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

QUESTIONS WITHOUT NOTICE

Education: University Fees

Mr CREAN (2.01 p.m.)—My question is
to the Prime Minister, and I ask him if he
recalls answering a Melbourne radio talk-
back caller’s question about university fees
before the last election, when he said:

... I think the balance at the moment is about
right. I’m not looking for a major increase in the
contribution from students or their parents, I’m
certainly not.

He then stated in relation to the same matter:
... those promises will be honoured in full ... those
promises are sacrosanct.

Is the Prime Minister aware of reports today
that the University of Sydney plans an
across-the-board 30 per cent increase in all
possible HECS fees, following the govern-
ment’s inequitable university changes?

Won’t an across-the-board 30 per cent fee
hike mean a massive increase in contribu-
tions from Sydney university students and
their parents, and doesn’t that mean that the
Prime Minister has broken his sacrosanct
promise?

Mr HOWARD—I remind the Leader of
the Opposition that just about every time
he—and his deputy is pretty good at it too—
quotes something that I said, it is normally
wrong or taken out of context. So I will ap-
ply the ‘no concession’ rule to the quotation.

But more generally I make the observation to
the Leader of the Opposition that if he is
interested in making an intelligent contri-
bution to the future of Australian universities
he would look rather more seriously at the
government’s package than he has done. I
remind the Leader of the Opposition that
when the former government proposed a
major change—namely, the introduction of
change—namely, the introduction of the
HECS system—we did not take the negative,
uncooperative attitude that the opposition is
taking. We looked to the future of Australian
universities. I say to the Leader of the Oppo-
sition that if he had been in the Great Hall of
parliament last Thursday night and heard
what the representatives of the vice-
chancellors of Australia’s universities had to
say, he would realise how far out of touch he
and the Australian Labor Party are with what
is needed. What the government has done is
courageously embrace reform. What the op-
position is doing is confirming its continued
irrelevance to the educational and economic
future of Australia.

Family Court: Custodial Issues

Mr BARTLETT (2.04 p.m.)—My ques-
tion is addressed to the Prime Minister.
Would the Prime Minister advise the House
of steps being taken by the government to
review laws relating to custody and child
support arrangements in Australia?

Mr HOWARD—I thank the member for
Macquarie for that question. The member for
Macquarie, in common with many members
on this side of the House—and, I am sure,
many members on the other side of the
House—is aware that within the Australian
community there is a level of concern about
and unhappiness with the operation of mat-
ters relating to the custody of children fol-
lowing marriage breakdown and a measure
of unhappiness with the operation of the
Child Support Agency.

The government want to respond to that
concern because we believe that these are
issues that go to the heart of personal hap-
piness for millions of Australians. We all aspire
to an ideal but an ideal is never realised in an
overwhelming majority of cases, and the
obligation of society when a marriage breaks
down is to have arrangements which are in
the best interests of children but which also
have proper regard to the interests of the parents of those children. I have expressed before, and I will say it again, that one of the regrettable features of society at the present time is that far too many young boys are growing up without proper male role models. They are not infrequently in the overwhelming care and custody of their mothers, which is understandable. If they do not have older brothers or uncles they closely relate to—and with an overwhelming number of teachers being female, in primary schools in particular—many young Australian boys are at the age of 15 or 16 before they have a male role model with whom they can identify.

I do not imagine that any one legislative change or pronouncement can alter that, but I think as a national parliament—because this is a national responsibility—there are things that we can do about it. Having regard to that, and particularly to the recent response to the report of the Family Law Pathways Advisory Group, I will be sending a reference to the House of Representatives Standing Committee on Family and Community Affairs. That reference will, amongst other things, while noting that the best interest of the child is the paramount consideration, be asking the committee to investigate what other factors should be taken into account in deciding the respective time each parent should spend with their children post separation, in particular whether there should be a presumption that children will spend equal time with each parent and, if so, in what circumstances such a presumption could be rebutted.

The committee will also be asked to investigate in what circumstances a court should order that children of separated parents have contact with other persons, including their grandparents. This is an issue that I think is quite properly in the same genre as the other matters I have discussed. We will also be asking the committee to examine whether the existing child support formula works fairly for both parents in relation to their care of, and contact with, their children, because—as members on this side of the House and particularly the member for Macquarie will know—there are many non-custodial parents in Australia who are profoundly unhappy with the existing formula used by the Child Support Agency and wish that matter to be examined.

We are asking the committee to report to the parliament by 31 December. There is no point giving it two or three years. I think that six months, given the intensity and amount of public interest in this matter, is an appropriate period of time. I look forward to the work and the report of that committee. I encourage the committee not to see its remit as a licence to recommend large increases in the expenditure of taxpayers’ money but rather to look at the structure of these arrangements. I cannot think of anything that is more important to millions of Australians than current custody arrangements. This issue is properly the concern of the national parliament, and I hope it brings forth the genuine bipartisan involvement of the opposition.

**Family Services: Work and Family**

Mr McCLELLAND (2.09 p.m.)—My question is to the Prime Minister on another issue of fair and reasonable access to, and care of, children. Is the Prime Minister aware that today the ACTU launched a work and family test case in the Australian Industrial Relations Commission to allow Australian mothers and fathers to spend more quality time with their children by establishing things such as a right to part-time work for Australians returning to work after parental leave, a right for Australian employees to request changed hours so that they can meet their family responsibilities and a right for Australians to take unpaid leave to care for

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family members? I ask the Prime Minister: will the government get behind the ACTU’s case and do something positive to allow working mums and dads to spend more time caring for and nurturing their children?

Mr HOWARD—I thank the member for Barton for his question. It is almost, I might say, a fraternal question, because we do not need to get behind the ACTU on this issue; we are ahead of the ACTU on this issue. We are ahead of the ACTU on this issue because Australian workplace agreements are the epitome of flexibility. The whole essence of the government’s policy is to encourage agreements at the individual workplace between the employer and the employee. You do not need the cumbersome one-size-fits-all approach of the ACTU; you need the flexibility of individual Australian workplace agreements.

Ms O’Byrne interjecting—

The SPEAKER—I warn the member for Bass!

Mr HOWARD—Let me say that I have no argument at all with the philosophy of what the ACTU is proposing; I simply say that you will get better results going down the government’s path.

Foreign Affairs: Bougainville

Dr WASHER (2.11 p.m.)—My question is addressed to the Minister for Foreign Affairs. Would the minister update the House on progress in bringing lasting peace to Bougainville? How is Australia contributing to that peace process?

Mr DOWNER—I thank the honourable member for Moore for his question and say how much I appreciate members on this side of the House showing such an interest in Bougainville and in Papua New Guinea more generally. For nine years a civil war raged in Bougainville. Some three or four times as many people died as a result of that civil war as have died in Northern Ireland since 1969 when the troubles there began. As a neighbour of Australia, Papua New Guinea sought some support from Australia. Efforts were made, but it was not until the wash-up of the Sandline crisis in 1997 that real progress was made. At the time of the cease-fire in Bougainville in 1998, which was brought about with substantial assistance from New Zealand and Australia, a peace monitoring group was set up to oversee the establishment of a Bougainville peace agreement. That agreement was signed in August 2001. Under that agreement, 1,900 weapons have been contained, the Papua New Guinea Defence Force has left Bougainville and a constitution for Bougainville has been drafted.

I do not think that any of this would have been possible without the support of Australia and the support of the peace monitoring group which has been led by Australia but assisted by New Zealand, Fiji and Vanuatu. The life of the peace monitoring group comes to an end on 30 June. From 1 July we will be deploying the Bougainville Transition Team to assist Bougainvilleans in their transition to full, autonomous government, which is part of the peace process. This Bougainville Transition Team will be a small civilian team which will include people from Australia and from New Zealand, and I hope that Fiji and Vanuatu will be able to contribute to the team as well.

Members may be aware that the United Nations has an observer mission in Bougainville. It is their task to verify the second stage of the weapons disposal process. I hope—but I am not sure—that this will happen by the end of this month; that is, in the next few days. That will in turn trigger the establishment of Bougainville’s autonomous government. In conclusion to my response to the question from the member for Moore, whilst we accept that there is still more to be done in Bougainville, it is one of the true
achievements of this government’s foreign policy in recent years that we have been able to assist so substantially in bringing peace to Bougainville, that important part of Papua New Guinea, and that the people of Bougainville are now able to live in peace with the opportunity to build their lives. We will continue to assist Bougainville—it is important to understand that—through the deployment of the Bougainville Transition Team.

Education: Funding

Ms MACKLIN (2.14 p.m.)—My question is to the Minister for Education, Science and Training. Minister, isn’t it the case that the government has increased funding to Trinity Grammar School in Sydney by $8.8 million—a 560 per cent increase since 2001—to the benefit of just 1,800 students? Minister, isn’t it also the case that the government has cut $345 million over the last six years from funding to the University of Sydney, to the detriment of some 35,000 students? Why is the government massively increasing public spending on elite private schools like Trinity Grammar while Australian students are having to pay 30 per cent more for their university education?

Dr NELSON—I thank the member for Jagajaga for her question. Firstly, it ought to be remembered that, when this government came to office in 1996, the Australian government was facing a $10.3 billion deficit that had been left to it by the previous Labor government, which had accumulated $69 billion in additional debt in the last five years of its term alone. Every sector, as the Treasurer reminds me, of Australian life, with the exception of defence, made a contribution to filling what was known as the ‘Beazley black hole’. One of the things that the government was forced to do was reduce the rate of growth in funding to Australian universities as a result of Labor policies of economic and financial neglect.

One thing that this government strongly believes is that every Australian parent should be free to choose the kind of education which he or she feels best suits the aspirational needs of their children. This government strongly believes that the 2.27 million children in Australian government schools and their parents should be well funded—in particular, by state and territory governments that are responsible for funding those schools—and be supported by the Commonwealth, which has increased its funding to government schools by 60 per cent in the past seven years when enrolments have increased only 1.6 per cent. Having done that, this government believes that a parent who chooses to send his or her child to a non-government school—whether it is a Catholic, Islamic, Anglican or Jewish school, an Aboriginal community school, an independent school or any other community school—will be supported by this government, both politically and financially, according to the financial circumstances of the families from which those children come. The children in non-government schools who come from the wealthiest families in the country receive 87 per cent less funding than if those children were to go to a state government school; and the children in non-government schools who come from the poorest families receive at least 30 per cent less than if they were educated in a government school.

I table an expanded map of Sydney to show to the House and the Australian Labor Party the new non-government schools established in Sydney in the last 12 years. The Labor Party might care to note that the growth in new non-government schools is not on the north shore of Sydney, nor is it in the eastern suburbs—it is right throughout the western suburbs of Sydney. There has
been a 14 per cent growth in enrolments in the schools that serve the poorest communities in the outer western suburbs of Sydney.

The last thing that I would remind the Leader of the Opposition and the member for Jagajaga and those who are desperately trying to rediscover Western Sydney is that, as Greg Fletcher, a factory worker, and his wife Gina said at the Bird in Hand Inn in the electorate of Macquarie on 26 November 2001: People around here don’t have much money, but they save and save so that they can send their kids to a private school and get a good education.

The Labor Party says they should not try to do it but it seems they have not stopped.

Economy: Competitiveness

Mr FARMER (2.19 p.m.)—My question is addressed to the Treasurer. Would the Treasurer please advise the House of the findings of the Australia Industry Group’s report entitled How competitive is Australia? Are there any factors that might prevent the Australian economy from becoming even more competitive?

Mr COSTELLO—I thank the honourable member for his question. It is not often that you come across a report like the one which was released by the Australian Industry Group today. The report was called How competitive is Australia? and it cites the findings of IMD International, which surveyed countries around the world. The report says this:

... Australia’s international competitiveness as measured by IMD International for countries with populations greater than 20 million has remained at 3rd out of 30 countries from 1999 to 2002, and rose to 2nd behind the United States in 2003.

The Australian Industry Group went on to say this:

... Australia retains a record as being amongst the strongest economies, with the Federal Government’s Budget being one of the few in surplus, a low inflationary environment, a stable political system and a AAA-rated Australian dollar.

The Labor Party had Australia’s credit downgraded not once but twice. One of the things that has happened over the last three or four years under the economic management of the coalition is that we have restored Australia’s international credit rating to AAA. That was one of the achievements of this coalition government. Reports like this are an indication of how far we have come in recent years, but there are no grounds for stopping. Each one of those 28 countries which are rated below Australia in competitiveness is working hard to improve their competitiveness. If we were to stop, we would gradually shift down that table. You have to run faster, year after year, just to maintain the same position, let alone to improve it. So it is absolutely essential that, just as the reforms of yesteryear have taken us to the competitive position where we now stand, reforms today will take us to the competitive position we want to be in in three or four years time.

I am asked if there are any factors that might prevent the Australian economy becoming more competitive, and I have thought about this a lot. The biggest brake on Australia becoming more competitive is the Australian Labor Party. The biggest brake on Australia’s economic future is the Australian Labor Party. Let me go through this. The Australian Labor Party opposed the budget measures to put the budget back in surplus. The Australian Labor Party opposed the repayment of Labor debt.

Government members—Shame!


Government members—Shame!

Government members—Shame!

Mr COSTELLO—The Australian Labor Party opposes reform of the welfare system. The Australian Labor Party opposes reform of the PBS, and it opposes higher education reform. It is the most oppositionist political movement in modern history.

I have noticed an attempt recently to say that it is all the fault of the member for Fraser; he is not hitting the mark as shadow Treasurer. In defence of the member for Fraser, he is not the worst shadow Treasurer the Labor Party has ever put up. Its first shadow Treasurer was Gareth Evans, the then member for Holt. Then we had a shadow Treasurer who was WTG—worse than Gareth—the member for Hotham, the now Leader of the Opposition.

Mr Latham—Mr Speaker, under standing order 145, the Treasurer is straying a long way from the answer to the question. It might be deemed to be irrelevant.

The SPEAKER—The Treasurer was asked a question, part of which was to comment on factors that were making competitiveness more difficult.

Mr COSTELLO—Mr Speaker, I was asked about the brakes on economic reform, and I am going through them. They were the member for Holt, followed by the member for Hotham. The point is this: it is not the Labor Party’s spokesman who is the problem; it is the Labor Party policy. Whilst the Labor Party policy is complete opportunism, it does not matter who the spokesman is. Whilst the Labor Party follow the Creanite economic policy, then it does not matter whether the new spokesman is the member for Werriwa or the member for Griffith or whether they want to bring back the member for Perth or even the member for Brand. It does not matter who it is. Until Labor can find somebody who is prepared to stand up for a decent economic principle, Labor will continue to be the biggest block to economic reform, the biggest block to international competitiveness, the biggest block to the creation of new jobs and the biggest block to the creation of better living standards for Australians.

Defence: Personnel

Mr RIPOLL (2.26 p.m.)—My question is to the Minister for Veterans’ Affairs representing the Minister for Defence. Has the minister determined whether there will be a change to the nature of service and conditions of service for Australian Defence Force personnel serving in East Timor? Will their operational conditions of service be downgraded from warlike to non-warlike and when will this happen? If their operational conditions of service are downgraded, will the date on which the downgrade becomes effective be backdated? If so, will the government require currently deployed troops to repay allowances and increased tax deductions? Minister, why is the government forcing our troops in East Timor to give back war pay?

Mrs VALE—I thank the honourable member for his question. While there has not necessarily been a downgrading of conditions of service in East Timor, because the troops will be maintaining the amount of daily allowance that has been allocated them from the previous conditions of service, I will undertake to—

Mr Leo McLeay—Tell us now!

Mrs VALE—There are certain conditions that the member will want to know, and I will make sure that those conditions are forwarded to him before the end of the day.
Mr Ripoll—Mr Speaker, I seek leave to table the correspondence from Headquarters Command in Dili informing the troops that they will, in fact, have to repay their allowances and further tax deductions.

Mr Fitzgibbon interjecting—

The Speaker—The member for Hunter is warned!

Leave not granted.

Immigration: Litigation

Mrs MOYLAN (2.28 p.m.)—My question is addressed to the Minister for Immigration and Multicultural and Indigenous Affairs. Would the minister advise the House if litigation before the courts on immigration matters is growing? What are the implications of any increase in the growth of immigration litigation?

Mr RUDDOCK—I thank the member for Pearce for her question. Litigation before the courts in immigration issues has been growing exponentially. In fact, the growth in immigration matters is alarming, particularly to the Attorney-General. I mentioned to him that it is anticipated that during this financial year approximately 5,000 immigration cases will be filed before the courts. I think the implications of that for Australians who expect to have access to the court system are particularly germane.

The number of cases has doubled those filed last year, and there are 12 times the number filed during the year to 30 June 1995. The costs have also increased very significantly. This year of the order of $23 million is expected to be spent, as against $6.5 million in June 1996. I suspect the litigation costs will be even higher if the numbers increase as we have outlined. There are currently 3,100 cases before the courts and the AAT. That number will increase to almost 4,000 when the individual cases from the class actions have been processed by the courts. Despite the extension of the jurisdiction of the Magistrates Court and the case management initiatives of the Federal Court, the sheer magnitude of the number of cases will put very considerable pressure on the court system.

If applicants were being successful in this litigation, one might think that it had some justification. But, of the 1,904 cases resolved by the courts during the year ended June 2002, applicants won only 111 cases or six per cent of the matters brought before the courts. The reason people bring these matters to the court is that they expect to obtain delay. They pursue unmeritorious litigation because they believe it will assist them, particularly if they are able to gain employment in the Australian community. It is in this context that the proposal of the opposition to establish an asylum seeker referral panel ought to be looked at.

I alerted the House yesterday to the Ozmanian litigation before the Federal Court. I think it is important to expand on the implications of that. That was a test case that dealt with of the order of 40 applications before the Federal Court in relation to access to ministerial intervention. At that time the procedure in place for screening requests for ministerial intervention was that only those matters which fell within certain guidelines were to be referred to the minister. The Federal Court held that the conduct of departmental officers in conducting inquiries, making recommendations and doing preparatory work could be challenged and was subject to judicial review. That decision was appealed and, because of the potential for continued disruption to the administration of the intervention powers and because of the success of that case, I sought advice as to the way in which I should deal with those matters in the future. Senior counsel's advice was that all requests for intervention should be placed before the minister.
The important point that needs to be made in relation to this is that the Labor Party, when they get around to thinking about policy, say: ‘We believe you should put between the minister and an intervention request a further body to advise as to whether that is appropriate.’ Of course, the very outcome that would be achieved is that there would be another opportunity for every party that wanted to use the courts to further delay matters to challenge the decisions about what matters would be put before the minister. That is what the outcome would be in relation to the course of policy that you want to suggest. We have some 5,000 cases in prospect before the courts and further delay occasioned in relation to those matters. And what is the opposition’s approach? The opposition’s approach is to say, ‘Let’s put another opportunity in the system for people to be able to go before the court.’

Government members interjecting—

The SPEAKER—Order! I point out to those easily amused on my right that what we have on my left is in fact question time as it ought to operate. I recognise the member for Lyons.

Health: Private Health Insurance

Mr ADAMS (2.34 p.m.)—Thank you, Mr Speaker. It is good to get your call in a legitimate way. I have a question for the Minister representing the Minister for Health and Ageing. Could the minister inform the House what the government is doing about the many private health insurers who are failing to keep their customers notified of reductions to their schedule benefits? Is the minister aware that many Australians—including a woman in my electorate—who have taken out private health insurance are now finding that they are no longer covered for a stay in a private hospital? Why are they not informed of the schedule changes as they happen? Could the minister advise me how I should reply to the many constituents who ask me why the linchpin of the government’s health insurance strategy for middle-income families—private health insurance—is totally failing to meet their needs?

Mr ANDREWS—I thank the honourable member for Lyons for his question about private health insurance. I understand his concern about this issue, because more than 25,000 of his constituents have private health insurance. The reason they have private health insurance is that this government has put into place measures to encourage people to take out private health insurance. The 30 per cent rebate and the lifetime health cover measures mean that those constituents in the electorate of the member for Lyons have the opportunity of having private health insurance in a way which was never available when the Labor Party was in government.

This is something which I understand the member for Lyons is keenly interested in. If there is any deficiency in relation to the notification which the honourable member has addressed, I will have it looked into and get back to him.

Immigration: Children

Mr CADMAN (2.36 p.m.)—My question is addressed to the Minister for Immigration and Multicultural and Indigenous Affairs. Would the minister advise the House of action the government has taken following the Family Court’s decision to determine lawlessness?

Mr Ruddock—Mr Speaker, I know the interest of honourable members in this subject, particularly in relation to the Family Court assuming jurisdiction to determine the lawfulness of detention of minors. I made a decision some time ago as minister that, if a
state welfare authority recommended that for the best interests of a child in detention they should be released from detention and cared for by state welfare authorities, I would accede to that course of action. It has not been a course recommended to me by any state welfare authority in Australia where detention facilities are placed.

The second matter that I would inform the House of is that in relation to the alternative residential arrangements which we are seeking to expand—and I have mentioned that in relation to Port Hedland and to Baxter in Port Augusta, South Australia—while we have a facility still operational at Woomera and not fully utilised, we have given an opportunity to all those at both Baxter and Port Hedland who are eligible to participate the opportunity to do so and they refused.

It is in that context that I want to answer the question about the view taken by a majority of the full court of the Family Court on 19 June that found that its welfare jurisdiction extended to determining lawfulness of detention and the power to order the release of children in immigration detention, notwithstanding the provisions of the Migration Act. I said on Friday that I was seeking advice from the Solicitor-General on this matter. The advice I have received is that there are strong grounds for overturning this decision on appeal. I am advised that the full Family Court judgment clearly misstates a number of submissions put to the court on my behalf and that it addresses the issue of unlawful detention, notwithstanding that this was neither raised at the hearing nor put to my counsel at any stage during the proceedings. That is the advice that has been given to me.

In accordance with senior counsel’s advice, the following steps have been taken. I am seeking a certificate in the Family Court which would enable an appeal to be brought before the High Court, such a certificate being granted in cases which involve important questions of law and public interest. In conjunction with the above application, I have applied for a stay of the full Family Court’s orders pending determination of any appeal. I have also lodged an application for special leave in the High Court. In the event that the Family Court certificate is not granted, then I will pursue that appeal directly.

The government does not accept that the Family Court has jurisdiction to determine the lawfulness of immigration detention in face of the immigration act or to order the release of persons from immigration detention. This decision undermines parliament’s clearly stated intention, as evidenced in the Migration Act, that unlawful non-citizens are to be detained until removed, deported or granted a visa. Mandatory detention is an integral part of the government’s policy in relation to unauthorised boat arrivals and we will continue to ensure that remains the case.

**Defence: Airport Security**

Mr WILKIE (2.40 p.m.)—My question is to the Minister for Veterans’ Affairs representing the Minister for Defence. Can the minister advise why Defence chartered Russian transport aircraft being loaded at RAAF base Pearce with military equipment are protected by guards and Alsatian dogs whilst the same aircraft with the same military cargo receive no additional security while transit- ing and refuelling at Perth international airport? When will the minister take action to ensure that security for these aircraft is upgraded at Perth international airport to protect the cargo and the people of Perth from possible terrorist attacks?

Mrs VALE—I thank the member for his question. This is an operational issue and it is based—

**Opposition members interjecting**—
The SPEAKER—The minister will resume her seat. The member for Swan asked a question. The least he could do is extend to the minister the courtesy of hearing an answer. The minister has the call.

Mrs Crosio interjecting—

The SPEAKER—The member for Prospect is warned!

Mrs VALE—As I said, it is an operational issue; it is based on the risk assessment at the time, and the member well knows that.

Workplace Relations: Legislation

Mrs BRONWYN BISHOP (2.43 p.m.)—My question without notice is addressed to the Minister for Employment and Workplace Relations. Will the minister advise the House of the government’s commitment to the rule of law in the Australian workplace? Will he also advise how the government plans to ensure that employers and unions fully adhere to all rulings from courts and tribunals alike?

Mr ABBOTT—Thank you very much, Mr Speaker. I can tell the member for Mackellar that the government is determined to uphold the rule of law in Australian workplaces. Lawbreakers must face consequences according to law, and no-one should be able to break the law with impunity in the workplace or anywhere else. Unfortunately, for many years in this area we have had far too much legalism and not nearly enough real justice. To give just one example, which is typical of many, last year there was a strike at the Patricia-Balleen gas plant in Gippsland for two months costing several million dollars. In continuing this strike, the strikers and their unions flouted no fewer than three Federal Court injunctions and two Industrial Relations Commission return to work orders.

