the Register of the National Estate. We are entering a period of uncertainty about how many are likely to be included in the new lists. The other uncertainty is whether the minister would be able to recognise any need for the Commonwealth to act if the state and territory regimes do not put in place appropriate regimes to protect those places that remain on the Register of the National Estate.

Throughout the debate, there has been reference to the Whitlam years, specifically the Report of the National Estate, which came out of the so-called Hope inquiry, chaired by Justice Hope. In preparation for this debate, I referred back to the report. This report has actually stood the passage of time: it is a snapshot of Australia’s attitude to the protection of national estate proposals at that point in time but it is a discussion of values that are still very important and have currency. A nation’s heritage is something that develops. Part of the reason we protect places is that we recognise they have had some function in the way the nation has developed.

It is also important—as it was in Justice Hope’s inquiry, which went to the way we deal with Indigenous cultural aspects—that we ensure through this legislation that there is continuing protection and recognition of the important role that Indigenous culture plays in the development of an Australian identity. It is important that we see the heritage of the shorter period of European occupation of this island continent as a continuum. It is not something that finishes; it is an incomplete thing that we should keep an eye on. We should develop our recognition that there are important events in the nation’s history that should be recognised.

Locally, there are many places that are already on the Register of the National Estate. I am not sure that any of them will attract listing on the National Heritage List. Still, in the context of what we have developed, they are important. They are areas such as Westgarthtown, where there are several places that have been placed on the Register of the National Estate: the original Lutheran church and a number of farmhouses, such as the Graff farmhouse and the Ziebell stone cottage and barn. This is a collection in the area of the modern suburb of Thomastown, where a number of Wendish people came when they came across to Australia. They settled in the northern suburbs of Melbourne and quarried the bluestone to create their farmhouses, buildings and church. Regrettably, the school that they built is no longer there. We can see, even in this pocket of suburbia, a very important aspect of the cultural development of Australia. Descendants from Westgarthtown and the Wendish people still live in the local area; they still contribute to the way in which the modern suburbs develop. They were part of the modern history of our local area. There are other places of great importance to the industrial development of the area—not just the rural devel-
development. Later on, different things like articulated water and dams were very important to the way Melbourne was able to develop into the metropolis that it is now.

We have other items that attract attention. I think it was last year or late the year before when it came to the attention of Whittlesea council that a farm known as Fairview Manor in South Morang, which is inside an area under the ownership of Parks Victoria, was to be demolished. Two years ago, the significance of Fairview Manor was not really well known. In fact, I think it is very fortunate that people were able to campaign to at least get a stay of execution for the demolishing of the buildings, so that the community could be made more aware. I must admit that at the time perhaps I could have been described as a doubting Thomas about the value of this property. But a heritage study that has been done about the significance of what is now known as the Farm Viganò indicates that its regional significance lies in the unique type of structure that the farm buildings represent—the way in which they are set in the landscape and natural setting. Its significance to the state is because of the families that lived there. The Viganò family and the O’Donnell family—Mietta O’Donnell being a notable member of that family—had great influence in the way the restaurants of Melbourne developed. Farm Viganò was a place where the families came together. They were able to display a great sense of their cultural identity, and they were trying to implement change upon the wider Australian community.

The real significance of this is that, before we talked in terms of multiculturalism, this was practical multiculturalism. It was giving it a base and giving it an identity. When we remember that the Viganò family only purchased the property in the 1930s, we realise that the importance of this place is that it represents an example of a place where people came together and, through discussion and through going about their lifestyle, were able to greatly influence what up until then could probably best be described as a monoculture: an Anglo-Celtic tradition. This was the first example of widening that and sharing with the wider community.

When we look at all these aspects it is very important that we acknowledge this is a developing area. We should not think that we will ever be able to draw a line across the bottom of any heritage list; it should always be something that we can develop. It is important that we do not put in place a legal and regulatory regime that would diminish our ability to protect important places and aspects of our heritage. If you look at the register at the moment, you see that there are different things even in the local area. The examples that I gave included built heritage sites and natural heritage sites such as grasslands which have survived even within suburbia and which include remnant kangaroo grasses of great importance.

Earlier in this debate there were a number of mentions of what is likely to be one of the great heritage battles of the near future, and that is the protection of Point Nepean. It is very difficult at this time, in the run-up to a state election, to take the politics out of the equation. In simple terms, some people wish to see this as a barney between a state government which is not willing to do anything and a Commonwealth government which, if you believe some of the contributions from the other side, is being virtuous. Let us go through what we actually confront in trying to deal with Point Nepean. This site has aspects which cover a number of the different heritage considerations we will be using in the future to look at placement on the Commonwealth list.

The site has considerable natural, Aboriginal and historic significance. It contains a number of undisturbed coastal resources; different geological and geomorphological features; undisturbed remnant coastal heath vegetation; one of the world’s last remaining mature moonah woodlands; and the habitat of a large number of different species of insects, frogs, reptiles, bird and arachnids, including the rare Victorian spider Hadrontarsus fulvus, the long-nosed bandicoot, echidnas and black wallabies. This site also contains a known breeding ground of the Dominican gull, which is in Port Phillip.

There have been 19 Aboriginal sites identified. These sites are typical examples of coastal shell middens, which reflect rocky
platform food gathering over the past 6,000 years. In historic terms, this is the site where Robert Brown—a botanist with Matthew Flinders on his voyage to Australia in 1802—collected some of the earliest specimens of Victorian flora. It is the location of an early settlement in Victoria dating from 1843. Pastoral, agricultural and limeburning activities were carried out on the site. It was the site of the first permanent quarantine station in Australia, dating back to 1852.

From that brief description you can see that this is a very important piece of land. In 1952 the defence department brought the Nepean Peninsula site for £1 an acre. The current value of the land is estimated at between $500 million and $1 billion. The Parliamentary Secretary to the Minister for Defence, who was here earlier, committed earlier this year to a major public consultation with the local community. In March this year the Victorian government was offered the land by the Commonwealth plus $4 million for the restoration of heritage buildings but not offered funding for the removal of unexploded devices and the clean-up of chemical contamination.

It is not surprising that the Victorian government rejected this offer and made a counter-offer indicating their belief that they would require $35 million to clean up the 311-hectare Defence site before it was handed over. I think these are important things. The Commonwealth does have a responsibility to clean up its sites. I think it is agreed that this site should be protected. I hope that the local campaign to have it protected is successful. The Commonwealth has to acknowledge that it has to play a role in ensuring that, when previous Commonwealth sites are handed over to a regime to protect, they do not have unexploded devices and the like still on them. As has been indicated, the opposition will be proposing a number of amendments during the consideration in detail stage. These amendments are required for the opposition to support the legislation.

(Time expired)

Ms HOARE (Charlton) (9.21 p.m.)—I rise to speak on the Environment and Heritage Legislation Amendment Bill (No. 1) 2002, the Australian Heritage Council Bill 2002 and the Australian Heritage Council (Consequential and Transitional Provisions) Bill 2002. These bills represent a major overhaul of the current protection, conservation and management of heritage in Australia. The current regime, which is based on the Australian Heritage Commission Act 1975, has been highly regarded internationally and represented world’s best practice when it was introduced in 1975, as we have heard, under the leadership of the honourable Gough Whitlam, former Prime Minister and national treasure. However, it is generally accepted that the bills are now outdated and in need of an update.

These bills use the existing Environment Protection and Biodiversity Conservation Act 1999 framework to establish a national scheme for heritage assets and replace the Heritage Commission with the Heritage Council. The stated objects of this bill are:

- To establish a Commonwealth heritage regime that will focus on matters of national significance and Commonwealth responsibility;
- To list places of national heritage significance in a National Heritage List using a process of community consultation, expert advice and ministerial responsibility;
- To protect and manage places in the National Heritage List;
- To list places in Commonwealth areas with heritage significance in a Commonwealth Heritage List using a process of community consultation, expert advice and ministerial responsibility;
- To advise Commonwealth agencies on actions in relation to places in the Commonwealth Heritage List; and
- To provide for the management of places in the Commonwealth Heritage List.

The bill is presented in conjunction with the Australian Heritage Council Bill and, together, the bills replace the Australian Heritage Commission Act 1975.

As has been mentioned, Labor have quite a few concerns with this legislation and we will be moving amendments to address those concerns. I will, of course, be supporting the amendments which will be moved by the member for Wills. We have 10 key issues concerning these bills, including: the downgrading of the organisation from being a heritage commission to a heritage council,
the definition of ‘action’ within the legislation, the question of who decides to list in the legislation, the management plan and heritage strategies, the protection of Commonwealth heritage places which are sold or leased, the protection of places or values, and the interim arrangements for heritage protection.