I can tell the member for Mackellar that there is hope of improvement in the future. The Workplace Relations Amendment (Compliance with Court and Tribunal Orders) Bill now before the parliament will oblige officials of registered organisations to adhere to the law or risk losing their jobs, and the contempt of the commission bill to be introduced later this week will strengthen existing provisions making defiance of the Industrial Relations Commission a criminal offence. Members opposite—

Ms O’Byrne interjecting—

The SPEAKER—The member for Bass will excuse herself from the House. The member for Bass then left the chamber.

Mr Zahra interjecting—

The SPEAKER—I remind the member for McMillan that he too will follow her if he thinks he has some sort of authority over who does or does not occupy a place in the House.

Mr Albanese—Mr Speaker, I rise on a point of order. I assume that standing order 55 is the basis upon which the member for Bass was excluded from the House and, therefore, the people of Bass are not represented during this question time. We had an organised chant before, over and over again, from everyone on that side.

The SPEAKER—The member for Grayndler will resume his seat! Let me remind the member for Grayndler that any reflection on the chair is highly disorderly. I sat here during an exercise which was not within the standing orders and then I exercised exactly the same tolerance during the reply to the opposition.

Mr ABBOTT—Members opposite are always talking about how much they respect the Industrial Relations Commission. These bills will give members opposite the chance to ensure that commission decisions are taken seriously and that their union mates are
no longer able to thumb their noses at the industrial umpire.

Foreign Affairs: Travel Advice

Mr Rudd (2.46 p.m.)—My question is to the Minister for Foreign Affairs. Is the minister aware of ASIO’s submission to the Senate inquiry on Bali where ASIO states that, on 9 August 2002, they issued a threat assessment which stated:

ASIO assessed the threat of terrorist attack against Australian interests in Indonesia remained HIGH and noted the following:

• the reports suggested Western interests, principally US, but also British and Australian, were among the intended targets.

Minister, could you advise the House how this ASIO threat assessment was reflected in your department’s subsequent travel advice on Indonesia, dated 13 August 2002? Furthermore, in relation to the department’s further travel advisories of 10, 13 and 20 September 2002, which refer to ‘the ongoing risk of terrorist activity’ and that ‘Australians should maintain a high level of personal security awareness’, could the minister inform the House where these travel advisories reflect ASIO’s August threat assessment that Australian interests themselves were the target of terrorist threat in Indonesia?

Mr Downer—Clearly, the travel advisories during 2002—as is certainly the case now—reflected the information that the department got, in particular, from ASIO. I do not have the details in front of me, but I do certainly recall during 2002 our travel advisories made it clear that there was a risk of terrorist attacks. These are travel advisories for Australians so, ipso facto, they were directed to Australians. There was no question of our concern about possible terrorist attacks. We had been warning not only through travel advisories but also, as I said yesterday, in answers to parliamentary questions—some of them from this side of the House and I think some of them from the other side of the House as well during the course of last year—and in a number of speeches about the risk of terrorism in South-East Asia and Indonesia. I particularly recall during the period of September-October, before the Bali bombing on 12 October, making some very robust and somewhat criticised comments in parts of Indonesia. I said on Lateline at one stage in September that Abu Bakar Bashir, who is the spiritual leader of Jemaah Islamiah, should be arrested.

Mr Crean interjecting—

Mr Downer—Yes, on Lateline. The Leader of the Opposition will be interested to know it is a very good program. He should be prepared to go on it more often. I also made a comment in a speech—

Opposition members interjecting—

Mr Downer—I know he is frightened of Lateline.

The Speaker—The minister will come to the question.

Mr Downer—During early October when I was in Kuala Lumpur, I took the opportunity at a World Economic Forum conference of referring again to my deep concerns about Abu Bakar Bashir, who himself responded with some gratuitous remarks about how I should become a Muslim or something. The serious point here is that throughout 2002—not only through travel advisories which warned Australians in Indonesia of possible terrorist attacks but also in a number of other ways, and ONA in particular at the recent Senate committee hearing made this clear—our understanding of the threat of Jemaah Islamiah grew. It is well known that that particular concern came to a head towards the middle of the year. As that concern grew, so did our comments about the risks and the dangers. That was reflected in travel advisories. But it was very important
to do more than that, and to talk about these issues.

All of this of course does not give much comfort to the victims of the Bali bombing. We all know that. It is such a terrible thing that so many people would be killed. It is a matter that everybody regrets: that nobody knew the Bali bombing was going to happen. Otherwise it could have been stopped. There has been information from time to time about possible terrorist attacks in South-East Asia. As the House may recall, there was one not very long ago in Surabaya, and it was possible not only to issue a warning in relation to that but also for people on the ground to take steps to try to deal with it. There was not the terrorist attack that had been feared. This was a few weeks ago. If only we had had that information on Bali, perhaps history would have been different.

**Health: Services**

**Mr PYNE** (2.51 p.m.)—My question is addressed to the Minister for Ageing, representing the Minister for Health and Ageing. Would the minister update the House on the progress of the Howard government’s successful More Doctors for Outer Metropolitan Areas program? Would the minister also update the House on a recent announcement related to this program? Is the minister aware of any alternative policies?

**Mr ANDREWS**—I thank the member for Sturt for his question and his interest in the subject of doctors in the workforce in outer metropolitan areas. I say to the House that the Howard government is committed to improving access to doctors right across Australia. In relation to the rural and remote areas of Australia, between 1997-98 and 2000-01 there was an increase from 5,700 doctors to 6,363—an 11.5 per cent increase. That program, which is being successful in rural and remote areas of Australia, is also being successful now with the $80 million More Doctors for Outer Metropolitan Areas measure, which was announced in the 2002-03 budget.

An essential component of this program is the relocation incentive grants to help health professionals to move to the outer metropolitan areas of Australia’s major cities. Under this relocation incentive, doctors in inner metropolitan areas can apply for grants of up to $20,000 to move to existing practices in outer metropolitan areas or $30,000 if they are going to establish new practices in outer metropolitan areas. The program is also available for general practice registrars in the general training pathway who have finished their training and are eligible for the incentive payments.

The government, under this component of the program, set a target of 150 doctors over a four-year period under the overall program. I can indicate to the House and to the member for Sturt today that, since the announcement in March of this year, in just on three months 75 doctors have taken up placements or agreed to permanently relocate to the outer metropolitan suburbs. So, having set ourselves a target of 150 over four years, we have actually delivered, or are in the process of delivering, 75—half the target within the first three months of the program. Of these 75 health professionals, 52 are doctors, 22 are general practice registrars and one is a specialist trainee. The $30,000 incentive for inner city doctors to relocate has, therefore, been extended by the government to 31 December, which will give more urban doctors the opportunity to take up the initiative. This will be complemented by the measures in the A Fairer Medicare package, which aims to boost the workforce of doctors, particularly in the hinterlands of the six major capital cities of Australia.

I was asked whether or not there were any alternative policies. Of course, what we were
left when we came to government was a huge maldistribution of doctors: too few in regional and rural Australia and too few in the outer metropolitan areas of Australia. The ALP’s response is to continue to ignore the outer metropolitan areas of Australia. It has made no commitment to keep these work force initiatives of this government. In fact, its wasteful Medicare proposals would do nothing about doctors in outer metropolitan areas. The ALP has no plans to send doctors where they are most needed—no plans whatsoever. It has no outer metropolitan medical work force scheme and it has no commitment to keep such a program. One thing is sure, and that is that under the coalition government there will always be more doctors in outer metropolitan Australia.

Health: General Practitioners

Ms HALL (2.56 p.m.)—My question is directed to the Minister for Ageing representing the Minister for Health and Ageing. Minister, are you aware that the number of GPs on the Central Coast of New South Wales has fallen from 310 to 253 over the last four years and is expected to decline by a further 10 per cent—25 per cent—over the next 10 years? That is, 25 per cent in 10 years. Is the minister aware that over that same period of time the population of Wyong Shire will increase by 23 per cent? Given the failure of the government’s outer metropolitan program to attract more doctors to the Central Coast, will the government take immediate action to overcome the shortage of doctors on the Central Coast?

Mr ANDREWS—I thank the member for Shortland for her question. Seeing that she cannot even get her figures right in her question, I will check out what she has said as to whether it is 20 per cent, 25 per cent or 10 per cent. I will check the details.

Ms Hall—I have a point of order, Mr Speaker. I point out to the minister that it is definitely 25 per cent—

The SPEAKER—The member for Shortland will resume her seat; she has no point of order.

Environment: Green Corps

Mrs DE-ANNE KELLY (2.58 p.m.)—My question is addressed to the Minister for Children and Youth Affairs. Would the minister update the House on the progress of the Green Corps program?

Mr ANTHONY—I thank the member for Dawson for her question. Indeed, I had the pleasure of being in that electorate recently with the member for Dawson at a graduation of a Green Corps project in Sarina. I have to say that this has been one of the most outstanding programs that the coalition has put in place, with two key objectives: better environmental outcomes, which we are doing, and great youth development by encouraging young participants across Australia. It is focusing on our two greatest assets: our young people and, of course, better outcomes for the environment.

For our young people it no doubt improves their skills, gets them more job ready, builds camaraderie and, specifically, increases their confidence about and knowledge of environmental issues. Indeed, since 1996 over 10,000 young people have participated in the program, in over 1,000 projects. They have been very diverse. In the member for Parkes’s electorate, near Forbes, there is a Green Corps team working on a wildlife corridor—it is all about replanting native trees and shrubs. In the member for Brand’s electorate, down near Peel waterways at Mandurah, there is another great project for young people. So far in Perth South in Western Australia they have planted over 7.9 million trees and eradicated about 30,000 hectares of weeds.
I must admit that the most encouraging element of Green Corps is the feedback that we get from the participants. I was up in the member for Dawson’s electorate recently, and she had received a letter from a young graduate. I would like to share it with the House. It says:

Green Corps has done wonders for all of us. I myself never used to want to work at all. Four months down the track after this program, now I am willing to try anything. The program has benefited us all in many ways. Now we have confidence in ourselves, it has given us so much more worth in our lives. We now know that we can go out into the world with our heads held high and believe in ourselves.

What a wonderful testimony from those young Green Corps teams up in the Dawson electorate and across the country. Even in my own electorate, I was reassured the other day by Green Corps participants who are doing wonderful work in the Dunbible catchment, having teamed up with a local land care group. The team leader, Janica Pearson, said that Green Corps ‘improves the attitude, the self-esteem and the work ethic for young people involved with the project’. Green Corps is a terrific program, and I hope that all members of the House get behind these young Australians and encourage them. Good for them and good for the environment.

Immigration: Visa Approvals

Mr LAURIE FERGUSON (3.01 p.m.)—My question is directed to the Minister for Immigration and Multicultural and Indigenous Affairs. I refer to his willingness to provide extensive information regarding his broad use of ministerial intervention—such as first-time requests, 5,433 cases; repeat requests, about 385 cases—and my own personal success rate with regard to intervention. Will the minister now answer the specific question: in how many cases has Mr Karim Kishwani had involvement with the minister and his office? Of those cases, how many visas did the minister grant?

Opposition members interjecting—

Mr Abbott—Mr Speaker, I raise a point of order under standing order 75. I heard a very offensive comment made about the Minister for Immigration and Multicultural and Indigenous Affairs. It should be withdrawn.

The SPEAKER—The only thing of which the chair is certain is that any offensive remark did not come from the member from Batman, because I was engaged in a conversation with him at the time.

Mr Martin Ferguson—There are 146 suspects!

The SPEAKER—The member for Batman will not exercise licence. I merely indicated a factual statement to the House. I am not aware who made the statement. If an offensive statement was made, I require for it to be withdrawn.

Mr Abbott—if it would help you, the offensive statement came from the member for Wills.

The SPEAKER—I ask the member for Wills to withdraw the statement he made.

Mr Kelvin Thomson—if the Leader of the House is offended, I withdraw.

Mr RUDDOCK—I thank the honourable member for his question. I wrote to the honourable member and the shadow minister last week, and they put certain information to the House which was clearly at variance with the facts. I simply make the point that it is extraneous to immigration decision making in relation to intervention whether I have repeat requests or not. They are part and parcel of the system, in which people are entitled to put fresh information if they wish. I was simply making the point that I receive many such requests. I have accepted them from the member for Reid, and it would be inappro-
Mr FORREST (3.04 p.m.)—My question is addressed to the Minister representing the Special Minister of State. Is the minister aware of allegations of improper activities by Karim Kisrwani? What is the government’s response to these allegations?

Mr ABBOTT—I certainly am aware of allegations of improper donations by Mr Karim Kisrwani. There have been repeated allegations of this nature from members opposite against this man over the last few weeks. Let me say that these allegations smear a fine Australian—who is certainly not the Liberal Party bagman, as represented by people like the member for Reid. Over the years, Mr Kisrwani has had many friends—not all of them Liberal Party members—and has been involved in many political party fundraisers, not all of them Liberal Party fundraisers. For instance, the other day I came across some interesting information in a book called *The Fixer: The untold story of Graham Richardson*. It says:

In December, Eddie Obeid—

Eddie Obeid is, in fact, a minister in the Carr government—

and his business partner—

rather, he is an ex-minister in the Carr government—

Karim Kisrwani, attended their first of many $100-a-head fund-raising dinners for Premier Neville Wran.

These people are happy to smear Mr Kisrwani now, but they were not too proud to use him once. The chapter from Marian Wilkinson’s book is entitled ‘Ghosts from the Past’. I have to say that this is one ghost that is still haunting members opposite. In fact, before the last election the member for Reid was concerned about the preselection of his factional colleague, Mr David Borger. He asked no less a person than Mr Karim Kisrwani to provide stackers for branches friendly to Mr Borger. He also said that he would pay the membership fees of those stackers.

The member for Lalor likes to provide numbers. After investigations, I suggest that the member for Lalor might have a look at Australian Labor Party New South Wales branch membership No. 991484. Investigate that, and see how far it complies with the rules of the Australian Labor Party. We all know that the Labor Party plays its politics pretty rough in Western Sydney, but things have come to a pretty sorry state when the member for Reid has to draw on the services of someone who he now says is a Liberal Party bagman to try to protect his own factional position.

Over the past few weeks, we have seen a great deal of stone throwing against the minister for immigration, who is an honourable man doing a very good job under difficult circumstances. Let me say this: these stone throwers do not live in glass houses; they live in glass cathedrals. It is about time that members opposite got off the dirt track and tried to give the Australian people a bit of policy that one day they might be able to vote for.

Mr LAURIE FERGUSON (3.08 p.m.)—I refer to the minister’s—

*Mrs Draper interjecting*—

The SPEAKER—I warn the member for Makin!

Mr LAURIE FERGUSON—Do better than that, buddy boy.

The SPEAKER—The member for Reid is well aware that his actions were just as far outside the standing orders as were the inter-
jections. The member for Reid has the call. He will exercise more restraint.

Mr LAURIE FERGUSON—My question is addressed to the Minister for Immigration and Multicultural and Indigenous Affairs. I refer to the minister’s last answer, and I again ask: could the minister specifically inform the House of the number of cases in which his friend Mr Karim Kisrwani—

Mr Tuckey—Whose friend?

Mr LAURIE FERGUSON—has had contact with the minister and his office?

Honourable members interjecting—

The SPEAKER—I issue a general warning. I will act swiftly against anyone who interrupts anyone who has the call.

Mr LAURIE FERGUSON—I again ask the minister the specific question: in how many cases has his friend Mr Karim Kisrwani had contact with the minister and his office in relation to intervention? In how many of these cases were his representations successful?

Mr Ross Cameron interjecting—

Ms Burke—I wouldn’t be laughing, Ross.

The SPEAKER—I wouldn’t be commenting either.

Mr RUDDOCK—I gave a lengthy answer to a question yesterday in which I outlined comprehensively the way in which the powers that are reposed in me were developed over time and the way in which those powers are exercised. I simply make this point: I have no say in who approaches me. The numbers of times people approach me vary greatly. Some members of parliament never approach me. Others approach me on one or two occasions. Others approach me on tens of occasions. It is the same with migration agents and community representatives. The only point I make is that I determine these issues on a case by case basis, and the way in which they are resolved depends upon the facts in each individual case. I stand by the decisions I have made, and I do not intend to have them micromanaged by you.

The SPEAKER—Minister!

Mr Adams interjecting—

The SPEAKER—Does the member for Lyons claim some sort of exemption from general warnings by reason of his status as a member of the Speaker’s panel? A general warning has been issued. It applies to everyone.

Political Parties: Fundraising

Dr SOUTHCOtt (3.12 p.m.)—My question is addressed to the Minister representing the Special Minister of State. Has the minister seen assertions that the disclosure provisions of the Commonwealth Electoral Act can be defeated by the channelling of a cash donation for $9,880 through a so-called major raffle? Is the minister aware of other Commonwealth measures which such a transaction might have been designed to defeat? What is the government’s response to these suggestions?

Honourable members interjecting—

The SPEAKER—I remind all members of their status in the House.

Mr ABBOTT—I thank the member for Boothby for his question. I can inform the member for Boothby that comments in today’s paper by Mr Dante Tan’s business partner certainly seem to indicate that a member of the Australian Labor Party, former frontbencher Senator Nick Bolkus, gave dodgy advice on how to avoid the disclosure requirements of the Electoral Act. I want to make it very clear to members opposite that the Australian Electoral Commission advises that any receipts which aggregate to more than $1,500 must be disclosed by both the receiver and the donor. In other words, large
Mr Speaker, you have to ask yourself just what political planet Senator Bolkus has been inhabiting these last few weeks. How could Senator Bolkus have been reading the newspapers over the last few weeks and not have recalled his own handling of a Dante Tan donation—unless, of course, Senator Bolkus does this kind of thing all the time? Senator Bolkus must now provide answers about what seems to have been the world’s most expensive chook raffle. How many tickets did Senator Bolkus sell? At what price did Senator Bolkus sell these tickets? How many tickets did Senator Bolkus sell to Mr Tan? And the questions that Senator Bolkus really should answer are these. When did he tell the Leader of the Opposition? When did he tell the member for Lalor? When did he tell the member for Reid?

Mr Latham—Mr Speaker, I rise on a point of order. As you have pointed out many times in the House, question time is there for ministers to provide answers, not for them to provide a long list of questions to the House. The minister has been asked about a particular matter and he should provide an answer.

The SPEAKER—I was listening closely to the minister’s response, which I concede was unusual. But I cannot deem it was not relevant to the question asked.

Mr Latham—Mr Speaker, I rise on a point of order. As you have pointed out many times in the House, question time is there for ministers to provide answers, not for them to provide a long list of questions to the House. The minister has been asked about a particular matter and he should provide an answer.

The SPEAKER—I was listening closely to the minister’s answer, which I concede was unusual. But I cannot deem it was not relevant to the question asked.

Mr ABBOTT—After Senator Bolkus has told us when the Leader of the Opposition first knew about this raffle, the Leader of the Opposition might tell us what he is doing to discipline his members who apparently are trying to launder money and avoid the disclosure provisions of the Electoral Act.

Mr Latham—Mr Speaker, I rise on a point of order, standing order 145. He is now asking questions which have absolutely nothing to do with the question that he was asked.

The SPEAKER—I am listening closely to the minister’s response. The minister’s obligation under standing order 145 is to be relevant to the question.

Mr ABBOTT—It should not be too hard for the Leader of the Opposition to find out answers from Senator Bolkus. Let us face it, they flat together in Canberra. You can just imagine the late evening—

The SPEAKER—Minister!

Mr Latham—Sit down.

The SPEAKER—I am exercising a good deal of tolerance for both sides of the House.

Mr Latham—Mr Speaker, I rise on a point of order. He is now defying your ruling. He is nowhere near relevant to the question that was asked. He is talking about accommodation arrangements in Canberra. Surely that has nothing to do with the question he was asked.

The SPEAKER—The minister was asked a question about the channelling of funds and raffles.

Honourable members interjecting—

The SPEAKER—I remind the House that a general warning is not issued lightly and that if it is abused by anybody I will take action. I recognise that there has been a good deal of hilarity directed from some members to others but I do expect people to recognise the right of others to be heard in silence.

Mr Martin Ferguson—Mr Speaker, I rise on a point of order. In relation to your general warning, I think you have now correctly pulled the member for Leichhardt into order.

The SPEAKER—I thank the member for Batman for his vote of confidence. The minister will come to the question.
Mr ABBOTT—you can imagine the conversation tonight, can’t you, back at this exclusive Canberra—

The SPEAKER—the minister will come to the question.

Mr ABBOTT—‘How many dodgy donations have you made recently?’ That is the question that the Leader of the Opposition ought to pose.

The SPEAKER—Minister!

Mr ABBOTT—I have also been asked—

Mr Latham interjecting—

The SPEAKER—I have intervened. The member for Werriwa will resume his seat.

Mr ABBOTT—I have also been asked about other Commonwealth legislation requirements which might have been evaded by the actions of Senator Bolkus. The Financial Transactions Reports Act 1988 requires mandatory recording of cash transactions over $10,000. I am advised that bank tellers are trained to identify suspect transactions just beneath the $10,000 threshold. The amount of the cash cheque, $9,880, suggests that it may have been designed precisely to circumvent these legislative requirements. The AEC certainly may wish to refer this matter to the Australian Federal Police for further investigation.

It seems that Senator Bolkus has been involved in money laundering, pure and simple; it seems that the ALP is in this up to its neck. I call on the Leader of the Opposition to come clean about what has been going on and to discipline Senator Bolkus immediately.

Immigration: Visa Approvals

Ms GILLARD (3.19 p.m.)—My question is to the Minister for Immigration, Multicultural and Indigenous Affairs and refers to his last two answers to questions from the member for Reid. Will the minister now answer the specific question of how many cases Mr Karim Kisrwani has been involved in by making representations? In how many of those cases were Mr Kisrwani’s representations successful?

Mr Abbott—Mr Speaker, I rise on a point of order. This is identical to the previous question and the question has been fully answered by this good minister.

The SPEAKER—I point out to the member for Lalor that the Leader of the House has, in my view, a valid point of order. I have allowed this question to stand on two occasions. I point out to the member for Lalor that the standing orders do not oblige a minister to do as she has asked—that is, give a specific answer; they require that the minister be relevant to the question asked.

Mr McMullan—On the point of order, Mr Speaker: the standing order as it relates to this particular question is not that the answer is relevant; it is that the question has been fully answered. You may say the answer was relevant; you cannot possibly argue that the question has been fully answered.

The SPEAKER—I remind the member for Fraser that I did not—

Government members interjecting—

The SPEAKER—I see there are some who are very anxious to find themselves a coffee in one of the many venues in this parliament.

I point out to the member for Fraser that I did not suggest for a moment that the question had been fully answered. You may say the answer was relevant; you cannot possibly argue that the question has been fully answered.

Mr RUDDOCK—Over a long period, in dealing with questions that have been put by the opposition, I have endeavoured to deal with them fully. In fact, many of my col-
leagues complain about the extent to which I have done that.

Mr Gavan O’Connor—Why don’t you answer this one then?

The SPEAKER—The member for Corio will excuse himself from the House.

The member for Corio then left the chamber.

Mr Ruddock—I would have thought that—with the number of questions I have fully answered and the number of times people have gone outside this House, ignored the answers I have given, considerably misrepresented me and at times defamed me—those that do not come with clean hands deserve no better answer than they have had so far.

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

QUESTIONS WITHOUT NOTICE:
ADDITIONAL ANSWERS
Health: Private Health Insurance

Mr Andrews—Mr Speaker, I seek the indulgence of the chair to add to an answer.

The SPEAKER—The minister may proceed.

Mr Andrews—I refer to the question I received from the member for Lyons today. I am advised that, if any private health fund has failed to properly notify a holder of a policy when they have a responsibility to do that, a formal complaint can be lodged with the Private Health Insurance Ombudsman. I encourage the member to follow that course with his constituent. Finally, I inform him and others that the office of the Private Health Insurance Ombudsman, put in place to protect consumers, was instigated by this government.

QUESTIONS TO THE SPEAKER
Quorums

The SPEAKER (3.24 p.m.)—I indicate to the House that I seek to incorporate in Hansard a statement in response to a question asked of me by the member for Werriwa yesterday. I have given the member for Werriwa a copy of the statement. It provides more detail than I think would be appropriate for me to read into the Hansard at this stage.

The document read as follows—

Yesterday the Honourable Member for Werriwa drew to my attention a reference to page 305 in the 2nd edition of House of Representatives Practice. The page contained a reference to a 1929 opinion from the Attorney General’s Department to the effect that a proposal to prevent a quorum being called for within a half hour of the House having been constituted would be in conflict with section 39 of the Constitution.

This opinion had been referred to in the 1st edition, edited by the then Clerk, Mr Pettifer, as well as in the 2nd edition edited by the then Clerk, Mr Browning. It appears that the reference was dropped in the 3rd edition published in 1997 again edited by the then Clerk, Mr Barlin. As noted in the House yesterday it is not in the current edition.

I hope that Members will understand that the editors of each new edition of House of Representatives Practice must make decisions about the retention of earlier references, just as they must make decisions about the addition of new references. This is especially necessary when substantive provisions are altered, as was the case in respect of the quorum requirements—the size of the quorum was reduced from one third to one fifth of the House’s membership in 1989.

It appears that the 1929 opinion was provided in response to a request to comment on a number of proposed standing orders, including one which was intended to provide that a quorum call could not be made within ½ hour of the meeting of the House. At that time, the practice of the House appears to have been to limit a quorum call to one every 15 minutes. I understand that no doubt was raised as to the Constitutional validity of deci-
sions made under the ‘maximum of one quorum call every fifteen minutes’ practice.

Members may also wish to consider the difference between the 1929 proposal and the proposition standing on the Notice Paper in the name of the Leader of the House. The 1929 opinion commented on a standing order which would have prevented a Member making the quorum call for a certain period. It is important to note that there is a significant difference between calling for a quorum, and establishing whether or not a quorum is present. In drawing the attention of the Chair to the state of the House, a Member is expressing a belief that a quorum is not present. The Chair then ascertains if it appears that a quorum is present. The fact that, in the past, Members have called for a quorum when one was present, and have been disciplined for doing so, indicates that a Member’s opinion is not always correct.

The current notice does not purport to prevent a Member making a quorum call, but rather provides for the way such a call may be dealt with. It deals, not with the way in which a member may call attention to the state of the House, but to the way in which the House will be counted if it is to be counted. The current standing orders provide for a single Member to draw attention to the state of the House. However, it would be open for the standing orders to indicate that the voices of 20 Members, for example, were necessary before the Chair counted the House. In this respect Members may think that such a proposal, or one that enables a single Member to call for a quorum, or the one contained in the notice standing in the name of the Leader of the House, would be open to the House under the authority conferred by section 50 of the Constitution to make rules and orders with respect to the order and conduct of its business and proceedings.

To my mind, the proposal on the Notice Paper has less far-reaching effect than the resolution agreed to by the House to make provision for the House to sit through the former dinner break on Mondays and Tuesdays without a need for divisions and quorums. The resolution concerning quorums called between 6.30 and 8 p.m. provides for the Chair to indicate, when a quorum call is made in that period, that the counting of the House will be delayed until 8 p.m. That resolution passed without comment as to any constitutional implications. The notice of motion proposed by the Leader of the House gives the Chair discretion as to when to conduct the count. The discretion could be exercised, for example, so as to delay the count until when a member addressing the House has finished his or her speech.

I also add that standing order 44 remains unaffected by the motion of which notice has been given by the Leader of the House. That standing order provides that no decision of the House shall be considered to be arrived at by a division in which the tellers’ count indicates that a quorum is not present.

Finally, I indicate that if the notice to which the Hon. Member drew attention is called on, it will be for the House itself whether to decide on any amendment to standing order 45 for the remainder of this period of sitting. I do not feel the need to obtain any additional legal opinion in relation to it than I would in relation to the constitutionality of, for example, a Bill on the Notice Paper. It remains for the House to make its own decisions on such matters, and as I indicated in the House, I remain the servant of the House.

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Defence: Personnel

Mrs VALE—Mr Speaker, I seek the indulgence of the chair to add to an answer.

The SPEAKER—The minister may proceed.

Mrs VALE—I would like to add to an answer to a question from the member for Oxley—

Ms Burke interjecting—

The SPEAKER—The minister will resume her seat. The member for Chisholm is a relatively new member of the House. I remind her that a general warning does not expire at the end of question time. It still stands.
Mrs VALE—I can confirm to the member for Oxley that the rate of the East Timor peace enforcement allowance will continue at $125 a day. This is for the current rotation of troops. Our troops will not have to pay back any allowances. The government is currently considering the nature of service in East Timor, but at this time no decision has been taken.

Education: University Fees

Mr HOWARD—Mr Speaker, I seek the indulgence of the chair to add to an answer.

The SPEAKER—The Prime Minister may proceed.

Mr HOWARD—The Leader of the Opposition asked me about university fees, and he referred to a report regarding the University of Sydney planning ‘an across-the-board 30 per cent increase on all possible HECS fees, following the government’s inequitable university changes’. I draw the attention of the Leader of the Opposition and the House to an ABC News Online item posted at 10.47 a.m. this morning, which says quite clearly: Meanwhile, Sydney University has denied reports that it is decided to pursue a 30 per cent fee increase for students.

A Sydney University spokesman says a sub-committee of the university’s Senate is still considering what recommendations it will make ...

Opposition members interjecting—

Mr HOWARD—I am in continuation of the supplementation of an answer. Once again, the Leader of the Opposition—

Mr Latham interjecting—

The SPEAKER—The member for Werriwa will resume his seat. He cannot expect me to recognise him if he is going to treat the Prime Minister like that. It is quite outside the standing orders. It would not matter who had the call. I will not tolerate people interrupting someone else with the call in that manner.

Mr HOWARD—I make the point yet again—

Mr Latham—Mr Speaker, I rise on a point of order. Surely the Prime Minister has the capacity to add facts and figures to the answer that was provided to the House earlier on. He does not have the capacity to go on making judgments about other people in the House.

The SPEAKER—The member for Werriwa will resume his seat. In adding to an answer, the Prime Minister can do precisely as he has done. What he cannot do is introduce new material.

Mr HOWARD—I simply make the observation, as I indicated in the earlier answer, that the Leader of the Opposition has a great penchant for verballing not only me but also members of his own party.

Mr Crean—I seek leave to table the transcript from which I quoted the Prime Minister’s commitment that there would be no increase in university fees and that that would be sacrosanct. I seek leave to table it. There is no verballing here.

Leave granted.

QUESTIONS TO THE SPEAKER

Questions on Notice

Mr RIPOLL (3.28 p.m.)—Mr Speaker, under standing order 150, can I get your assistance to write to the Minister Assisting the Minister for Defence to answer question No. 1736, which is yet to be answered?

The SPEAKER—I will follow up the matter raised by the member for Oxley as the standing orders provide.

Question Time: Interjections

Mrs CROSIO (3.28 p.m.)—Mr Speaker, I am seeking some guidance. I know that the member for Grayndler touched on standing order 55. In the question asked by the member for Macarthur of the Treasurer, this side
of the House witnessed 74 members of this House yelling out, 13 times, ‘Shame!’ Mr Speaker, I would like to know whether that is permissible debate in this parliament under that standing order, given that two members of this side of the House were removed for interjecting?

The SPEAKER—The member for Prospect has been in this House for some time. As she is well aware, it is most unusual for the occupier of the chair to interrupt someone who is interjecting unless that interjection is interrupting the person who has the call. The case of people saying, ‘Hear, hear,’ for example, while it may be deemed to be interjecting, is not normally acted on by the chair. It is fair for the member for Prospect to observe that chorusing is not in order. I have made that observation myself. I did, however—recognising that the Treasurer was being supported, not interrupted—tolerate but not appreciate what was happening. I subsequently tolerated a number of interjections—conveniently not listed by the member for Prospect—from the left of my chair. I did my best to be even-handed about that. If it would suit the member for Prospect for me to be firmer with all interjections, I will do so. This was an instance where the interjections were seen to be supportive and it has been the practice of the chair not to interrupt those interjections from whichever side they have come.

AUDITOR-GENERAL’S REPORTS
Reports Nos 52-55 of 2002-03
The SPEAKER—I present the Auditor-General’s audit reports Nos 52 to 55 of 2002-03 entitled No. 52—Performance audit: Absence management in the Australian Public Service; No. 53—Business support process audit: Business Continuity Management follow-on audit; No. 54—Business support process audit: Capitalisation of software; and No. 55—Performance audit—Goods and Services Tax fraud prevention and control: Australian Taxation Office.

Ordered that the reports be printed.

PAPERS
Mr ABBOTT (Warringah—Leader of the House) (3.32 p.m.)—Papers are tabled as listed in the schedule circulated to honourable members. Details of the papers will be recorded in the Votes and Proceedings.

MATTERS OF PUBLIC IMPORTANCE
Education: Funding and Fees
The SPEAKER—I have received a letter from the honourable member for Jagajaga proposing that a definite matter of public importance be submitted to the House for discussion, namely:

The Government’s unfair education priorities that deliver million dollar funding increases to elite private schools while increasing student university fees by 30 per cent.

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—

Ms MACKLIN (Jagajaga) (3.33 p.m.)—We all know that the Minister for Education, Science and Training is fond of all of his famous sayings, and in a recent interview he revealed that when he was 13 his father said to him:

The only way you will ever live in a better house than the one you’re growing up in is if you study as hard as you can at school.

Fathers who are talking to their sons from here on are going to have to tell them that they will have to hold off getting any house because now, as a result of this minister’s changes, they will have huge university debts to pay before they have any hope of getting a house. Unfortunately, this government’s education policy has absolutely nothing to do
with learning and an awful lot to do with money. If you can afford $15,000 school fees, you can get the best education going, in one of the government’s greatly supported elite private schools. They are certainly getting more and more funding as a result of this government’s massive handouts. This year, for the first time ever, this government is giving more funding to non-government schools, including elite private schools, than it is giving to the whole of the university system. That is what this minister’s priorities are all about.

Sydney’s Trinity Grammar School is a very long way from the minister’s old school in Launceston. It is a long way from the schooling experience of most Australians, but now that sort of privilege—the sort of privilege that this minister wants to see supported at Sydney’s Trinity Grammar—is going to be expanded into our universities. This minister wants to say that each and every course at our universities can be half filled with students who are full fee payers: students who are going to be asked to pay upwards of $100,000 for the privilege—we know this minister thinks it is a privilege—of going to university. The minister freely admits that his university education was a privilege. The minister has said:

I certainly was privileged to be the product of a tertiary education system where I did not have to pay anything for it ...

But the minister is now turning it into another sort of privilege: a privilege born of money—that is the privilege that this minister understands now—rather than ability or opportunity. It does not matter what your ability is anymore; if you have the money you will be able to buy a place at university. The minister here at the table, the minister for education, walked out of university with his university degree—a medical degree—owing not one cent. Not one cent did this minister owe in tuition fees. This is the way this minister sees it. These are the warped priorities of this minister. He wants to say that no student should be denied the opportunity of paying $150,000 for a medical degree. That is the sort of opportunity that this minister wants to deliver to the students that we have here in the gallery today. They too can pay $150,000 for a medical degree, presumably so that they can truly appreciate what a privilege going to university is.

We know that government supported or HECS places are going to be harder and harder to find under this government because it is only increasing the number of government supported places by just over 2,000 for the whole of Australia. The University of Sydney are in fact planning to increase their course fees across the board by 30 per cent. The reason they are doing that is that this government has given them the green light to do so. It is this government’s policy which says that each and every university in this country can increase their course fees by up to 30 per cent. The University of Sydney, quick off the mark, have decided they are going to get in there, and they plan to increase their university fees by 30 per cent—even before the legislation has made it into the parliament.

People should understand how much that means: a science student at the University of Sydney will be facing an increase of $4,000 to the cost of their degree. That is how much this means in real money: an extra $4,000 on the debts that those students will carry into the start of their working lives. That is what the reality of this minister’s changes will be for those students. We know it will not stop at the University of Sydney; we know that there will be many other universities around this country that will take the opportunity provided by this minister to raise fees for their courses.
This minister represents one of the wealthiest and most highly educated electorates in the country. But the minister likes to remind us from time to time that he was, once upon a time, one of us. He has reminisced about the long hours that he spent working in a bottle shop, as a brickie’s labourer and as a salesman to help pay his way through university. Obviously it was a salutary experience for the minister because now we see, as a result of this government’s policies, more and more students having to work harder and harder just to make their way through university. In fact, in some universities it is not clear whether they are students who work or workers who study, because they are having to do so much paid work just to make sure they pay the rent and keep food on the table. We hear time and again from teachers and lecturers at universities that there are many students who miss tutorials or lectures because of the jobs they are forced to undertake, and students who fall asleep in class because they have been working too hard. Is this what this minister calls a rich university experience?

The minister also says that these students should be grateful for the opportunity that they have had provided to them by the taxes of those who work so hard in factories, building sites and other labour-intensive work. We know the minister has a lot of favourite stories: I am sure all of you have heard the one about the woman that he met outside the Queensland University of Technology. Remember that one? Maybe he would like to repeat it to us today.

_Ms Vamvakinou interjecting—_

_The DEPUTY SPEAKER (Hon. I.R. Causley)—_The member for Calwell is not in her seat and is therefore grossly disorderly.

_Ms MACKLIN—_She was, the minister said, an everyday kind of person. She had worked hard and her taxes had paid for what went on inside that university, but she would never get the chance to get inside herself. We certainly know she will not have any hope of getting inside any university now because of this minister’s changes. She will never be able to afford the sorts of full fees that this minister is going to allow universities to charge. She would not be taking on a university degree and facing the sorts of debts that this minister wants to leave Australian students with.

No doubt this woman outside QUT would also be horrified to know—no doubt the minister did not tell her this—how much this minister is putting into our elite private schools. Do you think for a minute that the minister might have told the woman outside QUT about that? I doubt it. The budget has revealed this government’s scheme, this minister’s scheme, concerning elite private schools such as Trinity Grammar in Sydney. There are many others in Sydney and Melbourne but just look at Trinity Grammar—it is getting an increase of 560 per cent.

_Ms MACKLIN—_Five hundred and sixty per cent since 2001, from this government. That is how much extra an elite private school is getting from this minister as a result of his government’s policies. I bet he did not mention that to the woman outside QUT. She probably does not send her kids to Trinity Grammar or any school like Trinity Grammar. In fact, only 1.7 per cent of all school children actually go to schools like Trinity Grammar. I do not know what the minister’s priorities are, but they certainly are not about making sure that students have access to an excellent standard of education in all schools, not just in elite private schools.

_Dr Nelson—_It was 5.4.
Ms MACKLIN—The minister makes the point that the increase to government schools was 5.4 per cent.

Dr Nelson—No, 5.5. It was 5.4 per cent—

Ms MACKLIN—Shall we let him go on? We might hear whether or not he did in fact tell the lady outside QUT that Trinity Grammar got an increase of 560 per cent. Do you think we will get an answer to that question? I doubt it. Maybe this provides an opportunity for the minister to ask one of his heroes. You know how the minister has lots of heroes—we have heard all about them. Ghandi, Socrates, Aristotle, Neville Bonner—who we know is on the back of his door—the Jesuits or JFK, they are all the minister’s heroes. Do you reckon anyone in this crowded pantheon—

The DEPUTY SPEAKER—The member for Jagajaga will address her comments through the chair.

Ms MACKLIN—Do you think, Mr Deputy Speaker, that any one of these very famous people in this crowded pantheon that we know the minister carries around in his head would say that this was fair? I do not think Ghandi would say it was fair to give an increase of 560 per cent to Trinity Grammar. I really do not think that Ghandi, Socrates, Aristotle, Neville Bonner or the Jesuits would say that that is fair. I do not think they would say that it is the right priority of any government to give that sort of money to Trinity Grammar when there are poorer schools that are missing out.

The minister, of course, is being pretty modest when it comes to actually admitting where the great inspiration for his changes to universities has come from. In fact, the great inspiration has not come from Ghandi, the Jesuits or any of those people—it came from Fightback. Remember way back then, when we had the plan set out by John Hewson all those years ago? We had deregulated fees, student loans, market interest rates and a divisive industrial relations agenda.

Does that ring any bells for anyone? Have we heard these plans before? We heard them from John Hewson in Fightback, we heard them from David Kemp when he was the minister for education and now we hear them from this minister. This is, in fact, the inspiration for this minister’s changes. It was actually Fightback that was the road map that guided the minister in his whole year review into the higher education system. The end point of this review was always going to be fee deregulation, student loans, market interest rates and a radical industrial relations agenda. There is nothing original from this minister; it is all Fightback and the changes in that failed cabinet submission from the current Minister for the Environment and Heritage. Let us not be fooled at all about where this minister has got his ideas from. We know exactly where they come from and they certainly have not come from those very famous people that he likes to say give him all of that inspiration.

Another story that we have heard so regularly from this minister is about a woman in Ballarat whose daughter wanted to study to be a vet. This minister said:

I am absolutely determined to do something about that situation. I have said to the sector, ‘By the time I finish these reforms, I don’t want that situation to exist.’

You know the way he goes about it. Of course, we know what the government is doing. The fees for a vet degree at the University of Melbourne are over $100,000. The government is going to provide a loan of $50,000 with market rates of interest and we know that this family is going to have to find another $50,000. I do not know where from.

Mr Zahra—Loose change!

Ms MACKLIN—Loose change—that’s right. This minister thinks that families have
just got that sort of money floating around, that they are going to be able to pay the $50,000 loan with a six per cent interest rate and find another $50,000 to pay for the fees for her to do veterinary science at the University of Melbourne. That is the sort of policy that we have now seen from this minister. This whole package of changes is about saying to Australian students and their families, ‘You can go to university—if you’ve got the money.’ That is basically what it is about. If you have the money, you will be able to buy a place at an Australian university, because this minister is going to allow the universities to have half of their places as full-fee-paying places—that is the policy of this minister. Students will be forced to pay fees of up to and over $100,000.

We also know that it is the policy of this minister to allow universities to put their fees up by 30 per cent. For a science student at the University of Sydney that is an increase of $4,000 as a direct result of this minister’s policies. Students at Australian universities and their families are going to have one result from this government’s policy and one result alone—increased debt. That is what this minister has in mind for the Australian university system and that is why we will be opposing it right to the end. (Time expired)

Dr NELSON (Bradfield—Minister for Education, Science and Training) (3.48 p.m.)—We are here in the year 2003 and we have crossed the threshold from the 20th to the 21st century. What would be obvious to those Australians who are thinking about the future would be that, firstly, as a relatively small country—we are only 0.3 per cent of world population, we are about one per cent of world trade and still only about six per cent of APEC—our future in this century will rely entirely on our ability to learn how to learn, to develop ideas in this country and commercialise and apply new technologies to not only the existing industries that gave the country an economic and social legacy that, sadly, some people seem to take for granted, but, most importantly, to help us transform and support new and emerging industries.

This government has examined the role that will be played in creating the future we want—not the one imposed upon us by the rest of the world—by Australian universities and, indeed, education, in creating not only a standard of living but also human and social objectives that we think are desirable for our children. It is always easy to pander to some of the sentiments that have just been expressed by the member for Jagajaga but the much more difficult thing is to do what is right and in Australia’s interests. Along with my colleagues in government, the university sector and my department, I spent a year very closely examining the policy choices we have as a country in relation to Australian universities. We released seven ministerial discussion papers, I established a reference group from a cross-section of Australian vice-chancellors and people in the business community, we ran 49 focus groups over 200 hours and invited 800 people to come in and give us advice about what they think the choices are.

As a result of that and the Productivity Commission examining Australian higher education and comparing 23 Australian universities with those in North America and Europe, the government developed and announced in this year’s budget a transformational package of reform for Australian universities. It includes $1½ billion of extra public investment in the first four years, $6.9 billion of direct extra public investment over 10 years, and $3.7 billion in additional financial assistance to students over 10 years. From 2009 it will result in another $870 million in extra money going into Australia’s 38 publicly funded universities.
One of the many things that was argued to the government by every single one of the vice-chancellors of Australian universities was that, in addition—

*Mr Sawford interjecting—*

*The DEPUTY SPEAKER (Hon. I.R. Causley)—*The member for Port Adelaide!

*Mr Sawford—*Gee, they are great champions higher education!

*The DEPUTY SPEAKER—*The member for Port Adelaide is on thin ice.

*Dr Nelson*—to significantly more public investment in Australian universities, the vice-chancellors said that it was important that we ended the fantasy that every one of Australia’s universities was exactly the same—

*Mr Sawford interjecting—*

*The DEPUTY SPEAKER—*The member for Port Adelaide will remove himself from the House under a standing order 304A!

*Dr Nelson*—and that they should be administered and funded in precisely the same way. One of the eight enabling policy changes they argued for, to deliver a 20/20 vision for Australian higher education, was that there should be flexibility in terms of the HECS charges that universities levy on the students and those students then repay once they start working—

*The DEPUTY SPEAKER—*The member for Port Adelaide has been asked to leave the chamber under standing order 304A.

*Mr Sawford—*What for, Mr Deputy Speaker?

*The DEPUTY SPEAKER—*Because of three interjections—warned on the second one—I have asked the member for Port Adelaide to remove himself. If he does not, I will invoke standing order 303.

*Mr Sawford—*Mr Deputy Speaker, I am sorry, I did not hear you.

*The DEPUTY SPEAKER—*You should have heard me. It was very clear.

*The member for Port Adelaide then left the chamber.*

*Dr Nelson*—It is a pity that, having been heard in silence, the opposition is not prepared to listen to serious policy changes that are required for this country to build its educational future. The vice-chancellors argued that they should be able to charge the HECS fees which they think are appropriate, up to a limit that would be determined by the Commonwealth government. Many of the vice-chancellors of universities which are non-research intensive in the regions of the country argued to me and have subsequently said publicly that they have no intention of changing their HECS charges. Perhaps for one or two courses where there is a high demand and good income earnings following graduation they might increase their HECS charges, and for others they may decrease them. But all of them said—whether it be Professor Paul Thomas from the University of the Sunshine Coast, whether it be Professor Kerry Cox from the University of Ballarat, whether it be Professor Millicent Poole from Edith Cowan University—this is an important policy change.

The government responded to their arguments by saying, ‘The government will increase the amount of money we provide under the Commonwealth grants scheme to $404 million. We will put $138 million into a learning and teaching performance pool which can be accessed by universities which wish to focus on the quality of the teaching that they provide. We will provide regional loading—in this case from 2½ to 30 per cent extra public money into universities—to recognise the higher costs that are met by universities in delivering services in remote and rural parts of the country.’ The government also responded to their requests for increas-
ing places, fully funding the 25,000 marginally funded over-enrolled places that are in the process of disappearing from the sector. In addition to that, over the first five years in total there will be another 6,500 new places into Australian universities, particularly in nursing, teaching and medicine.

One thing that is very disappointing about the Australian Labor Party is that it is seeking to deliberately deceive and mislead Australians and to evoke in them feelings of fear about things which are not likely to occur. I will systematically go through a number of things which have been said by opposition members. Firstly, on 20 May 2003, when interviewed on radio 5AN in Sydney by David Bevan and Matthew Abraham, the member for Jagajaga said:

When I go to primary schools, parents are saying to me, ‘Gee, are we going to have to start saving almost from that time to make sure we can afford to send our children to university?’

Then David Bevan said:

And you would say to them, ‘No, of course not,’ because there is a loans scheme here if your child wants to take a higher degree—they can take out a loan. They won’t have to pay it back until they start earning over $30,000, so there is nothing to worry about.’ You would say that to them, wouldn’t you?

Mr Downer—What did she say?

Dr Nelson—She then said, ‘Let’s go through the facts,’ and she wriggled out of that corner. Five days later on 25 May, having been challenged by David Bevan and the ABC, she issued a media release with the heading ‘Start saving now for your baby’s university education’, which read:

Parents with a baby born today should immediately begin saving up to $44 a week if they want to be able to afford to send their child to university …

That is the kind of reprehensible campaign which does no honour at all to any member of parliament, let alone someone who portraits to be Australia’s shadow minister for education. The fact is that the Higher Education Contribution Scheme was introduced, to its great credit, by the Australian Labor Party in 1989. It did so because it recognised that the Australian taxpayer could not possibly afford to provide a taxpayer subsidised university education for every Australian, particularly in moving from what was described as the elite system of higher education to the mass system of higher education following the amalgamation. The things that are being said now about these changes are precisely the things that were said in 1989 by critics of John Dawkins, who was then the Labor education minister. What we have 13 or 14 years later is a doubling of the number of people in Australian universities and a doubling of the proportion of the population that has a university education. The member for Jagajaga’s second deception was this morning, in fact outside Parliament House, when she said:

We do expect to see many other universities put up their fees by the full 30 per cent because the government is saying to universities, ‘This is the only way that you are going to get increased funding. You are only going to get increased funding at our universities if you put up fees.’