One of the major deficiencies of the current bills is that once the legislation comes into force no places will be listed in either the Commonwealth list or national lists. Indications are that something like six places a year will be added to the list, compared with the current number of about 13,000 on the Register of the National Estate. That is one issue which I will be pursuing further in this discussion. We are also concerned about the income tax amendments for tax deductibility, the telecommunications legislation and the criteria to be considered in relation to an application for a facility installation permit, and Indigenous cultural heritage issues. We hope that the government supports the amendments, which will ensure that the status of heritage sites in my electorate and in all electorates right across the country are not jeopardised. The reasons for my concerns will be made clear when I outline some of the unique sites with special characteristics which are in my electorate of Charlton.

As I have stated, the Australian Heritage Commission was established by the Commonwealth in 1975 to raise heritage awareness, improve conservation practices and protect the National Estate. The National Estate embraces those parts of Australia’s natural and cultural environment that have a special value for current and future generations. The commission compiles the Register of the National Estate, which now comprises more than 13,000 places around the nation.

The heritage of our nation has evolved from places and events which comprise Australia’s natural and cultural history. Purdie and others in Australia state of the environment 1996, from CSIRO Publishing, state:

“Our natural heritage is the physical landscape—the biological and physical elements such as plants, animals, mountains, rivers, deserts and oceans. This landscape is also imbued with human associations, stories, myths, personal histories and emotions.” Aboriginal and Torres Strait Islander people and later settlers have helped to shape our physical environment and left tangible evidence in the form of archaeological remains, material objects, structures or remnants of infrastructure. They also left an intangible legacy—the stories of places and people, the meanings attached to places and objects and cultural practices and traditions. This cultural heritage, which provides the fabric, context and web of history, is as much a part of the Australian environment as our natural heritage.”

Environment Australia’s web site outlines different types of heritage places. It points out that many are important for their natural heritage and that others are important because of historic or Indigenous reasons. It also points out that some places, such as Uluru, are important for all of those natural, historic and Indigenous values. So there are different types of heritage—natural heritage, Indigenous heritage and historic heritage—and there are some special regions within the continent of Australia.

The city council which covers most of my electorate of Charlton is the Lake Macquarie City Council. It has a cultural heritage program which is outlined in its web site. The site talks about the value of cultural heritage and how it contributes to the quality of people’s lives in diverse ways. It states:

Heritage items enrich people’s sense of history and their sense of place. Continuing links with Lake Macquarie’s past history helps maintain the distinctive character and the heritage of the City.

Further:

The first culture to exist in Lake Macquarie was the Awabakal Tribe. A wide variety of artefacts, engravings and sites remain in the area as evidence of this tribe’s inhabitance in Lake Macquarie. These remains form the Aboriginal heritage of Lake Macquarie.

Non-aboriginal heritage consists of structures built by Europeans since their arrival in Australia. There are about 75 significant heritage buildings and approximately 31 significant heritage landmarks in my electorate of Charlton. Many of them are familiar to me, my constituents and the people who live in our region, and many people would have memories of one or more of them. Some of
the landmarks which have significant heritage value include: local baths, as Lake Macquarie is the largest coastal lake in the Southern Hemisphere and has many bath areas around its shores; private cemeteries; bridges; golf courses; a canine club showground, which many families would have gone to; Christian statues; and wharves. As we have heard from other members speaking about heritage sites in their own electorates, heritage buildings include: hotels, post offices, golf clubs, the first store of a particular town, churches, police stations, and in my electorate even a couple of major shopping centres which have historical significance because of how they evolved from their first stages.

I was quite interested in delving further to see why a fairly new major shopping centre at Glendale in my electorate was listed as a heritage site. Delving into it a bit, I found out that the first cottage to be built at the Crossroads at Glendale, which is where the major shopping centre is now, was erected from the remains of the West Wallsend Co-operative Store. The old wine bar in the middle of the Crossroads was built in 1911, with a Mr. Brown as the first licensee. It was demolished in 1969. More recently, a $26 million retail shopping centre was built by Dalgety Australia and Hooker Retail Developments, and the site required rezoning. There were some appeals against the rezoning, which failed, and the shopping centre went ahead. The heritage significance of that particular site has now been recorded forever.

The other major one was the Charlestown Square Shopping Centre. Its heritage value is more about the growth of the commercial area of the town. Charlestown, in 1877, had 30 to 40 houses. By 1879, it had a post office, three hotels, a school of arts and several stores. The government savings bank opened in 1879. By 1883, it had a mechanics institute and two churches. The townspeople advertised for a doctor in 1885. The first picture theatre, named the Renown, was built in 1928. Charlestown Square itself was opened in 1979. This is another example of how heritage sites can evolve.

Another major heritage site in my electorate is the Morisset Hospital. Morisset was one of the largest psychiatric hospitals in the state, situated on the lake’s shore several kilometres from the town. Thirteen hundred acres of land were reserved for the hospital in 1900 and, by 1909, one ward had opened and contained 78 male patients. By 1954, the hospital had 16 homes and 1,389 patients of both sexes. It includes wards for alcoholics, drug addicts and the criminally insane. As with most projects, its heritage is protected due to the efforts of a handful of committed local community members. Following a successful reunion of former staff of the hospital in 1997, a historical committee was formed to preserve the heritage of the hospital. The committee rightly believed that it plays a significant part in our community and in the advancement of the treatment of mental illness in Australia.

The committee’s goals include publication of a book on the history of the hospital, the establishment of a museum and the preservation of the hospital’s main hall, which could serve as a community function centre. Of course, they are seeking sources of funding for the projects. They have restored the lantern which originally stood in front of the hospital’s main hall, at a cost of $5,000. It is made of copper and curved glass and was, of course, originally gas-lit. The lantern itself is over a metre in length. The original lamppost is still on the site. As I said, community members banding together to ensure that sites of historical significance in our regions are protected are really the people that need to be applauded when these sites are saved and protected. The sites then continue to be protected, and they are a source of cultural significance within a community and a source of cultural education for those generations who will come after us.

Another major heritage site in my electorate which members would be familiar with is Dobell House in the suburb of Wangi Wangi. The former art studio and home of the world-famous Australian artist Sir William Dobell was entered on the premier heritage list in October 1999. Peter King, chair of the Heritage Commission at the time, said that it received heritage listing: ... for its historic and social significance as the studio and home of this great artist.
He went on to say:

The property, which Dobell’s father built as a weekender in the early 1920s, reflects the way in which people from industrial centres such as Newcastle and Cessnock used Lake Macquarie for recreation. The artist—Sir William Dobell—adapted it as his country studio from 1942, living there permanently from about 1950 until his death in 1970.

Again, the saving and the protection of William Dobell’s home at Wangi Wangi on Lake Macquarie is a tribute to the commitment and hard work of a handful of community members who recognised the significance of Sir William’s home and worked tirelessly to have it saved, protected and kept for future generations.

Another site which people would not know about but which I am happy to talk to you about is the Boolaroo Post Office. This came to prominence a couple of years ago when Boolaroo celebrated its centenary and put out a centenary issue of the Boolaroo Bulletin. That was in 1998. The issue talked about the history of the town and the way that the town has evolved and grown up. The Boolaroo Post Office came about because Mr J.W. Findlay, who owned a store at Boolaroo, in 1899 wrote to the department:

... requesting that a receiving office be established at Boolaroo, at his store as he was a licensed stamp vendor. It was declined, as there was an existing post office at the Cockle Creek Railway Station. As the population expanded in Boolaroo, it was approved that an official post and telegraph office with full facilities should be opened. The building was completed in January 1901 and opened for business 1 March 1901.

The first postie was a Mr Frederick Hindley, who walked 11 miles a day, until he was granted an allowance for a horse and feed. This particular bulletin, from 1998, goes on to say:

For the past two years the focal point of all postal and banking needs has been well serviced by Carol Springall, Postal Manager, who owns and operates Boolaroo Licensed Post Office in Main Road. Carol opens early and is dedicated to her business, working long days, yet still finding time to be the Secretary of the BoolarooSpeers Point Chamber of Commerce. Although there may be automatic teller machines in town, they won’t smile and find time to be friendly—like Carol!

I think that, even though people might not know Boolaroo, they would have similar stories in small communities in their own electorates.