Nothing could be further from the truth. The universities are having, in total, $1½ billion of additional money invested in them in the first four years of this package alone. The universities will now have the ability to set the HECS charges themselves. Macquarie University, the University of Western Sydney, Wollongong University, the University of Tasmania and, informally, the University of Ballarat have all said that they will not be changing their HECS charges much, if at all. We also heard today that the University of Sydney has not decided to do anything at this stage. It is considering the options that will be available to it. We ought to remember that all of the money that is charged in HECS, every last dollar of it, goes to the university.
It does not go to the government; it goes to the university.

Whatever the HECS charge is, under these arrangements the maximum possible increase in the HECS charge—which is only paid back once you have finished university and you are working and, under these proposals, earning in excess of $30,000 a year—you could face as a lawyer, a dentist, a veterinary scientist or a doctor is $2,000 per year of your course added to your HECS debt, all of which goes to the university to benefit your education. It is also interesting if you look at science, engineering, commerce and economics. The maximum possible increase those students could face, if the university decided to increase its HECS charge by 30 per cent, is $1,500 to $1,600—again, to benefit your education. Finally, in arts, humanities and social sciences there is a maximum of $1,100 per year added to your HECS debt. For 14 per cent of the students in the system—that is, teachers and nurses—the maximum HECS charge will not change at all.

It needs to be remembered that three-quarters of university funding is provided by taxpayers—the vast majority of whom have never seen the inside of a university but aspire for their children to go to university and recognise the important social benefits that we derive from higher education. I challenge anyone—and I say this as a medical graduate myself—to suggest it is unreasonable for a medical graduate to contribute a maximum possible $50,000 to his or her education, three-quarters of which is financed by the taxpayer, to face lifetime minimum earnings of $4 million in today’s dollars. I challenge anyone to say that that is an unreasonable contribution, when all of the money is going to the university.

It is interesting when you actually look at HECS debt and who has it. There are 1,079,000 Australians who owe the Commonwealth money in HECS. Six hundred thousand people have already fully paid back their HECS debt since 1989. The average HECS debt carried is $8,000. Eighty-one per cent owe less than $12,000 and 90 per cent owe less than $16,000. There are only 3,615 people in the entire country who owe more than $30,000 and 138 who owe more than $40,000. People who went to university last year had an average graduate starting salary of $35,500 for males and $33,500 for females. Average graduate starting salaries are 83.5 per cent of average weekly earnings. Forty-two per cent of Australian men between the ages of 25 and 44 earn less than $32,000 a year—and they are principally funding what happens inside Australian higher education. I might also add that graduates have a lifetime unemployment rate one-quarter that of those who do not go to university and they earn, on average, $622,000 more than a person who does not go to university.

These changes, which were argued for by Australian higher education and vice-chancellors, are in the long-term best interests of Australia. The government has developed and is promoting this package because this is what is right for Australia. It is right for Australian higher education. Of course it is easy for opportunists and those who simply seek political mileage to misrepresent what these changes are all about, but it ought to be remembered that, in the end, this government is about doing what is right for Australia. It may not always be popular, but what we are doing is what is right. The Labor Party knew what that was about in the late eighties when it changed the higher education system. It is time for change again. If we do not undertake change now, this sector will be on a collision course with mediocrity.

(Time expired)
Ms GEORGE (Throsby) (4.03 p.m.)—I am amazed that in the contribution by the Minister for Education, Science and Training he began by asking us to contemplate the kind of future we want and then boldly asserted that what his government is doing is right for Australia. I beg to differ—and so do other people whom we represent—because the future that you are painting for education in this country and for the notion of equality of opportunity is a future that many out there do not wish to contemplate. We should be building a future that builds on the best traditions of our past—a past, Minister, that gave people like you and me the opportunity of accessing tertiary education and, in your case, at no cost.

The DEPUTY SPEAKER (Hon. I.R. Causley)—The member for Throsby will address her comments through the chair.

Ms GEORGE—Yes, Mr Deputy Speaker. I find some of the statements made by the minister quite hypocritical—himself a product of a free tertiary education system, now wanting to defend and justify shifting the burden from public investment in what is so important for our nation back onto the shoulders of families. It is a burden that many students are finding very hard to bear. So, Minister, I do not want a future along the lines that you are portraying—a future where wealth, not merit, will open the doors to our universities. I want a future that builds on the best traditions that the party that I represent has always believed in, and that is a future which posits the idea that education is a key and instrumental factor in ensuring equality of opportunity for all Australian citizens. As you know, Minister, that equality of opportunity is at risk.

The DEPUTY SPEAKER—The member for Throsby finds it difficult, apparently, to understand that comments should be addressed through the chair.

Ms GEORGE—that, Mr Deputy Speaker, the minister should acknowledge, is very much at risk as he moves down the route of a user-pays philosophy in a very important area that is so critical to our nation’s and our citizens’ future. But this is at risk not only in the area of higher education but also in the public education system. Let me say a little about public education.

The minister seems to be arguing that the choice that is made by parents of less than two per cent of children in the elite level 1 schools is a more important choice than the choice made by parents of 70 per cent of our nation’s children who are in the public education system. Instead of funding policies that address the needs of non-government schools—to bring them up to reasonable standards—you are now pursuing, as minister for education in this government, the notion of an almost exclusive entitlement to that choice for two per cent of the nation’s children to be funded at the taxpayers’ expense and at the expense of the parents of 70 per cent of students in the public education system. When we look at what has occurred we see that, since 2001, the level 1 schools—the 56 wealthier schools that cater to less than two per cent of students—have had a funding increase of $74 million. By 2004 these schools will be the beneficiaries of $122 million of public funding, taxpayer funding—an increase of 154 per cent.

What the minister does not seem to realise is that that funding comes at the expense of a reasonable standard of education and the attainment of excellence and opportunity by all those children and their families in the public education system. While schools in my electorate struggle with problems of overcrowding, demountable accommodation, lack of security and inadequate resources, your government, Minister, has committed an extra $74 million since 2001 to these elite schools. And in case, Minister, you have for-
gotten what some of these schools provide by comparison, let me remind you of the King’s School. I ask members to consider the provision at the King’s School compared to the average public and Catholic systemic school in their electorates. The King’s School has 15 cricket fields, five basketball courts, 12 tennis courts, a 50-metre pool, an indoor rifle range, 13 rugby fields, three soccer fields and a gymnasium. How can you, Minister, and your government justify an expenditure of $3.23 million to this school at a time when schools are desperately begging their P&Cs to raise funds for things like shade areas and toilets?

I would like the minister to explain to parents in my electorate this obvious injustice. It is so obvious when in one of my schools a computer is shared between 14 students and that same school has no wet weather protection nor a gym facility. I repeat that the choice of parents to send their children to elite private schools rates in this minister’s priorities as greater than the choice that parents make to put their children through the public education system or the Catholic systemic schools. The potential for excellence in education at all the schools in my electorate, government and Catholic systemic, is being jeopardised most profoundly by this minister’s funding policies. While the public system, which is open to all, caters for about 70 per cent of students, one needs to be reminded that the recent Vinson inquiry in New South Wales found—and I bring it to your attention, Minister—that less than 10 per cent of students from the poorest 50 per cent of families attend independent secondary schools. So what you and your government continue to do is to prop up—

Ms GEORGE—So what the minister and the Howard government continue to do through their funding and education policies is to prop up privilege at the expense of opportunity and excellence for all. If that is the kind of future that this minister wants, it is certainly not the future that our side of the chamber believes in, and we will fight it tooth and nail.

I now want to discuss the tertiary education sector, Minister, because I really do believe that you are quite divorced from the real world. We often hear homilies and anecdotal evidence that you present in this chamber, but I ask: when did you last go to an electorate like mine? Let me just give you one example of what I mean. In my electorate of Throsby, Minister, only 5.2 per cent of residents have university qualifications—compared to your electorate, where 33.7 per cent of people have that advantage. Throsby has the third lowest rate of people with tertiary qualifications; your electorate, Minister, has the third highest. It is time the minister left the leafy suburbs of the North Shore area and visited the real world. The real world would teach him a lesson or two about the impact of his funding policies on families that I and many other members represent.

The example that I drew to your attention—the comparison between my electorate and yours—highlights the current inequities and shows quite clearly how disadvantage, under your policies, continues to be perpetuated.

Your planned changes in the higher education sector can only make matters worse, especially the proposal to allow universities to increase fees by 30 per cent and double the number of full fee places. The costs of university education are already placing insurmountable burdens on students and families in my electorate. Despite the wonderful things that the University of Wollongong does, it has the second lowest rate of participation among regional universities of stu-
Students from low socioeconomic backgrounds—currently at 9.6 per cent. Think about this, Minister: if your policies allow fees to be deregulated, could you please tell the families in my electorate—one-third of whom bring in incomes of $500 or less a week; where the median income is just over $800—how on earth they are ever going to afford the opportunity for their children to have the advantages that you and I had under past regimes? As the deputy leader of our party, the member for Jagajaga, outlined, there are many universities where up-front fees of over $100,000 are quite common, including at the University of Sydney if you take a combined arts-law degree or in the area of vet science. So your future is a future that denies average Australian families, who aspire to the best for their kids—just as your parents and my parents did—the opportunity of availing themselves of tertiary education. You know the importance of ensuring that opportunity and access are genuinely available to all, not just to the privileged few.

(Time expired)

The DEPUTY SPEAKER (Hon. I.R. Causley)—Before I call the member for Macquarie, I would ask the member for Throsby to have a look at the green when it arrives and see how many times she has used the words ‘you’ and ‘yours’ personally. The reason the chair insists that the debate is put through the chair is to remove the personal invective in debate and make it third person. That is a requirement of this House.

Mr BARTLETT (Macquarie) (4.13 p.m.)—It is becoming quite easy to predict the opposition’s MPI for the day simply by glancing at the front pages of the morning’s newspapers. There is nothing remotely proactive in their approach, no initiative on the policy front—just a transparent attempt to try and find any angle, no matter how distorted, to score a political point and to try and get some traction at last.

Let me focus on the facts of private school funding, contrary to the distortion in this motion and contrary to the comments that we have had from the speakers opposite. There is nothing in the recent increases to funding for non-government schools in the way of discretionary funding. The increases have come out of three sources. The first is an indexation factor because of the increased cost of education, the second is an increase due to increased enrolments in non-government schools, and the third is the continued phase-in of the SES based model approach to school funding.

The important point is this: Labor supported that bill. The states grants bill in 2000 that allowed for this increased funding was supported by the Labor Party. We have had speakers opposite proclaiming that there is something wrong with it, but they supported this bill. They supported it then but apparently not now. That makes one ask: why not now? Why have they changed their minds? Is it that they did not understand the bill three years ago and now they somehow understand it? Is it that they have just changed their minds—another typical Labor Party policy flip-flop? Is it that they have had another look at the opinion polls and are now even more desperate to try to grab some attention, no matter how much they have to distort the issues and even at the risk of creating further division between the public school system and the non-government school system.

The federal government’s involvement in school funding is fundamentally fair. Private schools are funded only as a percentage of the funding that public schools get, as a percentage of the AGSRC—the average government school recurrent cost. In 2001, that cost for a primary school was $6,841 per student per year, and for a secondary school it was $8,889 per student per year. That is the taxpayer funding for a student in a public
school. Students in private schools, in non-government schools, at the maximum—so even the poorest and neediest non-government schools—get only 70 per cent of that level of funding. Schools that are better off, schools that have parents who are perhaps on higher incomes, receive only 13.7 per cent of that public school funding level. In other words, students in non-government schools are funded really at 30 per cent less, down to 86.3 per cent less, than students in public schools. This cannot be said to be unfair. They are funded according to the level of income of those schools, to the level of need of those schools, as based on the socio-economic status measurement.

The second point that needs to be made is that parents who work hard, who pay their taxes, who sacrifice to get together the fees to send their children to a non-government school, deserve some assistance from the government to support that choice of education for their children. At the maximum, it is 70 per cent. They deserve some assistance from the government and it is quite reasonable that that happens.

The third point is that these schools, contrary to the nonsense we hear from the other side, are not all elite schools. Two-thirds of the non-government schools that have opened in the last six years in Australia are in the poorer areas. Two-thirds are schools with an SES indicator of less than 100. Many of them are in areas such as the western suburbs of Sydney. One in five students from families on low incomes below $20,800 attend a non-government school. They are not elite and they are not all wealthy, as the opposition would have us believe. The parents are battling to try to get money to send their children there.

The fourth point is that funding for non-government schools is not at the expense of funding for public schools, which by the way are the responsibility of state governments. State schools are fundamentally the responsibility of the state governments. They are assisted with funding by the federal government, but the education of children in these schools is heavily subsidised by their parents—at an average of some $2,200 per student per year. One million students in this country attend non-government schools, so that is saving state education authorities some $2.2 billion a year in funding for public schools. That is, $2.2 billion worth of education is being subsidised by the parents of these children, which means that $2.2 billion does not have to come out of government funding for public schools. So any funding for non-government schools is not at the expense of funding for public schools; it is heavily subsidised by parents.

There are two aspects of federal government assistance to state governments to help them with their funding for state schools. The first is direct federal funding. Direct federal funding for state schools has increased over the past seven years by 52 per cent—that is, the federal government has increased direct funding for state schools in this country by 52 per cent.

The second aspect of funding is indirect funding—that massive amount of general revenue that the federal government gives each year to the state governments, out of which they then fund their core responsibilities, such as education. This funding has also been increasing by five to six per cent a year over the past seven years—first of all in financial assistance grants and then in GST revenue. Just in the last year, revenue to New South Wales under the GST has risen by six per cent; from $8.2 billion to $8.7 billion. So there is an increase in general funding going to state governments of five to six per cent a year to help them fund their public schools.
What response do we get from the state government? What does the New South Wales government, for instance, do with that funding? Does it match the federal government’s five to six per cent increase? No. Last year it gave a miserable 2½ per cent increase in funding to public schools. The fact is that the New South Wales government is siphoning off federal government general revenue that ought to be going into schools and using it for other areas of expenditure. If you look at its overall education budget, this becomes quite obvious. In the last six years, the percentage of the state budget going to education has dropped from 26 per cent to 23 per cent. Let us hope that in today’s budget the New South Wales government finally decides to take seriously its responsibility to fund its public schools. This government is strongly increasing direct funding to state schools and indirect funding to state governments to help them fund those schools. This government supports parental choice as to where parents send their children, and it does so in a transparent and objective way.

Labor’s approach should be a real concern to parents. If Labor are not just playing political games with this motion and if they are serious about their criticisms of federal funding for schools, the message is this: the families of the one million children who attend non-government schools should watch out, because their funding will be under threat if Labor ever get back into office. Their policy would be driven not by supporting the choice of parents but by the orders of the teachers unions. Non-government schools would be under serious threat under a Labor government.

My time is nearly gone; let me make just a couple of comments about the second part of this MPI, about university funding. Contrary to the distorted statement in the MPI, the government is not increasing university fees by 30 per cent. This is misleading and dishonest. Firstly, that is the maximum that is allowable. The choice is left to individual universities. Many universities have said they will not raise fees at all and most have said they will not do so by anywhere near 30 per cent. The University of Tasmania, the University of Wollongong, the University of Western Sydney—and my own university—the University of New England, the University of Ballarat and Macquarie University have all said they will perhaps not raise fees at all; that, if they raise them at all, they will do so in only a very small number of courses; and that in teaching and nursing there will be no increase at all in fees. It is simply a distortion by the Labor Party.

It is worth pointing out this: the $1.5 billion increase in funding under this government’s package for universities for the next four years is double that of the much trumpeted Knowledge Nation of Labor. They were bragging about how they were going to increase funding for universities; we are giving double what Knowledge Nation was going to, and all of a sudden that is somehow not nearly enough for Labor. This MPI is a nonsense, it is a total distortion of the facts, it is a cheap appeal to envy and it is a desperate attempt by the Labor Party to get some traction. Worse, it is a divisive and harmful exploitation of the school funding debate. (Time expired)

The DEPUTY SPEAKER (Hon. I.R. Causley)—Order! The discussion is now concluded.

BILLS RETURNED FROM THE SENATE

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

Health Care (Appropriation) Amendment Bill 2003
Superannuation Industry (Supervision) Amendment Bill 2002
Superannuation (Financial Assistance Funding) Levy Amendment Bill 2002

BILLs REFERRED TO MAIN COMMITTEE

Mr Lloyd (Robertson) (4.24 p.m.)—by leave—I move:

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

Export Control Amendment Bill 2003

Question agreed to.

MAIN COMMITTEE

Employment and Workplace Relations Report

Reference

Mr Lloyd (Robertson) (4.24 p.m.)—by leave—I move:

That the following order of the day, committee and delegation reports, be referred to the Main Committee for further debate:

Standing Committee on Employment and Workplace Relations—Report on inquiry into aspects of Australia’s workers compensation schemes—Motion to take note of paper: Resumption of debate.

Question agreed to.

COMMITTEES

Selection Committee Report

The Deputy Speaker (Hon. I.R. Causley)—I present the report of the Selection Committee relating to private members’ business on Monday, 11 August 2003. 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 private Members’ business on Monday, 11 August 2003

Pursuant to standing order 331, the Selection Committee has determined the order of precedence and times to be allotted for consideration of private Members’ business on Monday, 11 August 2003. The order of precedence and the allotments of time determined by the Committee are as follows:

PRIVATE MEMBERS’ BUSINESS

Order of precedence

Notices

1 Mr P. E. King to move:

That this House:

(1) notes the importance to Australian families who are new home buyers of clear and fair arrangements for the entry into mortgages;

(2) notes the recent calls by industry leaders for legislation for the finance broking industry to put in place an accredited licensing scheme; and

(3) commends the Commonwealth Government and Australia’s mortgage finance industry for their cooperative action in identifying measures including uniform legislation. (Notice given 27 March 2003.)

Time allotted—30 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, 4 x 5 mins]

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

2 Ms O’Byrne to move:

That this House:

(1) notes the pivotal role undertaken by the Australian Maritime College in providing maritime education and research;

(2) further notes the high standard of training the College provides overseas students; and

(3) calls upon the Government to act immediately to honour its election commitment regarding university status
Mr Baird to move:
That this House:
(1) commends the Australian Government on its efforts to support the local film industry;
(2) recognises the cultural and economic contribution that the Australian film industry makes to the nation; and
(3) acknowledges the excellence of the film industry training centres in Australia.
(Notice given 27 March 2003.)
Time allotted—remaining private Members' business time prior to 1.45 p.m.
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, 3 x 5 mins]
The Committee determined that consideration of this matter should continue on a future day.

Ms George to move:
That this House:
(1) notes that people from poorer socio-economic backgrounds commonly experience barriers to accessing dental health care;
(2) recognises the adverse impact of the abolition of the Commonwealth Dental Health Program on people who cannot afford private dental care;
(3) recognises that poor dental health has implications for other medical conditions such as heart disease, diabetes, arthritis, respiratory disease and cancer; and
(4) recognises that dental health is a matter that warrants the intervention of the Federal Government. (Notice given 19 June 2003.)
Time allotted—30 minutes.
Speech time limits—
Mover of motion—10 minutes.
First Government Member speaking—5 minutes.
Other Members—5 minutes each.
[Proposed Members speaking = 1 x 10 mins, 4 x 5 mins]
The Committee determined that consideration of this matter should continue on a future day.

Mr Hunt to move:
That this House:
(1) deplores the damaging and destructive environmental impact of 142 ocean outfalls throughout Australia which are dumping treated and untreated sewage on our coastlines;
(2) notes the associated risks to human health, sustainable aquaculture and fisheries from the dumping of sewage into our coastal areas;
(3) condemns the annual waste of over 1.5 trillion litres of water throughout Australia resulting from the practice of dumping waste water rather than reusing it;
(4) calls upon the States to commit to the goal of ending all ocean outfall in Australia by the year 2025 and to adopt policies to achieve that goal;
(5) calls upon all local water boards to commit to the goal of ending all ocean outfall in Australia by the end of 2025
and to adopt policies to achieve that
goal; and

(6) calls upon the Federal Government to
assist the States by helping coordinate a
National Ocean Outfall Strategy aimed
at coordinating the ending of all ocean
outfall in Australia by the year 2025.
(Notice given 5 June 2003.)

Time allotted—remaining private Members' business time.

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,
4 x 5 mins]

The Committee determined that considera-
tion of this matter should continue on a
future day.

Corporations and Financial Services
Committee

Report

Mr HUNT (Flinders) (4.25 p.m.)—On
behalf of the parliamentary Joint Statutory
Committee on Corporations and Financial
Services, I present the report of the commit-
tee entitled Corporations Amendment Regu-
lations 2003 (No. 1), Statutory Rules 2003
No. 31, together with evidence received by
the committee.

Ordered that the report be printed.

Public Accounts and Audit Committee

Executive Minutes

Mr CHARLES (La Trobe) (4.26 p.m.)—
by leave—I present the following executive
minutes on reports Nos 374, 385, 388 and
389 of the Joint Committee on Public Ac-
counts and Audit. I ask leave of the House to
make a statement in connection with the
minutes.

Leave granted.

Mr CHARLES—On behalf of the Joint
Committee of Public Accounts and Audit, I
present executive minutes for reports Nos
374, 385, 388 and 389. The first of these,
report No. 374, reviewed the Financial Man-
agement and Accountability Act 1997 and
the Commonwealth Authorities and Compa-
nies Act 1997. The report focused on
whether the legislation has met the needs of
the new financial management framework
and the needs of the public sector, whether it
remained consistent with other Common-
wealth and state legislation and whether ac-
countability to parliament has been main-
tained. The second report, No. 385, was the
Review of the Auditor-General's reports
2000-2001: second and third quarters. This
report examined three performance audits of
the Auditor-General, which focused on the
Australian Taxation Office internal fraud
control arrangements, fraud control in De-
defence and Defence estate facilities opera-
tions.

The third report, No. 388, reviewed the
accrual budget documentation. This report
reviewed the effectiveness of, and options
for enhancing the format and content of, the
current budget documentation including the
portfolio budget statements, annual reports
and the portfolio additional estimates for the
purposes of parliamentary scrutiny. The
fourth report, No. 389, was the Review of
Auditor-General's reports 2000-2001: fourth
quarter. This quarterly report examined four
performance audits of the Auditor-General,
which focused on Australian Defence Force
Reserves, assessment of new claims for the
age pension by Centrelink, Family and
Community Services’ oversight of Centre-
link’s assessment of new claims for the age
pension and performance information for
Commonwealth financial assistance under
the Natural Heritage Trust.

In total, the committee made 24 rec-
ommendations, 15 were of an administrative nature. I am pleased to report to the House that the executive has fully agreed or agreed in principle to 12 of those 15 recommendations. I am pleased with the high rate of support for the committee’s recommendations, as indicated in these executive minutes. However, in addition to noting the executive minutes in this way, the committee will at various times seek to monitor the extent to which recommendations have been implemented.

Industry and Resources Committee

Publications Committee

Membership

The SPEAKER—I have received advice from the Chief Opposition Whip nominating members to be members of certain committees.

Mr SLIPPER (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (4.29 p.m.)—by leave—I move:

That Mr Gibbons be discharged from the Standing Committee on Industry and Resources and that, in his place, Mr McLeay be appointed a member of the committee, and Mrs Crosio be discharged from the Publications Committee and that, in her place, Mr Evans be appointed a member of the committee.

Question agreed to.

Public Works Committee

Reference

Mr SLIPPER (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (4.29 p.m.)—I move:

That, in accordance with the provisions of the Public Works Committee Act 1969, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Construction of a new Chancery for the Australian High Commission, New Delhi, India.

The Department of Foreign Affairs and Trade proposes to construct a new chancery building and five additional units of residential accommodation in the existing high commission compound in New Delhi, India. The new chancery building will replace the existing chancery facility, which no longer provides suitable accommodation for Australian and locally engaged staff. Australia is represented in India by the Department of Foreign Affairs and Trade; the Department of Defence; the Department of Immigration and Multicultural and Indigenous Affairs; the Department of Education, Science and Training; the Australian Trade Commission; the Australian Agency for International Development—that is, AusAID; and the Australian Centre for International Agricultural Research.

The Australian High Commission in New Delhi is currently located in a building that was constructed more than 35 years ago and was first occupied in 1966. There has been no significant refurbishment of the original chancery since its construction, and the building is no longer suited to the requirements of modern office accommodation. The needs of the Australian mission to India that existed in the 1960s have changed significantly and, while modifications have been made to the chancery, access, services, layout, facilities and space are deficient.

The Australian High Commission in New Delhi performs the full range of functions of a diplomatic mission in support of Australia’s important bilateral relationship with India. Tensions between India and Pakistan and the difficult nature of life in urban New Delhi reinforce the requirement for as many Australian based staff as possible to live in the compound for security reasons and to provide guaranteed services such as water and electricity. The proposal will deliver a modern, fully functional, two-storey building to accommodate all tenant agencies, catering
to individual tenant requirements and including appropriate security provisions. In addition to the office accommodation, the project will also provide five units of residential accommodation to Australian standards that are not currently available in the New Delhi market. Subject to parliamentary approval, works will commence in mid-2004, with completion of all works scheduled for late 2007. The total out-turn cost of the proposal is $24.61 million. I commend the motion to the House.

Question agreed to.

BUSINESS
Rearrangement

Mr SLIPPER (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (4.32 p.m.)—I move:

That notice No. 2, government business, be postponed until the next sitting.

Question agreed to.

COMMITTEES
Public Works Committee
Reference

Mr SLIPPER (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (4.33 p.m.)—I move:

That, in accordance with the provisions of the Public Works Committee Act 1969, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Refurbishment of staff apartments at the Australian embassy complex, Paris, France.

The Department of Foreign Affairs and Trade proposes to refurbish 29 staff apartments at the Australian Embassy in Paris. The embassy is a purpose-built complex that was completed in 1977. It was designed by eminent Australian architect Harry Seidler in collaboration with prominent French architect Marcel Breuer and is considered in Paris to be a building of architectural significance. The complex comprises two buildings, one housing the chancery and the other comprising 29 residential apartments for embassy staff. The complex also houses the official residences of the Australian Ambassador to France and the Ambassador to the OECD. These residences are not included in the scope of this refurbishment proposal.

When refurbished, the apartments will provide modern and appropriate staff accommodation for Australian embassy staff and their families well into the future. The embassy complex is now 26 years old, and, while the apartments have been well maintained, their architectural finishes and fittings have become run-down and are at the end of their useful life. The apartments do not meet modern-day requirements with respect to lighting levels, power and data reticulation, electrical and fire detection infrastructure, ventilation and engineering services access. The engineering services infrastructure within the apartments no longer complies with current standards, including occupational health and safety regulations, and does not meet tenant requirements.

The works will be undertaken on a rolling program in groups of three, but generally four, apartments at a time. This approach offers the most viable economies of scale in the construction phase while minimising disturbance to the occupants of the complex. When completed, the refurbishment works will ensure that the apartments comply with current standards and codes and protect the investment of the Commonwealth. Subject to parliamentary approval, construction is scheduled to start in January 2004, with practical completion expected in the second half of 2005. The out-turn cost of the proposal is $9.5 million. I commend the motion to the House.

Question agreed to.
Mr SLIPPER (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (4.36 p.m.)—I move:

That, in accordance with the provisions of the Public Works Committee Act 1969, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: New main entrance at the Lucas Heights Science and Technology Centre, Lucas Heights, NSW.

The Australian Nuclear Science and Technology Organisation proposes to construct a new main entrance at its Science and Technology Centre at Lucas Heights in the state of New South Wales. The Lucas Heights Science and Technology Centre is the site of the high flux Australian reactor. This is the only operating research reactor in Australia. It is also the site of the replacement research reactor, which is currently under construction.

Current security measures at the centre have been reassessed due to the raised national and international security threat following the terrorist attacks in the United States of America in 2001. A security risk review undertaken by ASIO last year found that the existing main entrance to the centre was not designed to include the necessary level of integrated and coordinated security arrangements and measures required for the current threat environment and that new technology available should be employed.

Issues contributing to the need for a new main entrance include security issues arising from the age and design of the buildings and gateway entry, in particular the high ongoing cost of the additional guarding required to manage the security at the entrance to the facility; the need to integrate security functions to ensure that access is granted only to authorised, escorted or supervised persons; general public and staff safety issues relating to the current situation of periodic traffic build-up on New Illawarra Road whilst waiting to gain access to the site, particularly during peak hours; and the efficiency in processing entry to staff and visitors.

The objectives of the new main entrance include the accommodation of any increase in the threat level to the centre; an integrated reception facility and gate control to allow contractors and visitors to be received, fully inducted and processed as required before passing through the Australian Protective Service guard officer station and into the facility; the facilitation of identity-logging of all staff, contractors and visitors as they enter or exit the site; ensuring that in-depth security extends through the site; relocation of the new entry facility along an upgraded old alignment of New Illawarra Road in an appropriate location to allow traffic to clear the main New Illawarra Road at all times; development of procedures to facilitate efficient staff entry and exit at peak periods without compromising security; inclusion of provision for entry of large vehicles and fast entry of emergency vehicles, if required; and consistency in all aspects of the project with the construction and operation of the replacement research reactor.

The estimated out-turn cost of the proposed works is $10.336 million. Subject to parliamentary approval, the construction will start late this year and be completed in 2005. I commend the motion to the House.

Question agreed to.

Mr SLIPPER (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (4.40 p.m.)—I move:

That, in accordance with the provisions of the Public Works Committee Act 1969, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: New main entrance at the Lucas Heights Science and Technology Centre, Lucas Heights, NSW.
Standing Committee on Public Works for consideration and report: Redevelopment of Radiopharmaceutical Production Building No. 23 at Lucas Heights, NSW.

The Australian Nuclear Science and Technology Organisation proposes the redevelopment of radiopharmaceutical production building No. 23 at Lucas Heights in the state of New South Wales. The Australian Nuclear Science and Technology Organisation is our national nuclear research and development organisation and is central to the nuclear expertise of Australia. It is a knowledge based organisation that specialises in the delivery of specific scientific products and services to government, industry, academia and other research organisations.

The organisation is responsible for the operation of the national nuclear facilities of Australia. Two of these facilities, the high flux Australian reactor and the national medical cyclotron, produce radioisotopes for use in industry, medicine and research. In 1997, the government agreed to replace the high flux Australian reactor, and the replacement research reactor is currently being constructed. It is expected to be commissioned in 2005-06 and will have a much greater production capacity for radioisotopes.

Production of radioisotopes for use in nuclear medicine commenced in the 1960s. Since then, there has been continuing growth in the use of nuclear medicine in Australia for diagnosis, therapy and palliation of pain. The Australian Nuclear Science and Technology Organisation is the main supplier of radioisotopes for nuclear medicine in Australia. The manufacture of radioisotopes is largely conducted in building 23, which is located adjacent to the high flux Australian reactor and close to the replacement research reactor. Building 23 has been subject to almost continuous modification and addition since construction began in 1959. This facility was planned as a research facility but has evolved into a full production facility. The present layout, facilities and services infrastructure reflect the incremental development that has led to increasing occupational health and safety issues arising.

The proposed works comprise an extension to the north and east of the existing building 23 on three levels. It will comprise modern, quality controlled chemistry laboratories; service and instrumentation rooms; production clean room facilities; packaging and dispatch facilities; stores and component wash bays; amenities and support, including new building entry, male and female locker rooms, bulk consumable and secure stores, maintenance areas, airlocks and building services plant rooms; associated roadwork extensions; and additional parking bays, landscaping, engineering and communication services.

The project is subject to the regulatory requirements of the Department of Health and Ageing in respect of radiological safety and the manufacture of pharmaceutical products. It is subject to the regulatory requirements of the Department of the Environment and Heritage in respect of environmental impact. The estimated out-turn cost of the proposed works is $17.9 million. Subject to parliamentary and regulatory approvals, the construction will start towards the end of this year and be completed in 2005. I commend the motion to the House.

Question agreed to.

Public Works Committee
Approval of Work

Mr SLIPPER (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (4.44 p.m.)—I move:

That, in accordance with the provisions of the Public Works Committee Act 1969, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the commit-
The Australian Customs Service proposes to fit out new leased premises at the Sydney airport. The Australian Customs Service proposes to consolidate its two main office sites within Sydney into one purpose-built facility located in the Sydney airport precinct. It has occupied its Pitt Street premises since 1992 and its Link Road premises since 1989. The proposed fitout will be in a new purpose-designed building, funded by the private sector, with the Australian Customs Service as the main tenant. The development is proposed for a 1.3 hectare site fronting Cooks River Drive in the international terminal precinct at Sydney airport.

The need for the proposed new premises is driven by the objective of the Australian Customs Service to consolidate its operational activities in Sydney in one location and the potential for operational benefits. In addition, the current premises at Link Road are expected to be demolished within the next few years to enable expansion of the Sydney international airport. The current lease for the Pitt Street premises expires in December 2004.

The proposed fitout works include integration of services into the base building and a tenant fitout of the base building, including electrical, mechanical, communications, security, fire and hydraulic services; a tenant fitout of the premises to meet specific requirements of the Australian Customs Service; and architecturally designed office accommodation, including the construction of a public counter on the ground floor. The developer has programmed construction of the building to commence in June this year, with completion by the end of June next year.

In its report, the Public Works Committee has recommended that the fitout of the new Customs building proceed. The Australian Customs Service accepts the recommendation of the committee. Subject to parliamentary approval, the fitout construction will commence in July next year, with occupation of the building planned to occur before the end of December 2004. The total fitout is estimated to cost $13.409 million. On behalf of the government, I would like to thank the committee for its support, and I commend the motion to the House.

Mr MURPHY (Lowe)  (4.47 p.m.)—I would like to make the point for the benefit of the parliamentary secretary that, if the government has the money to fit out the terminal—

Mr Slipper—You’re not going to oppose it, are you?

Mr MURPHY—No, I am not going to oppose it, but you obviously have the money to fully implement the long-term operating plan for Sydney airport, yet you will not be going ahead with the relocation of the terminal control units to Melbourne. I would like to put that on the record.

Question agreed to.

GOVERNOR-GENERAL AMENDMENT BILL 2003
First Reading

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

Second Reading

Mr ABBOTT (Warringah—Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service)  (4.48 p.m.)—I move:

That this bill be now read a second time.

The Governor-General Amendment Bill 2003 is to set the annual salary to be payable to the next Governor-General. Section 3 of the Constitution precludes any change to the salary of a Governor-General during the term
of office. Therefore, whenever a Governor-General is to be appointed, changes to the salary of the office must be made by way of amendment to the Governor-General Act 1974 prior to the appointment. The salary needs to be set at that time at a level that will be appropriate for the duration of the appointment.

The salary proposed in the bill is consistent with the convention applying since 1974 under which the salary of the Governor-General has been set with regard to the salary of the Chief Justice of the High Court of Australia. As Dr Hollingworth was the first Governor-General to pay income tax on his salary, the relevant comparison before then was between the tax-free salary of the Governor-General and the estimated average after-tax salary of the chief justice for a notional term of appointment of a Governor-General of five years. As part of the convention, the practice had then been to set the Governor-General’s tax-free salary at a level estimated to moderately exceed the projected average after-tax salary of the chief justice over the notional five-year term.

In proposing a salary for the next Governor-General, the government has maintained the link with the salary of the chief justice. As the Governor-General’s salary is now subject to income tax, the salary can be referenced directly against, and—in line with the convention—set to moderately exceed, the estimated average salary of the chief justice over a notional three-year term of appointment.

Following its recent annual review, the independent Remuneration Tribunal has determined a four per cent increase for judicial officers, to take effect on 1 July 2003. As a result of this determination, the salary of the chief justice is expected to be $336,450 as of that date. It is therefore proposed to set the Governor-General’s salary at $365,000, which also takes account of the fact that the chief justice’s salary is reviewed annually by the Remuneration Tribunal while the Governor-General’s salary will remain unchanged during the Governor-General’s term of office. The Governor-General’s salary over a notional three-year term of appointment will slightly exceed the estimated average annual salary payable to the chief justice over the same period.

The proposed salary is therefore commensurate with the office and maintains the traditional relativity between the chief justice and the Governor-General. I commend the bill to the House and present the explanatory memorandum.

Leave granted for debate to continue forthwith.

Mr McCLELLAND (Barton) (4.51 p.m.)—The opposition supports the Governor-General Amendment Bill 2003 but will be moving a second reading amendment, which I will go to a little later in my contribution. At the outset I would like to echo the sentiments of the Leader of the Opposition and personally congratulate Major General Jeffery on his appointment as Australia’s 24th Governor-General and wish him all the very best in carrying out this important office. When Prime Minister Gough Whitlam introduced the Governor-General Bill 1974, he said:

It is important ... that a matter such as the Governor-General’s salary should be dealt with in a non party way. Also, it is necessary that the salary arrangements for Governors-General should clearly recognise the importance and place of this high office. Appointment to the position of Governor-General should not be made to depend on personal wealth or the availability of other income.

Consistent with the bipartisan approach that has governed the setting of the Governor-General’s salary, the opposition supports this bill and has been prepared to facilitate its
passage through the parliament this week. Indeed, the operative provision of the bill is but one line which simply says, ‘omit $310,000 and substitute $365,000’. But it is important to remember that section 3 of the constitution, as the minister indicated, provides that the ‘salary of a Governor-General shall not be altered during his continuance in office.’ Major General Jeffery will be sworn in on 11 August, the day parliament next sits after this week, hence the need to deal with the legislation expeditiously.

The Governor-General Act 1974 initially provided for a salary of $30,000. It was amended in 1977 to increase the salary to $37,000, in 1982 to increase it to $70,000 and in 1988 to increase it to $95,000. In 1995 it was reduced to $58,000 at the request of the former Governor-General Sir William Deane, to take account of the non-contributory pension Sir William received under the Judges’ Pensions Act after retiring from the High Court. Given the office, I think people would agree that those incomes were relatively modest. However, up to that point the Governor-General’s salary was exempt from income tax. In 2001, prior to the commencement of Dr Hollingworth’s appointment, the parliament increased the taxable salary of the Governor-General to $310,000 and abolished the income tax exemption. This was appropriate—even Her Majesty Queen Elizabeth II has paid income tax since 1993. By convention, the Governor-General’s remuneration has been set at a level that moderately exceeds the estimated average after-tax salary of the Chief Justice of the High Court over the notional term of the Governor-General’s appointment, currently five years.

In November 2002 the Remuneration Tribunal released its determination for the major review of judicial remuneration, which commenced in 2001. As a result, the salary of the Chief Justice increased by seven per cent from 1 July 2002 and will increase by five per cent in July 2003 and a further five per cent in July 2004. These increases are independent of the tribunal’s annual review of judicial remuneration, which is based on relevant economic indices. According to the Remuneration Tribunal’s determination, the Chief Justice’s current salary is $308,100. On 1 July this year it will rise to $336,450 and on 1 July 2004 it is due to rise further to just over $353,000. The Governor-General Amendment Bill 2003 amends the Governor-General Act 1974 to increase the figure, as I have indicated, from $310,000 to $365,000. It is therefore reasonable to assume that on current trends, at the end of a notional term of five years, the Governor-General’s salary will approximate that of the Chief Justice of Australia. A salary of $365,000 corresponds to an after-tax income of just over $201,000.

Before I conclude, it is important to record our disappointment—and I believe the disappointment of the Australian people—that the Prime Minister chose not to consult with the community before making this appointment. Saying that is not to diminish in any way Major General Jeffery, but rather to express disappointment that the Australian community was not involved in the selection process. There is no doubt that the Prime Minister’s appointment of Dr Hollingworth was a serious error of judgment that badly damaged the office of Governor-General and caused great distress to the nation. It was for that reason that the Leader of the Opposition and I proposed a new method for appointing the Governor-General in the interim and sought the support of the Prime Minister to establish a joint select committee to inquire into the long-term arrangements for appointing Australia’s head of state. The opposition believed it was time to modernise the process for selecting the Governor-General, to restore the standing of the office and to ensure that the suffering which followed the ill-
advised appointment of Dr Hollingworth is not repeated. The member for Grayndler has also moved a private member’s bill to enhance the accountability of the office of Governor-General, and will be referring to this further in his address. It is regrettable that the Prime Minister has refused to acknowledge the need for reform of the process of appointment, support the establishment of a joint select committee or debate the opposition’s private member’s bill. Accordingly, I move:

That all words after “That” be omitted with a view to substituting the following words:

“whilst not denying the Bill a second reading, the House notes that:

(1) on 26 May the Leader of the Opposition and the Shadow Attorney-General proposed a new method for appointing Australia’s Governor-General, consisting of the following steps:

(a) a Consultative Committee be established consisting of the Head of the Department of Prime Minister and Cabinet, the most recent retired Chief Justice of the High Court of Australia, and a community representative appointed by the Prime Minister;

(b) the position of Governor-General be advertised nationally and nominations called for;

(c) the Committee prepare a short list of candidates for Governor-General; and

(d) the Prime Minister appoint a candidate from the short list; or

(e) if the Prime Minister appoints a candidate who is not from the short list, he or she must make a statement explaining why the short list was rejected.

(2) the method proposed by the Opposition would have ensured that the Prime Minister retains ultimate responsibility for choosing the Governor-General, but would also have ensured that the appointment is made on fuller information following consultation with the Australian community;

(3) this method was proposed on an interim basis while the support of the Prime Minister was sought to establish a Joint Select Committee to inquire into the longer term arrangements for appointing Australia’s Head of State and other matters;

(4) notwithstanding his serious error of judgment in appointing Dr Hollingworth, the Prime Minister refused to consult with either the Australian people or the Opposition before appointing Dr Hollingworth’s successor, and refused to support the establishment of a Joint Select Committee to review the process of appointment.

And the House further affirms that:

(5) to ensure greater public accountability the Governor-General’s Annual Report should be considered and commented on by the House of Representatives Standing Committee on Legal and Constitutional Affairs, and then ultimately by all members of Parliament;

(6) Standing Order 74 should be deleted in recognition that no holder of a public office should be above parliamentary scrutiny”.

The SPEAKER—Is the amendment seconded?

Mr ALBANESE (Grayndler) (4.58 p.m.)—I second the amendment. If the Australian people heard that there was going to be a debate in the parliament today about the Governor-General Amendment Bill 2003, I think it is fair to assume that they would have thought that it was a debate about an appropriate appointment to the position. One of the things exposed by the crisis surrounding Dr Hollingworth’s incumbency of the position of Governor-General is the inadequacy of the democratic process in the appointment of the Governor-General.

The bill before us today simply proposes to amend the Governor-General Act 1974 to set the official salary of the next Governor-General, Major General Michael Jeffery, who will take office on 11 August. I congratulate Major General Jeffery on his appointment. I have not met him, but I cer-
tainly hope that he goes a long way to restoring faith in the highest office in the land. The bill increases the sum payable to the Governor-General from $310,000 to $365,000. The proposed salary has been set so that it moderately exceeds the estimated average salary of the Chief Justice of the High Court. This principle is consistent with the convention that has applied since 1974.

In moving the amendment today, Labor are putting on record our concern about the failure of the democratic process to allow the Australian people input into the choosing of the Governor-General. We outlined the proposal put forward on 26 May—a constructive proposal by the Leader of the Opposition and the shadow Attorney-General, the member for Barton—which would improve the accountability of that process. We also seek to reaffirm the need for greater public accountability, as provided by my private member’s bill—which has not been brought on for debate in this House. That would allow for the Governor-General’s annual report to be considered and commented upon by the House of Representatives Standing Committee on Legal and Constitutional Affairs and, ultimately, by all members of parliament.

I also have a private member’s motion before the parliament. Again, the Leader of the House ensured that it would not be brought on for debate. The motion dropped off the Notice Paper because it was not debated during yesterday’s private members’ business. My motion would delete standing order 74 in recognition that no holder of a public office should be above parliamentary scrutiny—a fact accepted by most parliamentarians and overwhelmingly supported by the Australian public.

Under this bill, which had to be rushed through the House due to the circumstances in which the convention operates, the Governor-General will receive an annual pay rise of $55,000, or more than $1,000 a week. The person who has carriage of this bill, none other than the Minister for Employment and Workplace Relations, happily moved a motion granting this $1,000 a week increase. It is consistent with what is occurring in many of the upper echelons of our society. Indeed, parliamentarians on 1 July will receive a four per cent increase in our salary. But that pales into insignificance when compared with the incomes of the top 100 CEOs which, not counting retirement benefits, have increased in 2003 by an average of 38 per cent—an average pay rise of more than $10,500 a week. The extra pay earned by top CEOs in just a fortnight is equivalent to the entire annual pre-tax income of employees on the current federal minimum wage of $22,432.

The Governor-General’s salary is linked to members of the judiciary. Federal Court judges have just received a pay rise of up to $28,000, or nine per cent, a year. The High Court Chief Justice will now receive $336,450 and Federal Court and Family Court judges will now receive $284,910. There is a big difference here from average Australians—and average Australians will be concerned about a bill increasing a salary by $55,000 in one hit. In contrast, 1.7 million low-paid workers were awarded a pay rise of $15 to $17 a week in the latest Industrial Relations Commission safety net wage case. But even this miserable pay rise was opposed by the Minister for Employment and Workplace Relations, who is at the table, who believed that low-paid workers should have received only an extra $10 a week. Almost nine out of every 10 new jobs created in the 1990s paid less than $26,000 a year; nearly half paid less than $15,000 a year.

Since 1996, the real wage rise for a typical low-paid worker was only 2.6 per cent compared to 7.9 per cent for a typical high-paid employee. So I think this bill today will be of
some concern to the community. It should be put on the record that people in electorates such as Grayndler, Batman and, indeed, workers in the electorates of Warringah and Lowe will not receive this sort of pay increase. Not only will they not receive it but also for many of them it might be three or four times the salary on which they have to keep themselves and their families. It is important that this parliament recognises that.

While I and the Australian Labor Party have congratulated Major General Michael Jeffery on his appointment to this high office, we still maintain that the process for choosing our governors-general should involve wider consultation with the Australian people. Putting in place a process, as outlined in our amendment, that involves the Australian people and limits the prerogatives of the Prime Minister, whomever that might be, must be the fundamental lesson from the debacle that we have seen. There is also the need for a genuine consultative process for the selection of governors-general. I have attempted to legislate to ensure that the vice-regal position is not above public scrutiny and accountability.

It is now six months since I introduced into this House for debate the Governor-General Amendment Bill 2002 on 9 December last year. The government still has not allocated time in the parliamentary timetable—for that bill to be considered and voted on. That is why Labor’s amendment incorporates much of the philosophy behind that bill. The Governor-General Amendment Bill 2002 seeks to amend the Governor-General Act 1974 to require that the Governor-General’s annual report be considered and commented on by the House of Representatives Standing Committee on Legal and Constitutional Affairs and, ultimately, by all members of parliament. Currently the annual report is simply laid before each house of parliament and members and senators are prohibited from discussing or commenting on it. My bill is not revolutionary; it simply seeks to restore the accountability of the Governor-General to the parliament and therefore to the people of Australia.

A vibrant and effective democracy depends on the open and free exchange of views and opinions both amongst the wider community and inside our parliaments. However, as a result of a historical hangover from the time before Australia had even formed into a nation, any criticism or discussion of the Queen or her representative, the Governor-General, is banned from federal parliament. This restriction is imposed by standing order 74, which was adapted from a similar convention governing Britain’s House of Commons. As I have reported before—as you would be aware, Mr Speaker—things have got better. In the old days, people were sent to the Tower of London for criticising their head of state. In some places in the world there are still measures that are even more draconian than those that operate here—draconian as they are. The latest issue of the Economist, dated 21 June 2003, reports:

Morocco’s appeal court upheld a prison sentence (but reduced the term from four to three years) against Ali Lmrabet, the editor of two satirical weeklies, who is accused of insulting the king. Mr Lmrabet has been on a hunger strike for over a month.

So, Mr Speaker, while you have the onerous duty of upholding standing order 74, it could be worse. In some places in the world you have to go on a hunger strike and almost kill yourself for being critical of the head of state.