There are a couple of areas for which the community will be pursuing a place on the heritage list. Recently, in July, artefacts dating back to the late 19th century were found in the West Wallsend-Holmesville area of my electorate. They were fairly significant artefacts relating to European habitation. So that will be pursued. You would be aware also, Mr Deputy Speaker Price, that last month Pasminco decided to shut down the Cockle Creek lead smelter. It has been in the area for a hundred years. There would be significant heritage value to parts of that operation. I call on the government to accept our amendments. (Time expired)

Mr HATTON (Blaxland) (9.41 p.m.)—I rise to speak on the Environment and Heritage Legislation Amendment Bill (No. 1) 2002, the Australian Heritage Council Bill 2002 and the Australian Heritage Council (Consequential and Transitional Provisions) Bill 2002. We are dealing with an interesting set of bills in this cognate debate. The Environment and Heritage Legislation Amendment Bill (No. 1) 2002 could have been the same as the bill of 2000, except that the Senate spent most of 2000 debating it and it did not get to the House before November 2001. We are finally dealing with this bill, which took a great deal of time to find its way through the other house. We are also dealing with the Heritage Council bill. The chief significance of this bill is that the government—which loves to rebadge things—has renamed the Australian Heritage Commission the Australian Heritage Council. This is not, one would think, one of the great strides in government activity, but it is certainly one consistent with a government that from the start—from the beginning of 1996—has spent a great deal of time rebadging. The government has done this in the natural heritage area, in the environment area, with a package which the new Minister for the Environment and Heritage today heralded as a
great and wonderful and unexampled piece of legislative action.

If you looked at all the elements of Labor’s packages relating to the environment, over the 13 years that Labor was most recently in government, you would see that a bit more money was spent. In the first year of operation of this government’s package, $84 million more was provided for the environment, but the trade-off was that one-third of Telstra was flogged off. What kind of trade was that—to flog off one-third of the biggest business that the government owned in order to repackage an environment policy with an extra $84 million on top as a once-only occurrence? For more than six years now, the government has trumpeted this as an unprecedented series of changes—one that no government in the history of the Commonwealth has made and one that should be looked up to as an example by governments all over the world. The view is trash. We on this side of the House know that the view is trashy, propagandist and opportunistic and has relatively little value; likewise, the renaming of the Australian Heritage Commission from ‘commission’ to ‘council’. Do we really have to waste the time of this parliament on this sort of nonsense? Now that the commission has been renamed, we are having the third part of this cognate debate on the Australian Heritage Council (Consequential and Transitional Provisions) Bill 2002. I have to tell you, Mr Deputy Speaker Price, there ain’t much in that, because when you change your name from commission to council—the consequential and transitional provision elements of it—there is not all that much to do.

But some significant things are happening within this legislation, because since 2000, when it was first presented in the Senate and debated laboriously during that year and the next, there have been a number of significant changes. There are also a number of significant constants, and it is the constants that I essentially want to go to, but they are better left to the second part of this speech. The core of what I want to point out initially is where we were previously—apart from the fact that the government filched most of our environmental programs and rebadged them, and then sought to gain political capital from them. We have had T1 and T2. Guess what? They are trying again with T3. And who are they talking up? Senator Harradine, Senator Brown, Senator Lees and the rest. A lot of it is about what they might do for the environment on a one-off basis: how you might solve the problems of the Murray-Darling, salinity, water throughout Australia, home gardening, the wet tropics, beautifying the deserts and anything else you can think of. All of those things cannot be done with $32 billion or $35 billion, and you certainly could not get that sort of money even if you did flog off Telstra.

The Prime Minister—a latter-day convert to the realities of the market—has had it as one of his core aims to flog off something he sees as an essential sin and almost, even though he does not share the same faith, an original sin: the fact that the Commonwealth government owns an entity as great and monopolistic as Telstra. Their great sin—not just venial, but original, because they are the only ones who have done it—has been to take a public monopoly and try to turn it into a private monopoly. They have half done it by selling 49 per cent of Telstra and now they want to sell another 49 per cent. But the underlying sense here—we have already put out feelers with regard to this—is that Mr Packer and Mr Murdoch do not need 49 per cent of anything. Fifteen per cent or so would do them very nicely, thank you; with 20 per cent or maybe even up to 30 per cent they would monopolise the communications and telecommunications entity, and they would love that. We can guess that this legislation may be partly associated with the temper of the times—maybe to try to buy off the Senate.

What has the government done from 2000 to 2002? They were successful in conning the electorate over the sale of Telstra. We remember what happened before the 1996 election. The Prime Minister, then the Leader of the Opposition, and his crew came up with this idea: ‘If you sell off a bit of Telstra’—they always wanted to sell all of it, but they told us at the time that it was only a bit—’the big trade-off is what you can do for the environment.’ They have not only discovered the
environment, but now they think they have discovered heritage—and maybe a way to pare it back. The 2000 bills dealt with the independence of the council from the environment minister—that was a key question—whether the environment minister or the council should make the decisions about listings on the Commonwealth Heritage List and the National Heritage List; what the future of the Register of the National Estate should be; how places that do not get onto either the National Heritage List or the Commonwealth Heritage List should continue to benefit from some form of protection; and, last, what the relationship between the bills and protection of Indigenous heritage should be.

This set of bills sets the government’s program in firmer concrete. It may be a bit fluid, but we will see what happens when the legislation finally gets through. But the concreting of their ideas runs to this: the first major proposal is that the Register of the National Estate should retain its statutory identity. So they have crumbled in terms of that, and there is some solidity with regard to an independent approach. Secondly, the council may undertake assessments of places for potential listing on its own initiative, as opposed to needing ministerial direction to do any assessment. Isn’t that a shocking thing in terms of Commonwealth activity: that a national heritage council can actually initiate things itself instead of being bound by what the minister of the day might choose to do! The council also has an enhanced role in advising the minister. The council’s position is different from what it was before: it is enhanced and protected, and the minister is in a relatively weakened position. Whether it would operate this way in practice, of course, is something else—as we know from past experience. Thirdly, national and Commonwealth heritage places outside Australia are protected—such entities as our embassies and so on, I imagine. The agencies have more bureaucratic controls on them: they have to put a better case if something is going to happen to places under their control. At the moment, 13,000 places are on the Register of the National Estate. That is a lot. Some people would argue that we should have a hell of a lot more: all of those people from Sydney who remember, from their childhood—and, depending on how old you are, you will remember more or less of it—the brilliant sandstone buildings we had in Macquarie Street that were lost to the ravages of developers. We know that those places are irreplaceable and that what is left is precious and of significant heritage quality. But we also know that, for those 13,000 places, the legislation currently before us retains the environment minister as the decision maker. He makes the decisions as to whether something is to be included on the national and Commonwealth heritage lists, and it is up to the minister—and it can be up to the departments—to determine whether things can be taken off the heritage lists. That power has been there before, but a much broader version of it is given to the minister and the departments under this legislation. It is the key intention of this legislation whittle down those 13,000 heritage places.

In some ways, I think that may not necessarily be a bad thing. This may be contrary to the way a number of other people think, but if you look at some of the examples, extraordinary as they are, of what has happened in the national heritage area—some of those in my experience whilst in this parliament and some whilst outside—you begin to wonder about the power of the simple listing for heritage and the role of the entities that have that power.

Whilst I was on public works, in the area of Maribyrnong in Melbourne, we dealt with the question of what was to happen with the former Commonwealth ammunition works at Albion. Because of the intensive nature of the work that was done there, there were a lot of problems with renewing the area and getting rid of all those elements which had essentially poisoned the area. But there were
also some significant natural heritage features. One was a series of stone walls that stretched from one end of this enormous property to the other and had some value in that it was one of the few examples in Melbourne of old stone wall building without mortar. Certainly, that had its place, but you have to argue whether all of that should in fact be retained or whether it could not be retained in part and the rest used for other purposes.

Similarly, there was a series of ammunition bunkers. The Heritage Commission actually argued—and won—that these ammunition bunkers, which were large, single buildings, should be retained. It was a bit of a problem that those heritage bunkers, standing in the middle of hectares of land, had asbestos roofing that was in fact corroding. The future use of this area was expected to be as a play area for children; the retention of the bunkers created a situation where those children could be imperilled. If you do not think it right through and have a serious rationale for what heritage should be retained, you have a problem.

There are similar problems with Cockatoo Island, which has had a vast number of uses over time. If you take the argument to the extreme, every individual activity ever undertaken on Cockatoo Island should be pickled in aspic. There should be some cleaning up of the site, but if there were wharf activities—activities involving work on ships and so on—it should be left as it is and preserved, and the cost to the Commonwealth, to the people of Australia, should be borne to keep past usages in practice. I find this very difficult to understand, not in terms of the extremeness of the argument but in terms of the nostalgia that underlies a great deal of the argument—the fact that people think old things simply should be retained.