Frankly, in a democracy it is important that freedom of speech be without exception. It might not be the case in Britain, where we inherited this from, but here in Australia we pride ourselves on our egalitarianism—on
having a fair go, on treating everyone equally and on no-one being above the law, be they the Prime Minister, the Governor-General or, indeed, the Speaker or a member of the House of Representatives. We are all equal in this nation. That is why our parliamentary standing orders should reflect modern Australia in the 21st century and the draconian provisions of standing order 74 should be removed. I suggest that one of the by-products of Dr Hollingworth’s unfortunate circumstances is that, de facto, they have been removed because in recent times we have had to debate and scrutinise the Governor-General in this House. I give credit to you, Mr Speaker, for allowing a number of questions in the House such as that asked by the Leader of the Opposition on 13 May 2003, when he asked the Prime Minister:

Isn’t it the case that the Aspinall report found that at the time Dr Hollingworth made his decision to continue the known paedophile priest in the ministry he was aware that this person had repeatedly abused one boy as well as his brother? Prime Minister, didn’t Dr Hollingworth swear a statutory declaration in April this year, whilst he was Governor-General, claiming that he believed the priest’s abuse was an isolated occurrence? Prime Minister, doesn’t the report itself say in relation to that claim that there is no evidence that anyone told him that—

The SPEAKER—Gracious as he was to make concessions to the chair, I interrupt the member for Grayndler to point out that I am having a little difficulty linking his present remarks with the amendment, which I do not see has any reference to the Aspinall report, although they are relevant to the bill.

Mr ALBANESE—They are relevant to standing order 74 on what is allowed.

The SPEAKER—I point out to the member for Grayndler that he is drawing a long bow, because the amendment does not make specific reference to standing order 74.

Mr ALBANESE—Yes, it does, Mr Speaker.

The SPEAKER—I will take another look at the amendment. The member for Grayndler may continue but I point out that we are getting onto very thin ice.

Mr ALBANESE—When I helped write the amendment I made sure that it referred to standing order 74 so that I could make this point. To continue the question posed by Mr Crean:

... the parents and Bishop Noble did not, nor did the priest? Further in the report it states, ‘There was not the slightest basis for him to have that belief.’

That question was allowed in the parliament—as it should have been—because it would have been absurd if it had not been. The whole reason why we are having the debate on this bill today is that we are going to have a new Governor-General. Why do we need a new Governor-General? Because the former Governor-General had to step aside due to these controversial issues. It just shows that commonsense had to prevail—that archaic standing orders which simply do not have any commonsense eventually have to be considered for what they are. The amendment that we have moved today is simply in recognition of that. Compare that with the reason why I moved to amend the standing orders. My statement in the parliament last year, which I was pulled up on, was:

But none of these appointments matters when compared with the appointment of the Queen’s representative, our Governor-General.

That was a very moderate statement compared with the questions that were asked in this parliament to make sure that there was accountability and—thank goodness—to ensure that we can now move forward and uphold the dignity of the office of Governor-General, which was not being upheld during
the controversy over Dr Hollingworth’s incumbency in that position.

All over the community—in the media and around the kitchen table—Australians were discussing the position of the previous Governor-General, but we in this parliament were very much limited. My bill would ensure the public accountability of whoever holds the office of Governor-General and the manner in which they conduct their public duties and responsibilities. Those who defend the current situation had their motivation for doing so blatantly exposed by the former Speaker of the House of Representatives, Ian Sinclair. Justifying his opposition to any change, Mr Sinclair told ABC radio on 31 October:

The monarch is seen as a person who is a little bit above the laws that apply to every other citizen. I believe that is an un-Australian comment. I have a great deal of respect for Mr Sinclair, but he does not comprehend my view that we in this country believe in egalitarian principles and that in fact no-one is above the law. That applies to other citizens—which is why we have had this controversy.

We have moved this amendment to give the government an opportunity to recognise that we were right in introducing the Governor-General Amendment Bill 2002 and the private member’s motion. The Australian people currently do not have the right to choose their head of state, as is shown by this bill today. The Australian people should at the very least be allowed to participate in the selection of the Governor-General in the way which our amendment outlines. They should also be allowed to have democratically elected representatives comment on the performance of the Governor-General.

I do not hide the fact that I am a republican but, while the Governor-General, the Queen’s representative, is our head of state, they have to be a figure of national unity; and you do not create national unity and consensus by having provisions which stop democratic accountability. The great affection and respect that Australians had for Sir William Deane during his tenure—due to the role that he played—was something which Major General Jeffery can look towards and hopefully emulate himself, because it is time that we restored the public’s faith in our public institutions. There is a great deal of disquiet within this nation, not just about the Governor-General but also about institutions of parliament and alienation from public institutions. Just as we need to be accountable, we need to make every office in the land accountable to the people of Australia—through a process of selection but also by scrutiny of performance.

The amendment which has been moved by my colleague the member for Barton, and which I am very proud to second, would do that. It would be a small step forward to ensure that the next time a Governor-General is selected—and it will not be under a conservative government, given the term of office—Mr Abbott interjecting—

Mr ALBANESE—of the member for Warringah and others—there is a better system. There is a better way. The current system is simply undemocratic and inappropriate for Australia in 2003.

Mr PRICE (Chifley) (5.18 p.m.)—I want to make a few remarks about the Governor-General Amendment Bill 2003. Firstly, I do not want to traverse the circumstances surrounding the reasons why we have this bill—I think that is on the public record—but I do want to put on the public record my appreciation that in the end Dr Hollingworth made a difficult decision that protected the very office he held; and I am grateful for that. We have this bill, as previous speakers have pointed out, because we have a new Gover-
nor-General elect. I would like to offer my congratulations to Major General Mike Jeffery, who is the Governor-General elect. I hope I do not malign him in saying that, when he was with the defence forces in charge of Army materiel, we got on very well and I particularly enjoyed working with him. Major General Jeffery has been Governor of Western Australia and, while I am not in a position to set myself up as a judge of his seven years in that office, from a distance he does seem to have carried out the office with distinction. I am sure that all members on both sides of the House wish him well in this appointment.

The member for Barton, the shadow Attorney-General, has moved an amendment and it has been seconded by the member for Grayndler. I want to draw the House’s attention to points (5) and (6) of that amendment, which read:

(5) to ensure greater public accountability the Governor-General’s Annual Report should be considered and commented on by the House of Representatives Standing Committee on Legal and Constitutional Affairs, and then ultimately by all members of Parliament;

(6) Standing Order 74 should be deleted in recognition that no holder of a public office should be above parliamentary scrutiny.

I support entirely the matters of principle behind those amendments, as argued by the honourable member for Grayndler. But I do have a couple of questions that I would like to pose to the minister at the table. Firstly, I think we should all congratulate Major General Jeffery on his announcement that he will be donating his military pension to children. It follows a similar decision by Governor-General Deane, and I congratulate Major General Jeffery on that decision. However, what is unclear to me is: did Major General Jeffery, as Governor of Western Australia for seven years, have an entitlement for superannuation for that period of time? I am not trying to be smart; I just do not know, and I would be most grateful if the minister at the table might clear that matter up.

The proposed salary for the Governor-General, as previous speakers have commented, is based on the salary of the Chief Justice of the High Court. This involves increasing the salary from $310,000 to $365,000 per annum, and that amount will be fixed for the three years of this appointment. Chief justices and judges, or members of the judiciary in federal jurisdictions, as I understand it, have to serve a period of 10 years before they qualify for superannuation. It is unclear to me from this bill whether the length of service of a Governor-General affects the quantum of superannuation that they will be entitled to. In other words, if Major General Jeffery had a five-year term or, as in Western Australia, a seven-year term would that impact on the quantum of retirement allowances?

I would also like to draw to the attention of the House the explanatory memorandum, which says:

However, the net financial impact of the new arrangements is unquantifiable as it is not possible to estimate the exact taxation liabilities or retirement allowances, which will depend on the individual financial circumstances of the Governor-General. The overall impact, however, is expected to be negligible.

In highlighting that statement, I am wondering whether the minister could outline the principles that would determine the amount of the superannuation. Were the difficulties that are mentioned in the explanatory memorandum directed to any superannuation entitlement the Governor-General elect may have in relation to his period of office as governor? Why, for example, can newspapers speculate that the superannuation is approximately $180,000 per annum? I would be most indebted to the Leader of the House if he could answer those questions.
Lastly, I am not aware what vote the superannuation of former governors-general is paid under but I would have thought that if one Governor-General’s term has been terminated and they accrue a superannuation entitlement and another Governor-General is about to be appointed in the next financial year—that is, 2003-04—that would be a significant impact, and more than the $48,700 in the financial impact statement. However, I qualify that comment by saying that I am not sure what particular vote the pension or superannuation arrangements for former governors-general are paid under.

Having raised those matters, I want to finish on a very positive note. I congratulate Major General Mike Jeffery on his appointment. I am looking forward to him occupying the residence, and I certainly wish him and his wife every success in his stated quest to be a man of the people.

Mr MARTIN FERGUSON (Batman) (5.25 p.m.)—I welcome the opportunity to address the Governor-General Amendment Bill 2003. In doing so, like others, welcome the appointment of Governor-General designate Major General Jeffery and wish him well in his new endeavours. I simply say that I think he has a huge job ahead of him because of the damage done to the office of Governor-General by the previous occupant.

It is now the responsibility of the Governor-General designate, on taking office, to do his best—as he has undertaken—to repair the damage and to clearly prove that he is a person of the people.

Having said that, I thoroughly support the second reading amendment moved by the member for Barton and seconded by the member for Grayndler. I think it is fair to say that there has been a debate in Australia for some time, heightened in more recent times by our experience with respect to the previous Governor-General, about the nature of the post and the method of appointment of the Governor-General. It is for that reason that the opposition in this second reading amendment has again sought to point to our requirement as a nation to give some serious thought to the method of appointing governors-general in the future. This has obviously been part of ongoing consideration by the opposition. As a republican, I must say that, whilst this amendment falls short of my eventual objective, it is a step forward in terms of trying to guarantee that there is proper public scrutiny and accountability with respect to the selection and appointment of the Governor-General.

It is for that reason that I support the second reading amendment, which not only goes to the interim suggestions raised by the Leader of the Opposition on the resignation of the previous Governor-General, Mr Hollingworth, but also suggests some ongoing processes which should be embraced by the current government for the purposes of trying to take some of the politics out of the appointment of the Governor-General in the future. Doing so would garner the maximum public support for the person appointed to such a post and guarantee that his or her appointment had widespread public approval.

I want to deal with some of the history of the current bill and some very important issues of principle which have been raised by previous speakers, including the member for Chifley, and which go to the issues of salary and superannuation arrangements. I do not do this as a criticism of the Governor-General designate; I take this opportunity to raise major weaknesses in the salary and remuneration arrangements that exist in Australia for a range of public appointments, including politicians.

The current act goes to the entitlements of the Governor-General. We all know that the office of Governor-General was created by
the Commonwealth Constitution at Federation. In terms of the current operation of Australia, the Governor-General is the Queen’s representative in the Commonwealth of Australia. In occupying that position, the Governor-General has a range of powers and functions conferred by the Constitution, most notably the executive power of government. More by convention than constitutional text, the Governor-General is required to act on the advice of his or her Australian ministers in the exercise of these powers, other than in the exceptional circumstance covered by the so-called reserve powers, on which there has been considerable debate over time.

Having dealt in a brief way with the history of the post of Governor-General, I want to deal with some of the provisions of the current act. Prior to 1974 the office of Governor-General was regulated only by the Constitution. Section 3 of the Constitution stated:

There shall be payable ... for the salary of the Governor-General, an annual sum which, until the Parliament otherwise provides, shall be ten thousand pounds.

In April 1974 the incumbent was accordingly being paid $20,000 in Australian decimal currency. At that time, in order to modernise the terms and conditions of appointment to the position of Governor-General, the parliament enacted the Governor-General Act 1974, the principal act. That act provided, for the first time since Federation, a salary increase by parliament. On that occasion, it was increased to $30,000.

It is also interesting to note—and this goes to issues raised by the member for Chifley, some of which he is seeking answers from the Leader of the House on—that up until that time there was no legislative pension scheme for retired governors-general or their widowed spouses. As the then Prime Minister, Gough Whitlam, told the House of Representatives:

Consequently, in a number of cases, it has been necessary for the Government to make ex gratia payments to former Governors-General or to their widows.

Accordingly, in 1974 the parliament legislated to introduce a pension scheme whereby a retired Governor-General was entitled to a pension equivalent to that paid to a retired Chief Justice of the High Court, which was 60 per cent of the Chief Justice’s salary. It is better known as the Kerr amendment. Moreover, a widowed spouse of a Governor-General was entitled to a pension rate five-eighths of that payable to a Governor-General. It is also interesting to note that the pension was reduced by the amount of any government pension payable to the recipient.

On that note, I will briefly refer to some of the questions posed by the member for Chifley. I would like these questions answered and the issues raised by them clarified and put beyond any doubt. Firstly, I will go to the issue of the duration of time someone must actually be in office in order to earn an entitlement to a Governor-General’s pension. On my reading and understanding of the act, the Governor-General’s pension entitlement—as is the case with the judicial pension—is non-contributory. I also understand that the entitlement to a Governor-General’s pension is not linked to the duration of the Governor-General’s time in office. There is also no provision, as now exists in parliamentary superannuation entitlements, to deny a pension to a person appointed to the post of Governor-General if that person, for example, commits a criminal act. This matter needs to be considered by the government in the same way in which it considered and amended the way pensions of members of parliament are treated in those circumstances.
I seek clarification as to whether my reading of the act is correct in leading me to understand that the Governor-General has no requirement to serve a minimum period to earn an entitlement to the Governor-General’s pension.

I also raise a question as to whether the pension is reduced by the amount of any other government pension payable to the recipient. I welcome the decision of the Governor-General designate, Major General Jeffery, to forgo his entitlement to his military pension and to donate it to appropriate charities. On that note, I would indicate that this is in accord with previous decisions made by a range of public office holders. This goes to issues that I believe need to be more thoroughly considered in regard to the operation of pension entitlements—not only the pension entitlements contained in the Governor-General Amendment Bill 2002 but also the pension entitlements of public office holders generally.

With respect to actually forgoing an entitlement, while I give credit to the Governor-General designate, I believe it is in accord with previous decisions made by other people appointed to very important public office positions. I note that Gough Whitlam, a former Prime Minister of Australia, when appointed to the post of Australia’s permanent delegate to UNESCO and offered a very generous salary, gave up part of his retirement allowance so that the total salary paid to him for that position was no greater than an ambassador’s salary. Governor-General Designate Jeffery joins a rather illustrious class.

With respect to the appointment of a former politician, Mr Bill Hayden, to the office of Governor-General, I also note that he was required—and appropriately so—to forgo his parliamentary entitlement to a pension while occupying that post. That is in accord with the general requirement with respect to the superannuation entitlements of a person appointed as a Governor-General that, on retiring and being entitled to a pension, that pension is reduced by the amount of any other publicly funded pension or retirement allowance payable to the recipient.

I seek clarification from the Leader of the House today as to whether the Governor-General designate—who will, on retirement, be entitled to a Governor-General’s pension—will therefore be required in accordance with that principle to forgo an alternative publicly funded pension, his military pension, which I think is entirely in accord with previous practice with respect to these matters.

I raise these issues because they are very important issues of principle. They do not reflect on Governor-General Designate Jeffery. They are issues of principle which I believe have been long overdue for consideration by this parliament on both sides of the House. My personal view is that we need to clean up our act with respect to parliamentary entitlements to all public office holders. There have been previous offenders from a parliamentary point of view, and there are also offenders who have occupied and occupied a high judicial office at both the state and federal level, who I believe can potentially double-dip when it comes to publicly funded pensions. I raise these issues because I think consideration of these matters by the Australian community is long overdue.

That takes me to the Governor-General Amendment Bill 2003, which correctly raises the issue of entitlements—including salary and pension—and, by reference to the issues that I have raised this evening with respect to the eventual entitlement of a pension, clearly and expressly seeks to rule out any double dipping. For that reason, I seek to define what is properly regarded as double
dipping. Double dipping effectively means that a person or spouse receives more than one pension concurrently from public funds, or that they receive a publicly funded pension while they are in receipt of a publicly funded salary. Double dipping can also arise when all or part of a pension is commuted to a lump sum and an MP or their beneficiary, having enjoyed the financial benefits of the lump sum, subsequently regain public office or employment and so accrue further entitlements without financial penalty.

There are a range of opportunities for people to double dip. The issue goes to the capacity of members of parliament to serve in state and federal parliament and vice versa. It also goes to the capacity of members of parliament to not only gain an entitlement to a parliamentary pension but also, on retirement from parliament, be appointed to judicial posts. They then have a capacity on retirement to not only retain their parliamentary pension, but also potentially draw on a non-contributory judicial pension. We also have a range of circumstances, especially with more and more partners choosing to pursue parliamentary or judicial careers, by which both partners can gain an entitlement to a pension.

For an ordinary person in my electorate entitled to the old age pension, when a partner passes on—at a very short period of, if I remember correctly, six weeks—that ordinary person in the Australian community loses his or her entitlement to the old age pension of the spouse or partner. However, with respect to a number of people in public office, when their partner passes on, they maintain the right to continue to receive that publicly funded pension in addition to their own publicly funded pension. We should work towards a system in which, when two people are entitled to a publicly funded pension and one partner passes on, the other has the right to choose which pension they will retain, while the other publicly funded pension disappears. That would be in accordance with the rules applied by this parliament to ordinary wage earners in the Australian community.

Time does not permit me to give a range of examples which go to the issues that I have raised this afternoon. I raised them in a practical way to try and get all of us in this parliament to front up to some of our responsibilities on this front. I do not raise them in an endeavour to embarrass or criticise the Governor-General designate. I wish him well in his new post. But I think, especially in the light of other issues raised by the member for Chifley, that answers ought to be given to some of these issues by the Leader of the House this evening, because they are issues that are frequently raised with me in my work as a local member of parliament and as a shadow minister, especially because many people that I represent in regional Australia are doing it very tough at the moment.

Finally, I go to one other issue raised in the second reading amendment, the application of standing order 74 and the private member’s bill moved by the member for Grayndler. This week in this House, we will debate a proposal by the Leader of the House to, I believe correctly, give ordinary citizens a right of reply if they have been wronged in the parliament. But, in the same way, because it goes to an issue of principle, I believe that we in this House in the 21st century ought to have the capacity to criticise the Governor-General if we believe he or she has done wrong, and I also believe, against the provisions of standing order 75, that we ought to have the capacity to criticise members of the judiciary if they have done wrong. I say that because I noted comments by the Governor-General designate in the media today that he desires to be a Governor-General of the people. He also said that he has opinions and that they will be aired—
though I note ‘with a certain discipline’. I quote him from the Australian of today:

But of course one will raise issues, no doubt, in a general sense, because you make an awful lot of speeches and talk to an awful lot of organisations. And you’ve got to say something other than ‘it’s just nice to be here’. I think I will be able to talk on issues and principles and values and standards, and that sort of thing, quite comfortably as governor-general.

If that is the view of the Governor-General—that he wants to involve himself in public debates on issues of importance to the Australian community—then I, as a representative of the Australian community elected to this House to consider public policy, have the view that, if those comments go to public policy issues before the House, we should have a right to answer issues raised in the public debate by the Governor-General.

It is not only about freedom of speech for the Governor-General; it is also about full and proper debate. I therefore support the second reading amendment moved by the members for Barton and Grayndler and in doing so suggest that it goes to issues of substance and importance. I also raise, in a very serious way as a result of this debate, the fact that it is about time that we got our own house in order with respect to major double-dipping issues for publicly funded pension entitlements, not only for ourselves but also for members of the judiciary and members of state houses of parliament. I commend the second reading amendment to the House.

Mr Murphy (Lowe) (5.45 p.m.)—I rise this evening to support the amendment of the shadow Attorney-General. As you know, that amendment is based on the Leader of the Opposition’s and shadow Attorney-General’s new method—proposed on 26 May—for appointing the Governor-General. This amendment makes the Prime Minister ultimately responsible for the choice of Governor-General and also allows for full consultation with the Australian people.

I would like to take the opportunity to congratulate Major General Michael Jeffery and Mrs Jeffery on their new roles. I wish them well, as I am sure every Australian citizen does. In my view, and in the view of many of my constituents—and I dare say the minister at the table would agree, but I do not want to verbal him—Archbishop Hollingworth had a much higher calling in his role as Archbishop of Brisbane when he was offered the appointment as Governor-General by the Prime Minister. I believe that he was blinded by error in accepting that appointment.

Much criticism was levelled at Dr Hollingworth in the time he was the Governor-General and previously, but I would like to say something very positive about Dr Hollingworth because it is always too easy to say a lot of negative things—and they have all been said time and time again.

I had a personal experience through one of my constituents, Mrs Angela Betmalik, who tragically lost her only daughter on 12 October last year in the Sari Club in Bali. Christina Betmalik, who perished, was one of four bridesmaids who joined the bride and groom the day after the wedding in Bali. A week after that wedding, when the bride, groom and bridesmaids were enjoying a holiday, they were all at the Sari Club and the bride did not feel well. She went home with her husband, and we all know what happened to the four bridesmaids. It was written up extensively and broadcast in the media at the time.

As the local federal member who had lost a constituent—as did a number of members of the House—I visited Mrs Betmalik, with my wife Adriana, on many occasions and continue to visit her and provide support to her. I take the opportunity to tell the minister
how appreciative my constituent was of the help and assistance the government gave to her family—who came out from Greece to provide support to her in her dreadful bereavement—and to her, with the opportunity to travel to Bali to see where her daughter perished. When we visited Mrs Betmalik, one of the things that she impressed on Adriana and me was how appreciative she was of a telephone call she received from Dr Hollingworth a short time after she lost her daughter. That provided her with an enormous amount of comfort. She also derived a significant amount of comfort from a visit to her home by Dr Hollingworth and Mrs Hollingworth, who came with beautiful Australian native flowers. Dr Hollingworth and Mrs Hollingworth spent a period of about one hour comforting Mrs Betmalik and her husband.

I also understand—and this might not be known to the House—that Dr Hollingworth endeavoured to contact all the Bali victims’ families and travelled all around Australia to provide comfort to the families who had lost loved ones in Bali. I am not sure that that is known but I know that it was very much appreciated by a mother in my electorate who tragically lost her only daughter. To give you some insight into that tragedy, she did not receive part of the body of her daughter until a couple of weeks after the tragedy. You can imagine the anguish that she was going through at the funeral, which my wife and I attended. Thereafter, the coroner contacted her on a weekly basis to let her know whether any more of her daughter’s body had been located in Bali. Months later some of her daughter’s limbs and muscle tissue were returned to Australia, and she had the pain of a second funeral.

I would like to take the opportunity to salute what Dr Hollingworth did for the families of the Bali victims because I know how much that was appreciated by my constituent. I wish him well. As I said a while ago, in my view the experience of having someone who, as an archbishop, had a much higher calling is a sobering reminder to us that we should not mix the State and the Church. I know that the wisdom of hindsight is a wonderful thing but, in selecting Dr Hollingworth for that job, one could say that with his impeccable credentials—

The SPEAKER—I am very reluctant to interrupt the member for Lowe and, for that reason, did not do so at any other stage in his speech. But the chair would be indebted to him if he could now draw his remarks closer to the bill, which deals with the Governor-General’s salary. Grateful as I am for his very supportive observations and his comments as a concerned local member, I do have an obligation to remind him of the bill before the House.

Mr MURPHY—I appreciate that, Mr Speaker. I think that what I am trying to say, rather inadequately, is that we have the Church here and the State there, and they should never mix. As I said, with the wisdom of hindsight, perhaps we should have thought a little harder about why Dr Hollingworth was not the head of the Anglican Church in Australia. You would have thought that perhaps he would have been appointed, and that raises questions. But I want to wish him well and, with those few remarks, support the amendment moved by the shadow Attorney-General. On a most positive note, I wish Major General Jeffery all the best in his future endeavours.

Mr ANDREN (Calare) (5.54 p.m.)—I want to make a few brief comments on the Governor-General Amendment Bill 2003 and the second reading amendment. In doing so I would like to record my best wishes to Major General Michael Jeffery, about whom I knew little until the last couple of days. But I must say that I have been impressed by what I
have read and by the manner in which he has assumed what must be a difficult job in very difficult circumstances. He and his good lady have done that with great grace to this point, and I commend them for it.

I also acknowledge his gracious donation of his military pension to charity, as former Governor-General Sir William Deane did during his tenure of that office. Like several other speakers, I would be particularly interested if the minister at the table could inform us as to what happens to the pension Major General Jeffrey received as Governor of Western Australia. It must be remembered that, after public service, public officers can draw from each pension they obtain. Several, probably many, former ministers—no doubt former Minister Newman and others—draw from their own pension plus a late spouse’s retirement or death benefits which have been provided at public expense.