We have seen the fashion for that nostalgia rip right through Sydney, New South Wales and other places in the form of facadism—the notion that, if you want to build a new building, you have to keep the old exterior no matter what its aesthetic or architectural values are. We have some wonderful examples in Sydney of some really rotten buildings—rotten in their time, when they were put up—that were retained simply because they are old and because they are not built that way anymore. They probably should not have been built in that way then. We do not have enough great buildings but we have a lot of pretty inferior buildings that have been kept simply because of the perceived value that if it is old it is nostalgic and therefore it needs to be kept. We need a better balance between form and function and between past use and potential future use.

Other places have faced this sort of problem. When the Great Fire ripped through London in 1666, there was almost a competition between the great architects of the time as to how to rebuild London, and grand plans were put forward, including one by Christopher Wren, basically to turn London into Paris. Why London is not now Paris but rather London as it was prior to the Great Fire is because people owned the tracts of land and just rebuilt. There was no replanning, forward planning or rejigging to build in a new and different way, and there was no looking at the amenities of the city for the people. That opportunity was not taken because of the way in which people owned and retained that land. We have seen that in a number of different places.

There is a new heritage industry operating in the city of Rome now. It has always been a place that people go to look at some of the great buildings of the world, such as the Colosseum and the very few elements of the Roman forum in front of Palatine Hill that are still in existence. A number of new museums have been pieced together from a lot of the hidden things in Rome. The one substantial building of great antiquity that is still there is the Pantheon, but it is hard to look at other buildings. For example, to look at Nero’s golden palace you have to go down about 30 feet because it has been buried under the usages of centuries and now millennia.

How to balance the way in which people use the buildings and the facilities around them, the most appropriate ways to do that and the fact that the current generation actually has to pay for the upgrading and maintenance of our heritage buildings are questions that need to be very closely looked at. There
are some good examples of heritage buildings that have been retained simply because they have the heritage stamp. It does not make sense to me to retain an old, broken-down fibro laundry or a building that people were shipped into and that was used either as a laundry or bedroom area, simply because it had a certain function at one time. It does not make much sense to me to reconstruct the values and the place, as it existed in 1949 or 1952, and spend hundreds of thousands of dollars doing so when there is no continuing utility except for the memories that it has for certain people.

So it may be more appropriate, when we are looking at the preservation of our heritage, to use the tools and technologies that we have available to us—more powerful tools and more powerful technologies for preservation than we have ever had in the past—to recreate what has been lost. To have part of our agricultural heritage—whether it is simply agricultural machinery, old mills or old wheat silos—partially preserved and then put to other uses may not be as effective as actually putting together a multidisciplinary, multimedia recreation of the life of the mill, the town and the people as they were at a particular time in our history.

It may be more valid, when you look at a place like Cockatoo Island, instead of trying to pickle it in aspic, to keep it as it was through a variety of different uses over more than 100 years—to say, yes, there are heritage values in a particular place and, yes, it is possible in some ways to preserve them. But there has to be a balance in terms of cost, effort and utility to the community both now and in the future. It may just be that, instead of keeping the facade of a building or the facade of what we regard as the heritage item or the shell of the activities it used to house in the past, we could use our ability to record and to manufacture, through modern computer methods, an image of the way this actually worked as a living breathing part of a society, to better keep that as part of Australia’s heritage. Those moneys could be better addressed through the National Film and Sound Archive than necessarily through the approaches we have taken in the past. Having said that, the great danger in this is that it might rip out most of the heritage that should be preserved. (Time expired)

Ms HALL (Shortland) (10.01 p.m.)—The Environment and Heritage Legislation Amendment Bill (No. 1) 2002, the Australian Heritage Council Bill 2002 and the Australian Heritage Council (Consequential and Transitional Provisions) Bill 2002 are very important as they have the potential to impact enormously on our environment and our heritage. That impact will not necessarily be a good impact. When we are faced with legislation like the legislation we have before us today, it is really important that we examine it and look at all the implications that arise from it. It is after examining this legislation that I must say I have serious concerns.

The Howard government has attempted to make this legislation more palatable by rewriting and amending the original. Yet, even after revisiting it, we are faced with what I believe is very flawed legislation that will have the ability to impact on both our environment and our heritage protection. It is because of that that we really need to support the amendments that have been moved by the shadow minister to try to bring at least some sanity and some protection back into this legislation and to ensure that the legislation does what the people of Australia expect it to do, which is to protect both our environment and our heritage. This legislation is an outrageous attack on both the environment and our heritage by a government that has absolutely no commitment to either environment or heritage protection. Its record speaks for itself in that area. This is a government of and for business, that is prepared to sacrifice both our environment and our heritage if the price is right—the dollar rules.

I am passionate about ensuring that our environment and heritage are protected, and so are most Australians. Nothing says more about who we are as people and as Australians than these two things: our environment and our heritage. So much of the Australian myth and our Australian image is linked to both these things. No matter where you live in Australia, our environment impinges on our lives—be it through its harshness or its beauty. It is only by protecting and by re-
specting it that we can ensure a prosperous and a fulfilling future. I see that this legislation has the ability to impact on that and to create problems for all Australians in that area. Unfortunately, this government has failed to recognise this, and the legislation we have before us today is a testimony to that.

My passion for the environment is inspired by the beauty of the electorate that I represent in this parliament. Shortland electorate is a coastal electorate that lies between a series of lakes and the Pacific Ocean. These include Munmorah Lake, Budgewoi Lake, Tuggerah Lake and, of course, Lake Macquarie. Lake Macquarie, as I am sure all honourable members of this House are aware, is the largest saltwater lake in the Southern Hemisphere, and we are privileged to have it here in Australia. As such, I appreciate the impact that development and the disposal of land to the highest bidder can have on the environment. This is something that will become much easier if this government pushes through its draconian legislation, which will downgrade our environment and our heritage protection in a number of ways.

The stated objectives of these bills cover a number of areas. We need to look a little at the background to see what the legislation is about. It looks at amending a number of things that existed in the original legislation. One of the most important issues—or one of the things that I have most concern about—is the replacement of the current Australian Heritage Commission with the Australian Heritage Council. Currently, the Heritage Commission has the ability to act on its own; it has initiative and can instigate procedures. But, under this new legislation, the definition of action has been watered down. It is not as inclusive in the Australian Heritage Council bills as it is under the Australian Heritage Commission Act 1975. The new definition deletes references that concern the provision of funding by grants and the granting of authorisations, including permits and licences. That is a very important function that the commission has. In its proposed role, the advisory council would operate solely under the direction of the minister. That would impact on the independence of the council and diminish the effectiveness it had when operating as the Australian Heritage Commission.

I do not think we should accept these changes. I do not think the Australian people would be happy with them and I really have serious concerns about them, as do a number of members on this side of the House. The listing of heritage places has been considered a technical decision while the decision whether or not they should be protected has been a political decision. This legislation puts everything more in the political arena. The government now seeks to remove the independence of the commission to list a place based on technical merit, and it has given the minister the final listing powers. That is very much what we have come to expect from this government. The implications of this are enormous. It will impact enormously on the protection of both our environment and our heritage. When a situation arises where there could be a conflict between, first, the mighty dollar and the government’s friends in big business and, second, the protection and preservation of our environment and heritage, I know that under the Howard government the dollar will win every time. This really underpins a fundamental philosophical change, and this legislation gives teeth to that philosophical change.

This legislation is not supported by heritage and conservation organisations who see it for what it is, and that is the politicisation of heritage protection. That is something we have come to expect from this government in all areas; we have seen the politicisation of every aspect of government and life in Australia. In this case, the politicisation has the ability to impact on our self-perceptions, as I was talking about earlier—the perceptions we have of Australia and our linkage to our heritage, our past and our environment.

This legislation cannot be accepted, and I implore members to get behind the amendments that we on this side have recommended. We believe that the listing process should remain with the Heritage Commission and be used in the same way that it has been. Penalties under this provision will only arise
after a process which involves the minister’s approval. We have seen how even-handed this government can be when it comes to its actions relating to its friends, and I think those penalties would be administered in a very partisan way. That causes us great concern on this side. Even if the penalties were not implemented in a partisan way, the fact that it could be perceived that they could be implemented in a partisan way is enough reason for us to oppose this and to ask the government to revisit it and look at its implications. I really feel that the government is letting the Australian people down here, and I am sure it will try to hide it with its usual smoke and mirrors act.

The legislation also looks at some minor amendments that have been proposed to management plans, strategies and council functions. The minister must consult with the Heritage Council in preparing an advice for the purposes of that section. Once again, it seems like the minister is right there at the coalface with his finger in the pie. It could be insinuated that he will have the ability to influence the council, and I really do not think that is appropriate. The council should operate independently.

Everywhere I look in this legislation, I see that it is fraught with problems. Another part of the legislation that I am concerned about is the ability to protect Commonwealth heritage places that are sold or leased. Concern has been expressed by some groups that these parts of the legislation are open to abuse and provide too wide a discretion to the minister. That is what I have been concentrating on: the possibility for abuse and the provision of too wide a discretion to the minister. That is what I have been concentrating on: the possibility for abuse and the provision of too much discretion.

This brings me to a very important part of the legislation concerning the protection of ‘place’ or ‘values’. One of the issues that has arisen is that this legislation is proposing to afford heritage protection to the heritage values of a place rather than to the place. I believe—and there are others who are a lot more qualified than me who also agree with this—that the legislation should continue to protect places as well as their values. It is very easy to demolish a place that is deemed to be of heritage significance and say, ‘But we’re going to preserve the values of that place.’ It is a very esoteric term; it is something that is very difficult to actually apply any definite qualities or feelings to. This is a severe weakness in the legislation, and that is why we will move amendments to protect places and their associated values, as detailed by the shadow minister in the amendments to be moved in this parliament.

One of the major deficits of this legislation, if it comes into force, will be in the national list. As other members have said, there are currently 13,000 listings on the national register. The department, during Senate estimates, indicated that something in the order of six places a year will be put on the list in comparison to the current 13,000. The government undertook to have all Commonwealth places on the list put immediately on the Register of the National Estate, but this has not happened. That is an area of concern.

I return to the government’s approach to the disposal of Commonwealth land. Its lack of commitment to ensuring our environment is protected, its commitment to the dollar and its bowing to political pressure can be seen in its approach to the Defence land around Sydney Harbour. Sydney Harbour is in the Prime Minister’s own backyard. It is a very beautiful area that is worthy of protection; it is an area enjoyed by many millions of people. The government has provided $12 million to have that land decontaminated, and the New South Wales government will manage it as a national park. I do not believe this would have happened if there had not been political pressure. Different treatment has been given to land at the Nepean, which I think the government is looking to sell on the open market, and at Georges River, where there is every indication that the land will be sold despite its obvious value to the community as open space. There are 170 hectares of bushland. The New South Wales National Parks and Wildlife Service have indicated they are more than happy to look after that land and to ensure it is there for the people of
New South Wales and, for that matter, the whole of Australia.

I would like to return to Shortland electorate and link the importance of the environment and heritage with actions taken to preserve and protect it. I will compare that with the way the Commonwealth government has acted in those cases I mentioned briefly. It is an electorate where both the state government and the local council have been mindful of all environmental and heritage legislation and have used this legislation to enhance and protect our heritage. As I mentioned earlier, it is situated between the ocean and lakes. It has a fragile environment. There is a lot of coastal heath that needs to be protected. There are littoral rainforests and endangered species, both flora and fauna. All the time, the area is being threatened by development. Rather than selling out to the highest bidder, the authorities—the state and local governments—have taken their responsibilities very seriously and, in doing so, have ensured that the area will be protected and that it will be there for the people of the area and, for that matter, the whole of the state and Australia to enjoy for many years to come. It would have been very easy to hide the studies and to ignore the obvious importance of that area from both environmental and heritage points of view, but that was not what happened.

There are a couple of areas that show how seriously the state government took this matter and how they were prepared to look at all of the legislation and to enhance what was before them to ensure that the people of the area could enjoy the environment and heritage. The state government declared state recreation areas at Lake Munmorah and Glenrock Lagoon—both areas within Shortland electorate. One area of great controversy within the electorate was Green Point, an area of land between Belmont and Valentine that was in dispute for many years. The Liberal state government in the early nineties refused to transform it into national park or protect it in any way for the people of the area. But, under the Carr government, Green Point has become an area that is there for the people of Shortland and that is enjoyed by many people from around the country. Recently, the Belmont wetlands area was secured for future generations of Australians. It would have been so easy to sell it, but instead there was a commitment to the environment and our heritage. Despite months of delay in rewriting and amending this legislation, the bills fail to afford Australia the environmental and heritage protection it needs. This legislation demonstrates the government’s desire to distort the environment and heritage protection process in Australia and that it has no commitment to it whatsoever.

(Time expired)

Mr MURPHY (Lowe) (10.21 p.m.)—Tonight I join with my colleagues on this side of the House to oppose these bills—the Environment and Heritage Legislation Amendment Bill (No. 1) 2002, the Australian Heritage Council Bill 2002 and the Australian Heritage Council (Consequential and Transitional Provisions) Bill 2002. The Environment and Heritage Legislation Amendment Bill (No. 1) 2002 must be opposed generally and specifically for it represents yet another serious attack by the Howard government on the public interest and our democracy. When members of this House and the general public review the bills moved by the coalition government and the conduct of the government order of business during the 38th, 39th, and 40th Commonwealth parliaments, they will find a painful litany of examples that declare unrelenting war on the public interest. We have seen in particular this government insist on the wholesale privatisation of Telstra and the further comprehensive liberalisation of cross-media ownership laws which only promise to give the media magnates more monopolistic powers at the expense of freedom of speech and choice in media. These and many more examples demonstrate the robust contempt this government has for the public interest and its bias in favouring the big end of town—the insurance industry, the media magnates, the telecommunications corporations, the banks and the pharmaceutical companies.

As a precursor to debate on this bill, I must stress again that the government is systematically demolishing the public interest and acting in a tyrannical way in the drafting and passing of Commonwealth
statutory laws that divest this parliament of its representative, democratic duties and place more and more discretionary power in the hands of the executive. Before elaborating on the specific relevance of these general comments about this government’s contempt for the public interest, it is necessary to expose another disturbing trend in this government’s statutory law-making. I call it ‘reductionism’, although philosophers may disagree with my precise use of this term in the context in which I am about to use it. The trend to which I refer is one that I have raised in previous speeches: the observable trend is the reduction of one statutory or democratic right for a lesser protection.

I can identify two reductionist trends within this government’s ideology which do not necessarily exist together but are both present here tonight. The first reductionist tendency is that of reducing democratic accountability itself—for example, the elimination of a statutory protection afforded under an existing statute in substitution for a lesser standard of protection. The second reductionist tendency is to eliminate a statutory protection altogether through the repeal of one statutory regime in favour of another statutory regime of lesser weight. Those conversant in environmental law and environmentalism call the second reductionist tendency ‘gap analysis’. It is the analysis of those gaps which are not filled, in which one existing statutory regime is substituted for another statutory regime with the consequence that there is not a uniform preservation of rights and duties in the public interest. To put it bluntly, the regime change results in various statutory protections, rights and accountabilities being lost. The consequence of this loss is further capricious and arbitrary decision-making in the hands of the executive represented by its agency, the Commonwealth ministries.

This bill has both forms of reductionism present, and, with it, gap analysis reveals the most blatant exhibition of those excesses. I have quoted previously in this House the words of Field Marshal Rommel in his observation of the British Eighth Army in North Africa:

“They came in the same old way and they died in the same old way.”

So, too, the reductionist tactics employed by this government in this bill tonight which demonstrate the same tired old tactics of crucifying the public interest as it relates to the Commonwealth’s environmental responsibilities. The tactics are simple. The first is: change the law. This change is justified purportedly to modernise the existing 1975 legislation. The tactic here is akin to the biblical quote: ‘By doing good, they shall do much evil.’ What appears to be a good intent on the surface is, underneath, a pretext to an ulterior motive. The government’s motive in the case of this bill is to divest parliamentary accountability and give the Minister for the Environment and Heritage more discretionary power on heritage listing. I will elaborate on this point in a moment. The second tactic is a very tiresome tactic of the first form of reductionism and is insidious in its nature. This is a tactic peculiar to environmental law, for it is used in state, territory and Commonwealth laws with impunity. This tactic does an unfair swap between existing rights in substitution of lesser rights. The public are thereby aggrieved as they lose something valuable—a statutory protection right—for something less than they had beforehand. I compare that unfair swap to that of substituting a diamond with a zirconium: the zirconium looks like a diamond and has the cosmetic effect of a diamond but is not a diamond—its value is not that of a diamond.