The member for Batman, quite rightly, raised those issues and compared the circumstances of those fortunate enough to draw a public pension—no doubt, in most cases, for public service of a high order—with those of age pensioners. There are exceptions, I would say, in the case of ‘three strikes and you are out’. Some members are entitled to avail themselves of the pension after losing a preselection process, which seems to me and to the general public to be quite a questionable and outrageous process. The questions raised by the member for Batman about the double dipping—indeed, perhaps triple dipping—of these public pensions need to be more fully answered. Certainly this issue needs to be more transparent. I believe it would be in the public interest and help a reconnection of confidence in public office for the issue to be looked at through an independent process and for pensions to be capped at something that is within the normal expectations of those offices.

I have no quibble with the salary to be paid to our new Governor-General, set as it is above the average High Court judge’s. But, as with those MP salaries and allowances, the system calls for an independent process, which I do not believe we have, insofar as it is not independent enough of the government of the day.

The second reading amendment from the opposition has no direct relationship to this bill, as many of the second reading amendments moved by the opposition do not. I suppose that has always been the case where a certain policy is put forward rather than any substantial amendment to the bill before the House. It is a statement of policy: ‘This is what we might do if we got into government.’ The reviewing of the appointment process for the Governor-General is really a red herring. To expect that, at this point in our history, we are going to go down that path and set up tribunals of retired judges and so on to review this process and, ultimately, leave the decision with the Prime Minister of the day is, I believe, a bit of nonsense. It is a red herring in the sense that it is detracting attention from the job before us. There is no way we are going to change the Governor-General appointment process. That is not the priority. But it certainly highlights the need to do something.

We need a plebiscite. It should have occurred way back in 1993 with the simple question, ‘Do you wish Australia to cut all constitutional ties with the Crown’—or something to that effect—‘and become a republic?’ We put the cart before the horse. That nonsense of a process in 1999 was rejected by the Australian public. It was not, as David Flint and others—perhaps even in this chamber—would have us believe, a vote of support for our continuing the relationship with the Crown that we have had since Federation. It was not that at all: it was a rejection of the model on offer. Seventy per cent
of people have indicated consistently that they want a direct say in who our head of state is, but a head of state that heads an independent Australia. With all good wishes to Major General Jeffery, he is not that person. I certainly support this legislation, but I am not of a mind to give any support to the second reading amendment.

Mr ABBOTT (Warringah—Leader of the House) (6.00 p.m.)—I thank all members who have spoken on the Governor-General Amendment Bill 2003 for their contribution. Obviously I found some of the contributions better than others, but I do welcome members’ involvement in this debate and commend them on the sincerity of their remarks. I will briefly respond to some of the things that were raised in the course of the debate, starting with the shadow minister for workplace relations and the shadow Attorney-General, the member for Barton. The member for Barton was critical of what he said was a failure by the Prime Minister to consult on the selection of Major General Jeffery as Governor-General designate. With this appointment, the Prime Minister has followed exactly the same process which has been followed by all previous prime ministers in the appointment of all previous governors-general. It is, in effect, a prime ministerial appointment: formally it is an appointment by Her Majesty the Queen but, in effect, she always makes the appointment on the recommendation of the Prime Minister to consult on the selection of Major General Jeffery as Governor-General designate. With this appointment, the Prime Minister has followed exactly the same process which has been followed by all previous prime ministers in the appointment of all previous governors-general. It is, in effect, a prime ministerial appointment: formally it is an appointment by Her Majesty the Queen but, in effect, she always makes the appointment on the recommendation of the Prime Minister of Australia. So what the Prime Minister did was absolutely, utterly and entirely appropriate and proper and in complete keeping with precedent that has been followed by prime ministers of all political persuasions in Australia up until now.

The member for Barton said that there should be a new method of appointment. He said that there should be a committee established to call for public nominations and then vet them. I certainly have no objection to people taking an interest in who might be Governor-General; indeed, I think it is a sign of the continuing relevance of the office that people are interested in who might be the Governor-General. I state the obvious in pointing out to all members that there is nothing whatsoever to stop members of the public from communicating their ideas on any topic to the Prime Minister and, if they believe that someone might be a good Governor-General at some point in the future, there is no reason whatsoever why they cannot let the Prime Minister know in the normal way. Certainly there is no reason why members opposite, if there is someone they think ought to be considered, cannot let the Prime Minister know in the normal way.

I would make the more specific point that any formal mechanisms to try to further entrench the selection of the Governor-General into our system inevitably will increase the relative position, authority and standing of the Governor-General vis-a-vis the Prime Minister. We have a magnificent system as it exists at the moment. We have a finely balanced piece of constitutional machinery as things stand at the moment and I would be extremely reluctant to see anything happen which would alter the relative standing of the Governor-General and the Prime Minister—and I think if members opposite were to give this more thought they would feel likewise.

Another point that was made, moderately by the member for Barton and much less moderately by the member for Grayndler, was that the Governor-General’s annual report should be subject to parliamentary debate and that standing order 74 preventing partisan criticism of the Governor-General should be repealed. Under our system the monarch, or the monarch’s representative, is above and beyond politics. I believe it is right that the monarch, and the Governor-General, should be so. We have a highly political system of government and we have a
I think that the member for Grayndler rather let himself down by a series of unnecessary criticisms of the former Governor-General. We all have our views about the former Governor-General. I think all that needs to be said at the moment is that he handled his resignation with grace and dignity. I think he enhanced his own standing and, indeed, enhanced the office with the way he handled it. I thought it was rather nice of the member for Chifley to give him considerable credit, as did the member for Lowe, in his contribution today.

The member for Chifley and the member for Batman posed a number of questions to me. I am not sure that I was able to make notes of all of them but, as best I can, let me try to address some of those issues. One question was: what is happening to the Governor-General designate’s Western Australian pension? As far as the government is aware, the Governor-General designate receives no pension from the government of Western Australia by virtue of his service as governor. Another question posed was: what will his final superannuation be—will it be Governor-General superannuation plus military pension, or will it not? I can put the minds of members opposite at rest by saying that the Governor-General designate’s ultimate superannuation will simply be the superannuation to which he is entitled as Governor-General. That superannuation will be adjusted to accommodate his military pension so that there will be no double dipping.

I should point out to members that the Governor-General Act of 1974 provides for the pension of the Governor-General to be ‘reduced by the amount of any pension or retiring allowance payable to that person at that time, whether by virtue of a law or otherwise out of money provided in whole or part by Australia, a state or a territory’. None of the occupants of the Governor-General’s office, as far as I am aware, are double dip-
ping. Certainly, there will be no double dipping by Major General Jeffery once he retires from office.

I think that there was some criticism, certainly implied if not expressed, from both the member for Batman and the member for Chifley about the quantum of the Governor-General’s pension. The Governor-General’s pension arrangements have been in place for some time. It has been the practice for some time that former governors-general be paid a pension equivalent to 60 per cent of the Chief Justice’s salary. The term of office does not affect the pension. His pension is the same whether he serves for a year, for five years, for a day or for a lifetime. Again, that is just the standard arrangement which has governed governors-general for quite a few years. It is not a contributory pension, in the same way that judges’ pensions are not contributory. Government House pays the salary of the Governor-General. The Department of the Prime Minister and Cabinet pays the superannuation and other expenses of former governors-general from an administered appropriation. The financial impact statement referred to by the member for Chifley relates to this bill only. Because Dr Hollingworth has already retired, his superannuation is not a factor in the bill.

I have tried to deal with the questions put by various members in a good spirit. I am sure that members opposite were putting those questions in a good spirit. I am confident, knowing as I do the character of both the member for Chifley and the member for Batman, that there is no way they would be trying to make partisan political points by posing those questions. There is no way that, if the answers were not to their satisfaction, they would be making criticisms of the office.

May I thank everyone who has contributed to this debate for their warm words about Major General Jeffery. I think he is a fine choice. I congratulate the Prime Minister on the choice. I am sure that Major General Jeffery will continue to serve our country well in this new office, as he has served our country very well indeed for the whole of his adult life. I certainly commend this bill to the House.

The SPEAKER—The original question was that this bill be now read a second time. To this the honourable member for Barton has moved as an amendment that all words after “That” be omitted with a view to substituting other words. The immediate question is that the words proposed to be omitted stand part of the question.

Question agreed to.
Original question agreed to.
Bill read a second time.
Message from the Administrator recommending appropriation announced.

Third Reading

Mr Abbott (Warringah—Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service) (6.14 p.m.)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

PERSONAL EXPLANATIONS

Mr Laurie Ferguson (Reid) (6.14 p.m.)—Mr Speaker, I wish to make a personal explanation.

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

Mr Laurie Ferguson—I do, Mr Speaker.

The SPEAKER—The member for Reid may proceed.
Mr LAURIE FERGUSON—Today the Minister for Employment and Workplace Relations made a number of allegations concerning my claimed contact with Liberal fundraiser, Mr Karim Kisrwani, a close friend of the Minister for Immigration and Multicultural and Indigenous Affairs. The preposterous and desperate claim was made that I had approached Mr Kisrwani to help me stack the branches of the Labor Party’s Parramatta electorate for Mr David Borger for the ALP preselection.

I make the following points. I have indeed never approached Mr Kisrwani about these matters. I have never had a conversation with him about these matters. I have no knowledge of any ALP membership applications organised by Mr Kisrwani. I have checked with the New South Wales branch of the Labor Party this afternoon regarding the membership number supplied by the minister; namely, 991484. This person is identified as Mr Ahmed El Dirani, 87 Wharf Road, West Ryde. He resides in the Prime Minister’s electorate and not in the Parramatta electorate. I have no recollection of ever having met this person in my life.

I have been advised that, since joining the ALP, Mr El Dirani has had his Labor Party membership fees deducted from his credit card. He continues to hold head office membership, entitling him to no voting rights whatsoever in ALP preselections. I have also been told that Mr El Dirani’s membership dates from approximately May 1999. Labor Party preselections, which were held in October 2000, required a full two years membership for voting rights in those preselections.

The SPEAKER—The member for Reid will be aware that he has now been shown more generosity than would normally be extended in a personal explanation, and I ask him to come to the point where he has been misrepresented.

Mr LAURIE FERGUSON—The Leader of the House must now apologise to me and to the House for misleading the parliament earlier today in question time.

Mr Martin Ferguson—You’re gutless. Why don’t you get up and apologise?

The SPEAKER—Order! The member for Batman!

Mr Latham—Mr Speaker, I rise on a point of order under standing order 303. The member for Reid has outlined the completely objectionable words mentioned by the Leader of the House in question time. These words are false—

The SPEAKER—I am very reluctant—

Mr Latham—and they have caused the member for Reid enormous offence.

The SPEAKER—Order!

Mr Latham—I would ask you to—

The SPEAKER—Order! The member for Werriwa will resume his seat! Must the member for Werriwa be taught a lesson in common courtesy? I simply sought to interrupt him and he persisted in addressing the House. I advise the member for Werriwa that my desire to interrupt him was in fact in his interests. He had indicated to me that he wanted to draw my attention to standing order 303. As far as I am aware, standing order 303 refers entirely to the expulsion of members from the House, and for that reason I sought to interrupt him. I am happy to recognise the member for Werriwa but I do not appreciate his persistence in speaking over the chair, as he must understand.

Mr Latham—I was just trying to finish my point of order, Mr Speaker.

The SPEAKER—that is not the point, is it, member for Werriwa? If the Speaker is
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The bill is designed to establish a legislative framework for a sponsorship regime. The framework established by the bill provides for the following: sponsorship to be a criterion for a valid visa application and for the granting of a visa; a process for the approval of sponsors; undertakings to be made by sponsors; and mechanisms for the barring of sponsors. As the bill provides only a framework, the details of sponsorship requirements will be described in regulations on a visa by visa basis. Clearly, the opposition will be scrutinising these regulations as they are made—and they can be disallowed by the parliament.

The framework contained in the bill provides that the matters dealt with, including prior approval of sponsorship, the enforcement measures and the barring provisions, are reviewable by the Migration Review Tribunal. The framework contained in the bill also provides that the enforcement measures proposed at this stage will only apply to temporary residents in Australia, persons who have come here sponsored by businesses. That is a very important point: people who have had contact with our migration system would, at this stage, be most familiar with the question of sponsorship in the family reunion stream. What is being proposed in this bill is a series of enforcement measures that will be applied to visa classes dealing with temporary residence in Australia. It should be noted that that is not the humanitarian stream or family reunion stream. In the family reunion stream, people are generally seeking permanent residency in Australia for family reunion purposes.

I understand that the government has been motivated to focus on enforcement issues for temporary residents for two reasons: firstly, there has been much expressed concern about visa class 457, which is the business long stay visa. It allows a person to be sponsored into Australia, with some restriction, for the purposes of employment. Labor has been pressing the minister to introduce sanctions against employers who breach their obligations; however, to date this has not happened. The minister has said that he is minded to introduce some type of sanction. However, through the Senate estimates process, Labor has been able to establish that no specific legislation dealing with that point has been drafted. The sponsorship framework in this bill enables some of those enforcement matters to be dealt with in the visa class itself.

I will come back to the question of visa 457 in a moment, but at this point it is convenient to note that the second main purpose for dealing with enforcement questions around temporary residence in Australia has been motivated by the newly heralded visa class dealing with professional development. This was part of the international education package which formed part of the budget related announcements around higher education changes. I think members in this House might be more familiar with other aspects of those proposed changes than the immigration side, but as part of the international education package which was heralded in the budget there is a government commitment to the introduction of a professional development visa. This new visa is designed to enable training providers to deliver tailored academic and practical training for professionals, managers and government officials from overseas. This visa will enable Australian education providers to capture a portion of the growing market for such training, particularly from China in the lead-up to the Beijing Olympics. The application will be a two-step process of sponsorship approval and visa application. Only applicants with a
sponsor will be approved. So the framework of this bill, dealing as it does with sponsorship heralding the introduction of enforcement measures around temporary residence, obviously contemplates resolving some of the difficulties that we have had with the 457 business long stay visa and ensuring that we have a robust system to get compliance around the new professional development visa.

When we come to the question of the requirement for enforcement measures around these visas—and in this regard I will be confining my comments to visa 457, the business long stay visa—it is high time that the government acted to deal with the problems that we have faced with exploitation of this visa class. What we know about this visa class is that visa holders are sponsored by employers, the visa allows employers to sponsor an overseas employee if their business will—'advance skills through technology or training and the employer agrees to comply with Australian industrial laws'.

While that is the technical requirement of the long stay business subclass 457 visa, the experience in the field is greatly to the contrary. There has been increasing evidence of unscrupulous employers sponsoring temporary workers into Australia on the basis of claiming a skill shortage and then exploiting these foreign workers. My office dealt with one particularly disturbing case during the course of last year. A Serbian master painter and artist—a painter of religious frescoes—was brought to Australia to paint a church. We would happily concede that is a most unusual occupation, to be a fresco painter, and it may be that there is a genuine Australian skill shortage in relation to the painting of religious frescoes; I would not claim to be an expert on the question. Assuming that there is a genuine skill shortage for the painting of religious frescoes, there is not a difficulty with this man being brought to Australia for that purpose. But there is a difficulty with the fact that for four years he was paid less than $200 a week—far less than the amount one would earn to paint a house, let alone paint work of this artistry—and was forced to live on site at the church and pay for his own work materials from his very paltry weekly wage. That was just one example of the sorts of compliance issues we have had with the long stay business subclass 457 visa.

DIMIA evidence to Senate estimates has indicated that employers have breached industrial laws in the way in which many of these workers have been treated. Indeed, it is likely that the detected cases are only the tip of the iceberg, with many of these foreign workers being too scared to report breaches or unaware of their rights under Australian law. It stands to reason that someone brought here who probably does not have a great command of the language, who finds themselves being exploited will not know who to approach to get that resolved, will not necessarily have the language skills to make such an approach, will not have the contacts and is unlikely to understand what rights they have under Australian law.

We do know that, during the nearly two years between July 2000 and May 2002, DIMIA recorded serious breaches by 24 sponsoring employers, involving 63 subclass 457 visa holders. These breaches included underpayment, either below the award or below agreed amounts; taxation offences; excessive working hours; failure to provide superannuation; nonpayment of overtime, penalties or other agreed payments; provision of substandard accommodation; demands for excessive payments or bonds in regard to accommodation; breaches of occupational health and safety standards; unfair dismissal and intimidation. It is a pretty sorry picture when we look at what has been hap-
happening to these foreign workers in Australia. We will be calling on the government to resolve that very sorry picture, and I will be indicating what we believe could be done in that regard.

The visa 457 is not the only temporary entry visa with which there has been a problem of exploitation of foreign labour. It is also clear that the temporary short stay business visa, subclass 456, is being exploited. There was evidence not all that long ago of South African slave rings being built up and involved with this visa class. Subclass 456 was created in 1995 and is issued on the basis that the activities that the holder is or will be engaged in cannot be done by an Australian permanent resident or citizen. That means that clearly Australia would have to be in a circumstance of critical skills shortage in the relevant area and someone is brought in with the relevant skills to plug that skill shortage. But we find that is not what is happening with this visa.

In November 1997, in response to evidence that some visa subclass 456 holders were working for extended periods in Australia in relatively unskilled professions, Minister Ruddock changed the scheme so that applications would only be accepted from outside Australia. Whilst that was a well-motivated change, it has not fixed the problem. Applications for subclass 456 are accepted at most Australian overseas posts, and it is not necessary to conduct a face-to-face interview before the visa is awarded. Electronic applications are invited and may be lodged by someone other than the applicant, such as an agent. It is possible that, if anything on the application were considered suspicious or raised questions, the applicant would be interviewed by DIMIA representatives at the mission where it was lodged—although interviews do not occur as a matter of course. It is obviously very easy for the applicant or the agent to simply lie when completing the form and, given there is no way for DIMIA to check the validity of signatures on the form, forging signatures is easy.

The way in which these visas are misused was exposed by what became the notorious case of a South African man who was seriously injured in New South Wales in October 2002. He arrived in Australia in August 2002 on a 456 visa but was not a person with unique skills. He worked as a labourer in the construction industry, 14-hour days, seven days a week, and was promised full remuneration for his labour upon his return to South Africa. His wife in South Africa is understood to have received a weekly stipend of $100. There were two deaths at the site, including the employer of the man—also a South African national—and the man about whom I speak, who had the 456 visa, was seriously injured. He was discharged against doctor’s orders from hospital, despite his very serious injuries, in less than a week and placed on an Australia-Johannesburg flight, paid for by his employer’s widow.

Investigations revealed his visa was obtained by having an Australian company send a request on letterhead for a suitably qualified business person to travel to Australia to undertake commercial research. On the strength of the letter, the visa was granted and the man did not have to apply in person. DIMIA has confirmed such business visas are commonplace. This is a very clear and graphic example of misuse of this visa—this man had no unique skills, he was not being employed in the occupation which was disclosed on the visa application, and he was seriously injured in an incident where all known health and safety standards were thrown out the window—indeed, an incident so serious that two other people were killed.

The minister has angrily dismissed serious allegations raised by the South African gov-
ernment regarding the existence of similar schemes where black labour is exploited. However, evidence of abuse of business visas continues to grow. There are lawyers who have claimed that three black South African chefs have been underpaid more than $300,000 by a Sydney restaurant operated by a white South African migrant. All three were brought to Australia on 456 visas and transferred after three months to 457 visas. None would have been entitled to either visa subclass on any genuine application of the law and regulations. Most of their earnings were repatriated to South Africa in rand.

That clearly shows that there is a major problem with these visas in terms of compliance, and they are not insignificant in number when you add them up across the globe. We say that is evidence that this government has refused to address the problem of illegal foreign workers. I mean by that people who either are working here without any appropriate visa—that is, they have come in as a tourist or under some other visa class and commenced to work in breach of those visa conditions—or have received a 456 or 457 visa, even though on any proper application of the law in relation to those visas they ought not to have had them.

Why is it that the Howard government has failed to act? We would say for two main reasons: first, the Howard government has found it politically expedient to target boat people rather than protect Australia from the real immigration challenge it faces—which is this kind of misuse of the immigration system; and, second, the Howard government has been too frightened to stand up to employers. The Howard government did nothing in this area until 1999 when DIMIA conducted the review of illegal workers in Australia. Following this review, the government launched initiatives in November 2002 to help employers to check work rights of prospective employees. This included a pilot work rights information line and a free-call centralised work rights fax-back facility.

The government canvassed the possibility of a new legislative sanctions regime but received a very negative reaction, particularly by employers and most spectacularly by the National Farmers Federation. As I am sure members in this House would be aware, the National Farmers Federation have the capability to feed their views into the National Party, the coalition partner of the Liberal Party. As a result of that kind of reaction the government backed down. Consequently, the only thing that happens to employers who employ illegal labour is that warning notices are issued.

This legislation heralds the prospect that the government might do some things to finally address this area. As I indicated at the commencement of this contribution, the details of the things that the government is prepared to do will actually be contained in the regulations relating to individual visa classes. I put the government on notice that we will be scrutinising them very carefully to see whether or not they are adequate to meet the challenge, or whether or not they have been moulded with one eye firmly on the reaction of employers and, particularly, the National Farmers Federation. We will be seeking to ensure that the regulations for those visas do address matters like award wages and conditions and the meeting of occupational health and safety standards.

We will also continue to press the government to adopt Labor’s green card, which we believe is the key to making sure that we can crack down on illegal workers in this country. The green card was launched as Labor’s policy at the end of last year. We believe it is a sensible measure to ensure compliance and to identify foreigners with work rights, which of course would mean it would be easier to identify foreigners without work rights.
rights. It is a comprehensive measure which includes changes to the tax file number system. Apart from loss of face, we see no reason why the Howard government could not seriously look at that policy and pick it up. We will be continuing to press the government to do that.

Can I say—and this goes to the matters raised in the second reading amendment that I will move at the conclusion of this contribution—that the challenge of illegal working is not the only challenge facing our immigration system. A very significant challenge facing our immigration system, and one which was dealt with in this parliament earlier today, is of course the ongoing scandal about the number of children in detention. As of 16 May—there may have been some small change in these figures but I would not anticipate a great change—there were 110 minors in detention on mainland Australia and there were 112 minors in detention on Nauru and Manus. Despite much talk on the other side and despite a ministerial statement that Mr Ruddock was forced into at the end of last year under pressure from Labor—and, I will acknowledge, also under pressure from his own back bench, or the remaining moderates on it—nothing substantial has changed.

Mr Kelvin Thomson—There are a few.

Ms GILLARD—They are nearly an extinct species but, as my colleague points out, there are a few. Despite that ministerial statement, nothing substantial has changed.

It seems to me particularly important to raise this matter tonight for two reasons. First is the government’s determination to appeal the Family Court ruling which gives them some jurisdiction over the question of children in detention. Labor are opposed to the government taking that appeal. Labor do not believe the issues for children in detention should be resolved case by case, lawyer by lawyer, over many years. We believe that the government should act now. We believe that the government should at least—and this is a minimalist position—be prepared to implement what Labor proposed in our amendment to the migration (No. 1) bill. Since we moved that amendment and dealt with it in this House, the government have been too scared to bring it on for debate in the Senate. I think they are too scared because they are not sure they can hold their own people in the Senate in terms of the vote on it.

Why is that important? It is important because it could mean a change for children in detention tomorrow. What the minister says about children in detention is, ‘There’s no need to worry. We’ve got an undersubscribed alternative detention project at Woomera. They are secured ordinary style houses and family groups could go in there.’ What he does not tell you—and this disingenuousness was on display again today in the House—is that that trial is limited to women and children. That is, women cannot be accompanied by their husbands and they cannot even be accompanied by their boys if they are 14 years and older. So if they have a 15- or 16-year-old son, they need to leave him behind in high-security detention if they want to take the rest of their children into the alternative Woomera detention trial.

Ironically, the closure of Woomera has meant that these separation issues are even more acute. The minister says, ‘Children currently in Baxter or currently in Port Headland could go with their mothers into the alternative Woomera detention trial.’ But he does not tell you how they get to see their fathers. Last time I looked at a map, Madam Deputy Speaker—and you might be better at geography than I am—Baxter, which is outside Port Augusta, was a very long way from Woomera.
Mr Kelvin Thomson—That was not his message in question time today.

Ms GILLARD—No, that is right. But that distance pales into insignificance when compared with the distance between Woomera and Port Hedland. What would one need to do? One would need to drive a couple of days, presumably—I would not want to try it. I am not sure that there would be a direct road; I do not even know how you would achieve that on our road system. Or I suppose you could get a flight to Adelaide, then fly from Adelaide to Perth, and then fly from Perth to Port Hedland. I have not added up the air transit time in that move, but if it is not six hours in the air I would be very surprised. In making all that happen, how does that work? Of course the trial is undersubscribed, when they are the circumstances with which women and their children are confronted if they want to go into it.