I will now refer specifically to elements of the bill. The Environment and Heritage Legislation Amendment Bill (No. 1) 2002 follows the policy rationale of the earlier Environment and Heritage Legislation Amendment Bill (No. 2) 2000, which was tabled in this House but later withdrawn so that amendments could be made to address objections to the original intent. Sadly, the considerable objections to the 2000 bill remain intact with this bill. Objections to this bill represent a formidable array of directly relevant and pre-eminent expertise in the field of heritage law. Those counted among the opponents to the bill we are debating tonight include the Australian Conservation Foundation, a group of former chairpersons of the...
Australian Heritage Commission, the International Council on Monuments and Sites and the Australian Council of National Trusts who, while keen to see this bill passed, have submitted a series of necessary amendments to the government with which I wholeheartedly agree. The opponents of this bill represent the pre-eminent 'little republics' whose public interest contributions represent the high-water mark of direct relevance and expertise in the field of heritage law and the preservation of those intrinsic values and interests, yet this government is hell-bent on ignoring them. Why, I ask you, Mr Speaker, does the government systematically chose to ignore the learned and comprehensive expert opinion of the panel of former heritage commissioners or the substantive submission of the ACF? Why does this government systematically abandon reason for madness?

I would now like to address certain elements of this bill. First, the abolition by liquidation of the Australian Heritage Commission and, in its place, the proposed creation of an advisory council, which is an obvious reductionist policy to undermine statutory powers of the Commonwealth by divesting itself of compellable heritage responsibility. Second, the status of those places currently listed on the Register of the National Estate under the existing 1975 act and the question of whether these places will be listed on the foreshadowed new National Heritage List or Commonwealth Heritage List, both to be created under the new bill, which raises gap analysis issues of whether any of the 800 sites on the current Register of the National Estate will lose their current statutory protection. Third, the reductionist policy of downgrading the definitions of 'action' and 'values of place' within the meaning of the Australian Heritage Commission Act. Fourth, ministerial discretion powers over Commonwealth heritage places sold or leased, specifically the powers of subsections 341ZE(2)(a) and (b) which allow a Commonwealth agency to decide whether a covenant ought to be registered as an encumbrance on title. Fifth, the effect of this bill's increasing reliance on state and territory laws and the variance of the different heritage laws across the states.

The Bills Digest No. 105 of 2000-01 notes at page 27 that whilst the bill is being tabled here tonight, the inquiry by the Senate Environment, Communications, Information Technology and the Arts Committee into the Environment and Heritage Legislation Amendment Bill (No. 2) and related bills of 2002 suggests there is substantial variation between states and territories 'in their attitude to heritage ... not all their legislation is equal'. I would like to go into more detail, but I realise the enemy, time, is going to beat me tonight. I look forward to continuing this debate when the debate resumes.

**ADJOURNMENT**

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

That the House do now adjourn.

**Shortland Electorate: Windale**

Ms HALL (Shortland) (10.30 p.m.)—On Saturday, 26 October this year, I was privileged to attend a play written and presented by a group of young people from Windale under the direction of Johnine Harvey and Anthony McEwan. Windale is a very disadvantaged area within the Shortland electorate, and quite often people who come from that area are stigmatised. They are very proud people; they believe that their community is a very special place. But it is very difficult for the people of the area to actually get their message out. That weekend was a very big weekend for the people of Windale because on the Sunday of that weekend they held the Windale Festival, and they had over 15,000 people visit it.

But tonight I would like to talk about the play that was presented by the young people of Windale. The focus of this play was to address the stereotyping that has been put upon them and their community. They are very proud people; they believe that their community is a very special place. But it is very difficult for the people of the area to actually get their message out. That weekend was a very big weekend for the people of Windale because on the Sunday of that weekend they held the Windale Festival, and they had over 15,000 people visit it.

The Bills Digest No. 105 of 2000-01 notes at page 27 that whilst the bill is being tabled here tonight, the inquiry by the Senate Environment, Communications, Information Technology and the Arts Committee into the Environment and Heritage Legislation Amendment Bill (No. 2) and related bills of 2002 suggests there is substantial variation between states and territories ‘in their attitude to heritage ... not all their legislation is equal’. I would like to go into more detail, but I realise the enemy, time, is going to beat me tonight. I look forward to continuing this debate when the debate resumes.
the area. It also talks about the proud history of Windale and how it developed over the years as a Department of Housing suburb and how it met the needs in a working-class area of people who were not particularly well off.

One scene was particularly poignant. Young people are sitting at a bus stop, and someone sits down next to them and says, ‘Where do you come from?’ The young people say, ‘Windale,’ and immediately the person moves away as if they have a disease. There is another scene with a job interview, and if it were real you would find it very sad. It talks about a young person with all the qualifications they could possibly need to qualify for this job, but the moment the interviewer says, ‘Where do you come from?’ and they say, ‘Windale,’ they are immediately told, ‘Sorry, the job is filled.’ Another person comes in, and they have absolutely no qualifications but they live in one of the elite suburbs in Newcastle—and they are given the job. These young people are getting the message out about the problems young people from Windale face and the discrimination that exists whilst, on the other hand, showing that the people of the area have skills, have real feelings and have a lot to offer.

Mr Billson interjecting—

Ms HALL—It is very unfortunate that the member for Dunkley is not seriously taking note of the problems that people from disadvantaged areas actually suffer. I think he stands condemned for it.

The other issue they focused on was that the people of Windale are good people. One of the little scenes was about a young person who moved to the area and was lost. She rings her mother and reads the sign and says she is in Windale. The mother becomes hysterical because of her perception of Windale and the type of place it is. Some young people from Windale actually help this young person to find their way home. It shows that they are good, caring people who feel the same as other people and who have the same desires, wishes and abilities as everyone else, yet quite often they are being disadvantaged simply by the values and the stereotyping put on them by other people.

I would like to mention the names of the people who actually appeared in the play: Bianca Aravena, Lara Bailey, Sarah Harragon, Christelle Harvey, Rachel Kelly, Rebecca Kennedy, Lara Moore, Tricia Moore, Monique Spowart, Courtney Spowart and Dale Waugh. Their performances were outstanding and they are a credit to their community. I would like to congratulate them and I hope that all the people of the area embrace the people of Windale, accept them for the qualities and the values that they have and recognise the hard work that they have put into their community and its development. (Time expired)
This biosphere that is being embraced by UNESCO was celebrated on Saturday as a world first because it does recognise that humans are part of that picture and that the declaration of an area as a biosphere does not automatically put it in a perspex case as if the area were now a museum piece and not able to be part of a dynamic, prosperous community. The urban biosphere in the Mornington Peninsula-Western Port region therefore gives us an opportunity to examine and gain greater understanding about how economic prosperity and improvements in standards of living can be pursued in a more sustainable manner that recognises the environmental and heritage resources of a region. That is what made the announcement on Saturday quite significant—that in Paris UNESCO had embraced the proposal that has been advocated so well and so vigorously by the Mornington Peninsula Shire Council.

In 1995 in Seville the whole program was re-examined to identify the fact that there were not urban communities and population centres—societies as we know them—participating in this biosphere program. We had these protected sites. From 1995 we have actually seen a move to de-list some of these biospheres because they were not instructive. They were not guiding us on how a dynamic, prosperous community could protect its environment, pursue a sustainable development pathway and pursue improved living standards for the area. It is not some kind of new tool for a jihad against investment and improved living standards. Those who want to now use the biosphere as shorthand to oppose investment and progress in our community are diminishing the virtue of the biosphere and doing damage to the insights we seek to gain by embracing the biosphere.

What it seeks to do is to get that triple bottom line that is so easy to talk about—economic outcomes, environmental outcomes and social outcomes—and transform it into practical action. Sustainable development is easily spoken about but very difficult to practise. RMIT and other universities are part of this exercise, as the Mornington Peninsula Shire in particular pursues its sustainable peninsula goal. It has a strategic framework that places sustainability right at the heart of its corporate agenda in that local government area. Why is that important? We have in that Ramsar listed wetlands, national parks, high conservation nature reserves, heritage sites and a burgeoning population. How do we provide quality of life and economic opportunities for those people, and conserve those biodiversity and conservation values?

That is what the biosphere is about. It is saying that the peninsula is a dynamic, prosperous, forward looking community. It is enhancing that dynamism, and it is trying to do it in a sustainable way. It is trying to enhance living standards and embrace those qualities that communities aspire to, such as those on the Mornington Peninsula, in a sustainable manner. It is trying to give meaning, action and life to those characteristics that everybody talks about. The national community here and the international community will look to the Mornington Peninsula to see how those concepts which are easily spoken about but difficult to embrace are actually implied in a real-life community. (Time expired.)

Capricornia Electorate: Moranbah

Ms LIVERMORE (Capricornia) (10.40 p.m.)—I want to speak tonight about the community of Moranbah in Central Queensland. Moranbah was one of the original coalmining towns developed in the Bowen Basin in my electorate. In 1968 a proposal was put to the Belyando Shire Council by the Utah Development Company for the construction of a new town which would house approximately 400 employees of the new Goonyella coalmine. The development was approved and the new town of Moranbah was formed. Although Moranbah as a town has only existed for the past 30 years, there is a large amount of history in the area, with the region having been originally inhabited by the Barna and Panabal people. In 1845 Ludwig Leichhardt named the nearby Isaac River; Sir Thomas Mitchell named the Bely-
ando river in 1846. Shortly afterward William Fraser and Andrew Scott took up a pastoral lease known as Moranbah.

Today Moranbah has a population approaching 8,000 people and is the main service centre to the surrounding coalmines of Peak Downs, Goonyella Riverside, Moranbah North and North Goonyella. Quite rightly, the town describes itself as ‘Moranbah, the capital of the coalfields’. Like other mining communities in my electorate of Capricornia, the people of Moranbah have worked tirelessly over the past 30 years to earn important export dollars for our country and also to establish their town and provide a high standard of living for the people of that community. I believe that Moranbah is now moving into a new stage of its development. It is building a critical mass of businesses and services within the town and is looking for opportunities to expand its economic base and increase the opportunities for its residents. Through this process the Belyando Shire Council, in conjunction with the local community, has identified the need for a Moranbah cultural complex.

I have been aware of this project and the hard work that has gone into the development of the current proposal by both council officers and active community groups for over three years, and it has my full support. This project will assist to significantly upgrade the current inadequate infrastructure within the town as Moranbah grapples with a rapid population increase and economic change brought on by the expansion of the local mining industry and associated businesses. It is intended that the Moranbah cultural centre will combine the library and associated services, council offices, an Internet cafe, videoconferencing facilities, youth space, a regional tourist information centre, an art gallery, a sound shell, and community and professional meeting rooms.

It is important to note that these are not abstract ideas that have been dreamed up by some consultant. Each one of those facilities will provide vital support for an existing and highly successful project already up and running in the community. For example, in Moranbah there is a fantastic youth radio project that has been operating for about five years, providing training opportunities and activities for young people in this rural community. The community has also been very proactive in utilising videoconferencing to provide a whole range of services and information to its population. This project will provide opportunities for the establishment of a facility which will have multiple uses. The project will allow for the development of the tourism industry in the region and will also address a shortcoming in the areas of the arts, education, technology, community participation, community history and social interaction.

The Moranbah cultural centre will act as a magnet for the whole Belyando shire, and indeed the communities of the central highlands. It will build its reputation as the centre for social, cultural and economic activities in the region and will bring all of the economic and development advantages that flow from that. It is also important that people will have less need to take the long and often dangerous drive into Mackay for services and recreational activities, as is the case now. This is truly a local solution to a local challenge, and the project is a credit to the people of Moranbah and the Belyando Shire Council. The community is determined to have its Moranbah cultural centre. As the federal member representing the area, I congratulate the people who have brought the project this far and give it my total support. I call on the government to join me in supporting this project, as the minister will be receiving an application under the Regional Solutions Program for this proposal very shortly.

Hume Electorate: Bushfires

Mr SCHULTZ (Hume) (10.45 p.m.)—As all members of this House know, we are in the worst drought in over 100 years. The drought has resulted in extreme fire conditions. Many areas of the state contain enormous amounts of dry fuel on the ground. It is a tinderbox ready to explode. It appears that, on the weekend, a sick individual lit a fire in the Mittagong area of the Southern Highlands, an area that I represent. The fires were in and around Mittagong, in the Wingecarribee shire, and destroyed 2,500 hectares of land. Not only did they destroy land but a total of five houses were lost. Three of these
were in the community of Willow Vale and two were at Aylmerton. Sheds and vehicles were lost at Willow Vale and a factory was lost at Braemar.

I spoke to a number of residents in Willow Vale when I went up there on Monday morning to see how they were coping with the disaster. Two of them were Jim and Val Neal. Their house was not destroyed by the fire but they lost nine vintage cars, some of them very rare vehicles and, in many instances, one of a kind in the world. Mr Neal, who had been in the building game for 50 years, also lost all of his building materials and his workshop at his home. The factory which was destroyed was a significant loss. The total loss, with all the things stored there, including vehicles and equipment, equated to about $1.4 million. There was also significant damage to a number of rural residential properties. At this stage, the fire is still being controlled. There is still a fire burning in the Nattai Gorge which is difficult to control because of the type of terrain there. This fire is being water bombed using aircraft. There is a change expected in the wind patterns in the next couple of days and this will place another 60 homes at risk of being damaged or destroyed by fire.

The thing that impressed me, as it always does when I visit people who have been affected by fire, is that when the chips are down—when these disasters threaten or occur in their areas—people all bond together to help each other. That is the spirit of Australian mateship that we know so well. Their concern for others overrides their own personal loss. They are extremely grateful for the magnificent contribution made by volunteer firefighters, the police, ambulance and all of the services which rally around and try to put out these fires and assist people. Whilst I was there I noticed the power and telecommunications services being restored by workers so that people could at least have power and communicate with their relatives.

When I read the Australian newspaper yesterday, I noticed on page 3 a story about one of my constituents, Mr Robert Baxter. He lost his home and three of his pet dogs in this fire. He was extremely concerned about the fact that he lost four medals which he earned in the Malayan Emergency—they were burnt in the fire. I went to see the Minister for Veterans’ Affairs today to see what we could do to at least help Mr Baxter get his medals replaced. I am going to appeal to Mr Baxter to swear an affidavit about the loss of his medals and ask him to send it to me so that I can take up the issue on his behalf with the minister. One of the things we tend to forget is the enormous trauma and grief suffered when people lose personal belongings in these fires. Fortunately there were no deaths in this particular fire despite the actions of the irresponsible individual who, it would appear, started this fire. I would like to place on record my concern for my constituents and, more importantly, my pride in them and the way in which they leave thoughts of themselves aside in the interests of their neighbours. (Time expired)

Wine Industry: Taxation

Mr COX (Kingston) (10.50 p.m.)—Last week the government released the Trebeck report, Pathways to profitability for small and medium wineries. This inquiry was promised by the Howard government at the last federal election as a response to the Labor Party’s wine tax policy, which would have provided the option of an exemption from the wine equalisation tax for all wineries producing up to 50,000 litres of wine. The government did not want to match that Labor commitment, despite the fact that it is good policy, because it still holds a grudge against the Australian wine industry for reaching a compromise in 1993 with the then Treasurer, John Dawkins, on his proposed changes to the wine tax regime.

Ministers who now claim to be supporters of the wine industry, like the member for Mayo and the member for Higgins, have never forgiven the wine industry for what they see as its political betrayal—according to them, the wine industry are supposed to be in the pocket of the Liberal Party—in agreeing to a package of measures. These measures included: a reduction in the WST on wine—then proposed to be 31 per cent, rising to 32 per cent—22 per cent, rising to 26 per cent in annual increments; an accelerated depreciation arrangement for vineyard investment; funds for export facilitation; the
conversion of a $1.5 million loan to a grant; additional funding of $1 million; and a series of cash grants to eligible commercial winemakers. These grants were to be $1,500 for 1993-94, $4,500 for 1994-95 and $6,000 for 1995-96.

These grants were prematurely terminated by Treasurer Costello in the 1996 budget as a gratuitous act of revenge on the industry for looking after industry policy rather than Liberal Party interests, which were supposed to be foremost in their consideration. There are stories circulating of quite hysterical behaviour by the member for Mayo when he was told that the winemakers had made an agreement which would cut the tax on wine from 31 per cent to 22 per cent. It seems that some members of the Liberal opposition at the time harboured a fantasy that they could get a double dissolution over the issue.

So with this background—and faced with another superior piece of policy for the industry: an exemption from the WET for small winemakers—the government strung them along, pretending to negotiate an alternative package, but then only offered a review. After the election that review became a review of wine tourism and wine exports for small wineries, and the terms of reference did not include any mention of wine tax. Let this be a lesson to the industry about which party is really supporting them: it is the Labor Party. Winemakers should also remember it was Senator Lees and the Democrats who ultimately sold them out on the wine equalisation tax.

What was interesting about the Trebeck report when it was released at the Wine Industry Outlook Conference on Monday of last week was that Mr Trebeck had received so much information from the industry about the adverse effects of the current design of the WET that he went outside his terms of reference and devoted a chapter to a rather interesting dissertation on wine taxation. Out of deference to the minister for primary industries, who commissioned the report, he did not make any formal recommendations on that issue; but reading the substance of his comments it is not difficult to surmise the recommendations he might have come to had he not been proscribed from doing so.

Mr Trebeck dealt professionally with a number of issues, including the alternative approaches of ad valorem and volumetric taxation. On the latter he concluded:

The case for selective wine taxation in a contemporary (especially GST) economy is not strong on revenue raising (efficiency) grounds. Nor are the externality reasons for wine taxation particularly compelling, compared with more targeted approaches.

Trebeck was of the view that demand for alcohol is inelastic with respect to price, saying that ‘the level of consumption is barely affected by a small rise in price due to tax’. Trebeck said:

Governments—
it is particularly the case with this one—have been forced to seek a growing array of potential revenue sources to keep the books more or less in balance. The WET certainly fits that category.

He quoted Louis XIV’s finance minister, Jean Baptiste Colbert, as suggesting successful taxation is ‘so plucking the goose as to obtain the maximum quantity of feathers with the minimum amount of hissing’. The consumers may not be hissing, but the wine industry certainly is. Trebeck’s view is that the quality of the sin tax arguments for an increase in wine tax have been exaggerated. He said that:

... the case for a general health-related (public social cost) tax on wine is weak. To the extent that more specific health concerns from alcohol abuse due to the consumption of wine (for example, among some indigenous communities) are felt to be sufficiently acute to warrant intervention, this would be better addressed by targeted regulation (eg random breath testing), licensing restrictions (for repeat offenders) or education campaigns ...

This brings me to Trebeck’s summary of the WFA’s current policy. It is:

... to have a WET exemption (not rebate) for the first 600,000 litres of domestic sales—regardless of whether they are made via cellar door or elsewhere. Broadening eligibility in this way would meet with support from those winemakers who currently do not have cellar door (and are concerned at the cost of constructing and servicing one), and those who are ‘off the beaten track’ from a tourism viewpoint. The exemption status, rather than rebate, would be well received from
an administration, compliance and cash flow viewpoint. It would also be seen as more secure from future attempts to whittle away the existing rebate arrangements.

With the exception of the specifics of the level of the exemption, this is exactly Labor’s policy.

**Health: Outer Metropolitan Doctors Scheme**

Mr FARMER (Macarthur) (10.55 p.m.)—Mr Speaker, you would have heard the story of a small isolated town somewhere in country Australia where there is no doctor. Now picture a small close-knit town of around 2,000 people which relies on farming and light industry for its survival. The people are hard workers who have a passion for life. It is a small place which has not got many services, but it has a small store and a public phone booth and, until recently, it had a doctor. Not long ago the doctor decided to close shop, leaving the people of the area without medical services. Now take this story out of the bush and transplant it into outer metropolitan Sydney, to Bringelly, a village only 20 kilometres from the heart of Campbelltown in my electorate. After serving the community for over 15 years the local doctor left Bringelly at short notice earlier this year, leaving the 4,500 local people in the surrounding areas without a doctor.

The Howard government has taken many measures to address the shortage of doctors in country areas, committing $562 million over four years in the 2000 budget to a range of initiatives. It is no easy task to get a doctor into outer metropolitan areas like Bringelly. The Outer Metropolitan Doctors Scheme will help get 150 doctors into outer metropolitan areas, like Bringelly, in six capital cities over the next four years. This program recognises that these areas are unique and that getting doctors into them requires a special approach. The scheme will do this in three ways. Firstly, it will give some specialist training doctors access to Medicare provider numbers so that they can provide general practitioner services and can access Medicare if they work in practices accredited for the program. Secondly, it will tie some GP registrar training places to outer metropolitan areas and make them undertake some of their vocational training in a supervised placement in outer metropolitan areas. Finally, it will give targeted financial assistance to doctors to help them get into outer metropolitan areas. This will be through a higher Medicare rebate for selected other medical practitioners who did not train under the government’s fellowship program.

In order to help areas like my electorate of Macarthur, the Minister for Health and Aging, Senator Patterson, has announced that the third part of the program will be fast-tracked and that it will be running by the end of this year if all goes well. This is great news for the people living in the outer metropolitan areas like Bringelly, and I thank the minister for her commitment to the people living in these regions. As a member representing an outer metropolitan electorate, I look forward to working with the health minister and the people of Bringelly to make sure that this program works. The people of Bringelly can rest assured that I will do everything in my power to make sure that a doctor is back in their village and treating local people as soon as possible.

**Australia Post**

Mr LATHAM (Werriwa) (10.58 p.m.)—Recently I visited the Brisbane suburb of Strathpine in the electorate of Dickson and learned of the courageous campaign by local residents to keep their local post office open. At the last election the member for Dickson, Mr Dutton, promised to keep the Strathpine post office open, but now this promise has been broken. Residents are very fearful of the imminent closure of a valuable community facility. This is not just a post office that services any old community; it services a very special community of elderly residents who are longstanding residents of Strathpine, many of whom have disabilities that would prevent them from accessing other post offices in surrounding districts. The government has an owned and operated Australia Post facility. It makes good sense to keep it open. The nearest post office is at Westfield, which is very inconvenient. There is a long distance to travel and there are parking difficulties. To get from the car park to the post office itself in the large Westfield complex is
very difficult, particularly for elderly and disabled residents.

I congratulate the local community’s very courageous struggle to keep this facility open. I urge the member for Dickson, Mr Dutton, to honour his election promise. The Strathpine post office must remain open. It is basic community facility. It is often said that the public has low expectations of politicians at the current time. One thing they expect is for politicians to keep their promises. It is time for the member for Dickson to keep his promise.

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

House adjourned at 11.00 p.m.

NOTICES

The following notices were given:

Mr Bevis to move:
That this House:

(1) establish a committee consisting of four Government Members and three Opposition Members to review the oaths of allegiance and affirmation for Members of the House and recommend to the Parliament a new oath and affirmation that reflects our unique Australian history and our multicultural society and includes a pledge of loyalty to Australia and its people and our democratic institutions and traditions; and

(2) require the committee to seek public comment on a new oath and affirmation and include recommendations on procedures and a timetable to be followed in making these changes.

Mr Abbott to present a bill for an act to amend the Workplace Relations Act 1996, and for related purposes.

Mr Andrews to present a bill for an act to make provision in relation to indemnities in relation to the practice of medical professions and vocations, and for related purposes.

Mr Andrews to present a bill for an act to make amendments consequential on the enactment of the medical indemnity legislation, and for related purposes.

Mr Andrews to present a bill for an act to change the Pharmaceutical Benefits Scheme, and for related purposes.

Mrs Irwin to move:
That this House:

(1) acknowledges the ongoing effects of emotional deprivation suffered by children placed in institutions prior to the mid 1970s;

(2) applauds the public exposure of the misguided policies under which British migrant children and the “stolen generation” of indigenous children were treated and the effects of their treatment in children’s institutions evident in adulthood;

(3) recognises that Australian children raised in institutions were denied love and affection, that they were separated from siblings, subjected to harsh discipline and suffered physical and sexual abuse;

(4) recognises that they were conditioned to perform manual work rather than to pursue higher education or develop high level skills and that they were subjected to a deliberate policy to erase any awareness of their biological parents and family; and

(5) calls on the Government to facilitate the full disclosure of the forgotten history of institutionalised children and to respond to the present needs of those generations still suffering the effects of their time in children’s institutions. (Notice given 12 November 2002.)
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Food Standards Australia New Zealand

(Question No. 795)

Mr Martin Ferguson asked the Minister representing the Minister for Health and Ageing, upon notice, on 20 August 2002:

(1) What are the terms and conditions of the recent appointment of the Hon. Rob Knowles as Chair of the Food Standards Australia New Zealand Board, including salary, travel arrangements and allowances.

(2) Is the Minister able to say whether Mr Knowles is in receipt of a parliamentary pension from his time in the Victorian Government; if so, was this taken into account when determining the terms and conditions of his appointment to the position.

(3) Is the Minister also able to say whether Mr Knowles has been appointed to, or holds, any other Federal Government positions.

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

(1) The terms and conditions of the Hon. Rob Knowles as Chair of Foods Standards Australia New Zealand are determined by the Remuneration Tribunal and this information is publicly available.

(2) Whether Mr Knowles is in receipt of a parliamentary pension from the Victorian Government is a matter between Mr Knowles and the Victorian Government.

(3) Our records indicate that Mr Knowles also holds the following Federal Government positions within the Health and Ageing Portfolio:

- Commissioner of Complaints; and
- Presiding Member, Aged Care Complaints Resolution Committee.

I can only comment on Federal Government positions held by Mr Knowles within the Health and Ageing Portfolio.