The other thing that has made this very acute for public debate this week, apart from the Family Court matter, is that the Prime Minister has been out there, with the thought bubble, dreaming up a scheme. Periodically the Prime Minister dreams up a scheme, which he never implements but which will get him a headline for a day or two. The most recent scheme he has dreamt up, which we know will probably never be enacted—like paid maternity leave has never been enacted, and all the rest—is the idea that for Australian citizens and permanent residents the Family Law Act needs to be changed to have a presumption about shared parenting if a family divides in divorce circumstances. The Prime Minister says that he supports that because he thinks it is so important for men to have continuing relations with their children. He was even waxing lyrical in question time today about how important it is for fathers to be in contact with their children, and it is important for boys to have a parenting relationship with an adult male.

I have to say to the Prime Minister and Minister Ruddock that children in detention are children too. They have got dads as well. It has got to be as important for them to have access to their fathers as it is for the child of any person in this place or any other person in Australia. It has got to be as important to the parenting of those boys that they are in regular contact with their father—indeed, that they are co-resident with their father. Why doesn’t all of the rhetoric about families, about boys, about fathers apply to children in detention in the same way the Prime Minister is seeking to have it apply to every other family in Australia?

This matter is comprehended by the second reading amendment. I am advised that there is one government member speaking on this bill tonight, apart from the minister, who has already spoken. I assumed that migration was a matter of importance to the government. I have obviously got that wrong. Perhaps the one government speaker on this bill might direct their attention to the second reading amendment and explain to all of us why it is that the rules that the Prime Minister is setting down about the care of children, about fathers’ access to children and about the need for fathers to parent boys do not apply to children and their families in detention.

Returning to the substance of this bill, as I indicated at the outset, Labor is supporting this bill, but we will be seeking to have its terms subject to a legislation committee in the Senate. We believe that a change like this would benefit from that examination, but we believe that having a framework for sponsorship measures in the migration legislation is
a worthwhile step. Clearly, the devil is in the visa regulation detail, and we will be scrutinising those details as they come through and we will be dealing with the bill in a comprehensive way through a legislation committee in the Senate. I conclude by moving the second reading amendment that stands in my name. I move:

That all words after “That” be omitted with a view to substituting the following words:

“whilst not declining to give the bill a second reading, and while supportive of the specific proposals in this bill, the House notes that, if they are to be successful, the Government’s inept handling of the migration program will need to be ended and the whole program administered with greater integrity, transparency and humanity”.

The DEPUTY SPEAKER (Ms Corcoran)—Is the amendment seconded?

Mr Kelvin Thomson—I second the amendment and reserve my right to speak.

Mr CADMAN (Mitchell) (6.49 p.m.)—The Migration Legislation Amendment (Sponsorship Measures) Bill 2003 is about sponsorship and a change in the way in which sponsorship of migrants is carried out in Australia. It is a very sensible approach, because sponsorship seeks to spread the responsibility for the integrity and truth behind an application for entry into Australia. For a long time, Australians have been used to the concept of sponsorship with families, fiancées and so on. A range of sponsorships have been in place and have been in common use. Some of the difficulties with sponsorship have been dealt with over the years, such as the need to verify the bona fides of both the sponsor and the person who is sponsored. Sometimes that is not easy, and governments have used mechanisms like placing bonds or restrictions, such as length of period in Australia, capacity to speak English, job entitlements and closeness of relationships. All of these mechanisms have been used by governments to narrow the capacity for sponsors to renege on their responsibilities. At one point there was a process of guarantors, where a guarantor had to guarantee support by assuring accommodation and living capacity by income, food or other forms of sustenance. That assurance of support usually applied to close relatives.

Sponsorship has moved beyond that, and today we are looking at the important element of sponsorship as it relates to a wider range of non-citizens. It is an endeavour to protect the Australian community from the costs and risks that may be associated with a non-citizen overstaying or failing to take up their responsibilities on having gained entry and a visa. The sponsor can sign a statutory declaration and can provide a bond. The areas that are covered in this legislation proposed by the government are to ensure that, for people who sponsor people for short-term employment and those who gain a commercial advantage from sponsorship arrangements, the sponsorship process is capable of rigorous examination and execution.

The requirement for temporary entry now is, of course, to demonstrate that there is a particular skill shortage. That is done by a whole range of market-testing mechanisms, such as advertising in newspapers, going through trade organisations or demonstrating that those people who have already come to an employer are not adequately trained or qualified to fulfil the purpose for which the employer is seeking the entry of a further person to Australia. This is an additional process in that chain. This is a comprehensive and transparent framework of regulations which, as I have said, seeks to build rigour into the selection of people coming to Australia for short-term advantage.

There is no doubt that there are opportunities for people to play games with this visa category through the capacity to falsely represent those who are coming and the skills
shortages that apply. As members of the House will be aware, in many instances small businesses seek to have a relative come to work for them. Such businesses may just be small retail or takeaway food outlets, where cash is handled on a regular basis. It may be difficult to get somebody to work in a trustworthy manner, handling cash all the time, for the long hours required. The business owner will say they want to sponsor somebody to come because of a shortage of labour. They usually want to sponsor a relative who is short on skills but who, they say, is the only individual who can fulfil the task they have described. If they have to start advertising in newspapers to demonstrate that there is a shortage of people with that skill, the case is sure to fail. It just will not hold up, despite their wishes to have somebody with past experience who is closely connected with them on a personal basis, somebody whom they consider to be trustworthy. It is for lowly skilled jobs that fall within these categories that businesspeople are looking to bring people into Australia through sponsorship.

The fact of the matter is that all governments have adopted the policy that Australians deserve to get the jobs first. We will fill additional jobs from overseas as required. That is part of the temporary visa process, and sponsorship, when put in place, will give that process a further endorsement. The framework proposed by the bill provides for regulations to be made depending on the type of visa, for sponsorship to be a criterion for either the application or the grant of a visa, for a process and criteria for the approval of sponsors and for undertakings to be made by sponsors. So there are a number of elements to the process. It is a selective process and one that I compliment the minister on.

The minister for immigration is a most careful administrator. The previous speaker from the Labor Party, the member for Lalor, pulled out three or four cases to demonstrate that things are in chaos. I remember Bob Hawke crying on television when Jana Wendt, on a bet, sought to make him react. He did, and that resulted in 42,000 people staying in Australia who were not planned for, categorised or in any way qualified for entry or residency. That was a very haphazard approach. I remember, too, the Australian Labor Party’s policy under various ministers which was based on family reunion rather than on what contribution migrants could make to Australia. This minister changed that process, and he has the confidence of the Australian people. It does not matter how much the opposition endeavour to destroy his integrity. The Australian community have seen Philip Ruddock consistently arguing the case without change or variation and with careful and measured processes. They have seen him make decisions, with a great deal of integrity, about what is best for Australia.

Part of the flaw in the previous administration’s process—and I have not seen a willingness to change it—was that it was driven more by migrants than by national interest. There has to be a balance between the wish of a multicultural society for friends and families to come and the ultimate well-being of the Australian community. The Australian Labor Party lost their trust. Senator Nick Bolkus from South Australia, who has been mentioned in the House today, lost the trust of the Australian community. It is very sad to see that happen to a minister. He lost their trust to the point where I remember the finance minister at the time, Peter Walsh, describing the immigration program administered by Nick Bolkus as one characterised by ‘cave-ins’ and ‘blow-outs’. Those are the words of Peter Walsh, who was a very sensible and well-balanced senator.

The government and the minister are applying another measure of integrity and purpose to sponsorships. The actions in the
regulations include the ability to cancel sponsorships and impose bars on sponsors. If you detect a person who is shonky and who is suspect in the way in which they are running a series of sponsorships, you can prevent that person from continuing to run sponsorships. I think that is a very sensible thing. If you see these roosters—that is probably the wrong term; let me say ‘these characters’—present themselves as honest businessmen coming up to gain approval after approval and you are suspicious of what lies behind their sponsorships, they can be barred from sponsoring under this proposal.

The Migration Legislation Amendment (Sponsorship Measures) Bill 2003 and the regulations will give the government the capacity to create different approaches for sponsors in different types of categories. That flexibility must be there. Whether it is for a class, a subclass or a group, there must be capacity for the government to apply the sponsorship rules with care and with flexibility. That will allow us to create different approaches for different groups of sponsors. That is a sensible thing.

Let me give an example. In my area of Sydney, the building industry has been going gang busters for a long time. People have been buying homes and building homes. That has attracted suppliers. One of the suppliers was a retailer and wholesaler of ceramic wall and floor tiles. Andrew Ferguson of the CFMEU decided that one way of signing up all the subcontractors in this industry would be to make sure that the subcontractors working in the industry were branded as illegal immigrants, so he started informing the department of immigration that there were a lot of illegal immigrants working as wall and floor tilers. There were a couple, and they were caught. The supplier said, ‘We’re going to make sure that all of these people are ridgy-didge. We are going to make sure that they are legitimately in Australia,’ and they changed their practices to make sure that not even one slipped past. But that did not stop the union movement from picketing that establishment and from making extraordinary claims in the press about illegal immigrants and dishonest businessmen, none of which were proved. This was done because of a wish by the union movement to control the immigration program.

That is what is limiting much of the view of the Australian Labor Party. This is a union driven process. If you limit the number of people in a particular industry you can drive up the salaries and wages because people will be clamouring for employees from that particular industry. Martin Ferguson, the member for Batman, was a classic at this; he always did it. He did it time and again. He would complain about people only coming into Australia in order to limit the supply of tradesmen or tradeswomen, or about a particular class of migrant, so he could then go to the commission and drive up wages and salaries.

Those days are gone. Instead of the complaints that we have heard today coming from the Australian Labor Party about big business being the ogre in this, I would love to see a genuine approach from the Labor Party which looks at the needs of Australia and which makes sure those needs are met. They could do that by allowing this bill to through. It is not necessary to send a bill with which the Australian Labor Party agrees off to a Senate committee. As I have said time and time again, if there are flaws in it the Australian Labor Party will be able to brand us up and down the country as irresponsible and ineffective in administrating immigration. I am sure they will not be able to do that.

The care with which these decisions have been taken makes sure that Australian jobs come first. We do not want to bring people in
from overseas at the expense of Australians—no-one wants to do that. Australians have to have first rights. That is why the process involves demonstrating the shortage of a skill, a class or a group before it is possible to claim a temporary entry visa for somebody in that business category.

It is very important that the sponsored business class of visa provides access to highly skilled labour. We are growing. The reports that the Treasurer mentioned today talked about the competitiveness of Australia and where we stand in the world. That competitiveness and that standing mean that we can set standards. We do not have to accept everything that comes along. We do not have to be soft-hearted and soft-headed. We can be careful in this area of business and jobs and make sure that we get people who are going to provide Australia with the opportunity to move ahead and to in fact come close to leading the way in competitiveness and in responsiveness in a global sense.

The professional development visa is also part of these changes. It will enforce sponsorship undertakings as a part of professional development. Australia is in high demand as a place for professional development of all sorts. Whether it is an organisation, an institution or an individual sponsoring someone for training in Australia, the sponsorship process will apply for those seeking to establish for themselves training in the niche market of Australia. They can come in, get the training and move out again. That will build rapport and links that will have both economic and political outcomes. We will be able to build on those links for trade and sales, as well as imports. They will also build the strength of political relationships between countries in and beyond our region.

Although to date the number of sponsors who have failed to comply with their undertakings has been relatively small, we need to have that protection there. That is what this legislation provides. The bill also includes associated merit review changes that will ensure that the integrity of Australia’s migration and entry programs is not compromised in any way.

If people renegade on their payments or if they fail as sponsors to fulfil their duties, the full force of the Commonwealth will come against them. This legislation will create different sponsorship undertakings for different categories of visa. Sponsors will be required to make undertakings which relate to financial obligations in relation to the visa holder, the sponsor’s own behaviour and conduct—including compliance with Australian laws and regulations—and the visa holder’s compliance with the conditions that attach to their visas.

I will conclude by saying that in regard to the exercise of ministerial discretion, which has been a matter of discussion in the House, the minister has to make a judgment on various classes of individuals. The Australian Labor Party had a preference to adopt a codified, formulised approach to immigration. There did not seem to be a capacity to make a decision based on an individual, so what came from the demise of the Australian Labor Party in 1996 was the demise of the computerised process of immigration—run the names, the qualifications and the countries through a computer, and automatically out comes the result of an immigration program. The minister’s role in this process was removed. It appears that the Australian Labor Party wants to once more so categorise, formulise and computerise the process of immigration that there is no capacity for anybody to go to the minister and say, ‘This is a deserving case. You need to apply your mind to it.’
The result of the Labor Party policies was the system described by Peter Walsh: breakdown, break-out, shambolic, mismanaged and rorted. That is demonstrated time and again. In fact, the integrity process in the current immigration program is the only way to carefully manage with compassion and care the decisions Australia needs to make about who comes here. You can have an indiscriminate program, which I think is what the Australian Labor Party talks about some of the time, but we must be careful and we must choose. In that area where judgment is needed—and it is not a large area—the minister must be given the capacity to make judgments. You can criticise the minister if you wish, but I find the minister to be a man of integrity, sincerity, compassion and care in all that he does.

Mr DANBY (Melbourne Ports) (7.09 p.m.)—The purpose of the Migration Legislation Amendment (Sponsorship Measures) Bill 2003 is to amend the Migration Act 1958 to provide a comprehensive framework for migration regulations to deal with sponsorship requirements. Migration is an important issue in my electorate. I take the issue very seriously, both at an individual level with constituents and as a general policy issue. Australia is a country of immigrants, with more than one in five Australians being born overseas and one in three either being born overseas or having parents born overseas. There is a further category of people, which I suppose I fit into, and that is those people with one parent born overseas.

So many Australians have a particular, familial concern with migration policy. This is very much the case in my electorate. Almost 33 per cent of the people in Melbourne Ports were born overseas—around 10 per cent more than the national average. Melbourne Ports is ranked 30th out of the 150 electorates in terms of the number of people born overseas. Melbourne Ports is ranked the 11th highest in terms of the number of people who have arrived in the past five years—6.4 per cent, more than double the national average of 2.7 per cent. It is a very pluralist, multicultural part of Australia, where people seem to enjoy the difference. It is very apparent at citizenship ceremonies, where sometimes, if the minister for citizenship permits, even the federal member is allowed to speak.

Mr Kelvin Thomson—Is that right?

Mr DANBY—But only very rarely. It is interesting to note that, of the 20 highest ranked divisions on the basis of the proportion of persons born overseas, only three are held by the coalition. It is not surprising then that this government has cut immigration numbers, kept kids in detention and introduced the Pacific solution. And now we have these allegations about ministerial intervention and support for the Liberal Party being linked. In my view, the government could generally have shown greater compassion, sensitivity and understanding to migrants and the issue of migration.

As a child of an immigrant, I understand the importance of immigration. I understand the struggle immigrants go through when they first arrive here. I also understand what immigrants have brought to Australia. Last year, there was a major summit on population and immigration. At that summit, one of Australia’s most prominent immigrants and a true success story, Richard Pratt, addressed the summit. He said:

I arrived in Melbourne in 1939 from Poland via London as a child aged four. I was literally tucked under my mother’s arm as she fled the gathering storm in Europe. Our family was probably seen by many as a ‘bunch of reffos’. But we found that Australia was indeed a real refuge.

It was also a land of great promise, just as it has proved to be for so many migrants since. Indeed, the story of Australian business growth and development in the past 50 years cannot be told
without including the story of immigration. But in addition to my own over half a century, I have a third reason for supporting immigration: the national interest.

That is an attitude that I believe should inform all of our attitudes to immigration. Mr Pratt continued by saying:

We know that Australia’s improvements in economic prosperity, cultural diversity and lifestyle enrichment didn’t just happen. They’re the results of decisions—and risks—that our political leaders took more than 50 years ago—and since. Mr Pratt continued:

In the same way, the policies and decisions our generation makes will determine the Australia of 2050. Will we choose as wisely as those who came before us? I hope so, because all three parties of government from the 1930s through to the 1970s understood the vital importance of immigration and population growth for Australia. There was a basic bipartisan assumption that guided national policy during those vital decades.

I want to issue a call to arms to my fellow Australians. I want a vision that looks ahead to the year 2050, a vision of a democratic, secure, prosperous, fair and pluralist Australia with a population of 50 million.

Any of us who are familiar with basic immigration patterns and the natural increase will realise that Mr Pratt’s vision is perhaps a little overblown as far as the final numbers in 2050 go. We are much more likely to have around 25 million to 27 million people by then. But I think his basic, positive message about immigration stands. Whatever size Australia’s population is and whatever population size the Australian community wants, it is important to remember what migration has done for Australia—and that is what this government seems to be forgetting in its passion to protect our ‘borders’. ‘We decide who will come to this country’ is another code phrase, another dog whistle. The Labor Party recognises the need for border protection. In fact, the Labor Party has a policy to establish a coastguard, which the government does not share. Labor’s migration and asylum seeker policies are, in my view, the right balance of compassion, caring and sensitivity combined with the necessity to protect our borders. I think the member for Lalor’s second reading amendment, which I strongly support, says it all. I will return to that in a minute.

I would like to specifically look at the bill. The Labor Party supports the broad thrust of this bill and supports the longstanding government policy that, where non-citizens are brought to Australia by sponsors, the sponsors—as opposed to the Australian community—should bear the costs in relation to the non-citizens. This is particularly the case in relation to temporary resident sponsors who gain a commercial advantage from the sponsorship arrangements. Most visa classes, including most business and family reunion visas and some humanitarian visas, require some form of sponsorship. There are also special sponsorship mechanisms for migrants coming to work in rural and regional areas of Australia. Currently sponsorship measures vary from visa subclass to visa subclass. However, in general a sponsor accepts responsibility for: all financial obligations to the Commonwealth incurred by an applicant for a temporary visa; compliance with all relevant legislation and awards in relation to any employment entered into by the applicant; and compliance by the applicant with conditions of entry into Australia specified in the visa.

This bill comes out of a review of the temporary residence program conducted by the Department of Immigration and Multicultural and Indigenous Affairs. The review commented that sponsorship requirements are different for every class of visa, including, where sponsorship was required, who could be the sponsor, the form of sponsorship and the requirements placed on the sponsor. It stated:
... the requirements to be approved as a sponsor, the undertakings required of the sponsor and the sponsorship approval processes differ for different visas. The differences do not necessarily reflect different policy objectives but seem to have resulted from sponsorship requirements for different visas drifting apart over time.

The review made two recommendations in relation to sponsorship under the Migration Act. The first was:

... that sponsorship be a requirement for all temporary residents except under the short stay business visas or where there is an agreement in place which obviates the need for sponsorship (e.g. diplomatic visas) ...

The second was:

... that there should be a standardised sponsorship, involving standardised undertakings, for temporary resident visa sponsors.

All of this makes perfect sense and I support it, as does the opposition. The bill partially adopts these recommendations by laying the framework for a more uniform sponsorship regime. The details of the regime will be in the regulations.

I will turn to regulations in general for a second. Regulations can take a maximum of 30 sitting days to be disallowed by parliament, as I understand it. The government will often carefully time the proclamation of regulations to give them maximum effect before the Senate can disallow them. If the minister proclaimed an unacceptable regulation on 13 November 2002, the government would not even have to inform the Senate until 13 May this year and the Senate could disallow it until 18 August. Therefore we would be left with an unacceptable regulation for six months before the Senate has to be informed and a further two to three months before the Senate has to disallow the regulation. Many people can be refused visas or be deported in those six to nine months. Perhaps the Standing Committee on Legal and Constitutional Affairs or the Scrutiny of Bills Committee can consider other mechanisms for parliamentary scrutiny of subordinate regulations or ensure that regulations do not take effect until after regulations are tabled in both houses.

The government is particularly seeking to introduce enforcement measures for temporary residents on the 457 business long stay visa and the new professional development visa. The business long stay visa class is a visa about which Labor has consistently expressed concern. It allows a person to be sponsored into Australia, with some restrictions, for the purpose of employment. Labor has been pressing the minister to introduce sanctions against employers who breach their obligations, but this has not happened. Even the member for Mitchell said that some of these employers play games. I think he was understating it, but I will come back to his remarks a little later. The minister has said that he is minded to introduce some type of sanction. However, through the estimates process it has been established that no such legislation has even been drafted.

We had quite a dramatic case outlined to us by the member for Lalor about the Serbian fresco painter who had been brought here under such terrible circumstances for four years to paint frescos for $200 a week. The 456 business short stay visa was also graphically described by her. I think the member for Mitchell severely underestimated this problem, saying it was some kind of ACTU conspiracy that the member for Batman was involved in, whereas we know that we have such serious cases as the South African slave labour ring which was operating here and was a very serious abuse of the visa system in Australia.

I turn to the government’s lack of sensitivity in the enforcement of migration laws. Visa applicants, migrants and asylum seekers are not people, according to it; they are lesser
human beings. They are tools or pawns in its border protection game. This has been evident, in my view, from the government’s reaction to the recent Family Court decision that indefinite detention of children is illegal. Instead of being concerned about children, the government is concerned about this mantra of ‘border protection’ that it takes up in all cases regardless of the circumstances.

An example is the government’s refusal to allow a refugee to visit his children in Indonesia, whose mother was burned to death on the SIEV X, on the basis that it might breach the integrity of the border protection game that this government plays so well. These kinds of circumstances are completely inexcusable in the kind of Australian society that I understand we live in. But the minister insists on prosecuting them regardless of the tragic human circumstances of these individuals. In my view, the government has an attitude that it is more important to play wedge politics, as it has been called, rather than look at individual cases and see whether some simple humanity could be shown towards these people.

The importance of improved enforcement of visa conditions and sanctions against employers and sponsors who breach visa conditions was shown by the recent immigration raid on a building site in my electorate where 18 Chinese workers were found to be working illegally. While I support the enforcement of the Migration Act, the employer should also be prosecuted for illegally employing people who are not entitled to work in Australia. This is not, as the member for Mitchell indicated, some conspiracy involving the ACTU or the member for Batman, who he misidentified as the member for Melbourne Ports; it is a real issue. It is an issue that I have experienced recently with the police sirens wailing at a building site in Port Melbourne and the sudden round-up of foreign workers.

It is the responsibility of employers to ensure that their employees are entitled to work, yet this government seems intent on prosecuting the individual migrant rather than their employer. Why? The answer to that is easy but the real question is: is this right? The answer to that is also easy: no. Employers should be prosecuted for every breach of the law in the same way an individual immigrant who breaches their visa is. If you prosecute the employee, prosecute the employer. If you prosecute the migrant, prosecute the sponsor. I will be asking the Minister for Immigration and Multicultural and Indigenous Affairs questions about this on the Notice Paper, and I hope he will answer them quickly. I also call on the government to amend the law to introduce appropriate regulations ensuring that all persons who are party to a breach of visa conditions are liable.

The opposition has a solution to the issue of the nearly 30,000 illegal workers who are apparently in this country. This underground work force enables some unscrupulous employers to undermine Australian wages and conditions and reduces the number of jobs available to Australians. The member for Mitchell seemed to think that this was some kind of conspiracy involving the member for Batman, but 30,000 people is no conspiracy; it is a real problem. The government is ignoring this problem because it does not fit in with its world view. It does not want to fight with employers who, in my view, are profiting from these scams.

Labor, by contrast, would crack down on illegal workers by—as the member for Lalor suggested—issuing a US style green card to noncitizens who have a visa which entitles them to work; obliging employers to check green cards and prosecuting those who employ illegal workers; creating an illegal workers roundtable—involving the federal government, state governments, employer
representatives, small businesses, farmers and unions—designed to implement the green card system; and resourcing and creating an illegal workers strike force within the Department of Immigration and Multicultural and Indigenous Affairs.

Another section of the bill that I would like to deal with is item 1 of schedule 2, which proposes to add a new paragraph 338(2)(d) to the Migration Act to restrict appeals to the independent Migration Review Tribunal. It provides that a decision to refuse a visa where having a sponsor is a criterion for granting a visa is only reviewable by the MRT if, at the time of applying for a review, the person has an approved sponsor or the decision on approval of a sponsor is pending. The explanatory memorandum says that the purpose of this new paragraph is:

... to ensure that only those visa applicants who have an approved sponsor, or are seeking review of a decision to refuse to approve sponsorship, may apply to the MRT for review of a decision to refuse to grant a prescribed visa. This is to prevent abuse of the merits review process by refused visa applicants, who have no sponsor, and therefore no ability to meet the criteria for grant of the visa, seeking to extend their stay in Australia by lodging a review application.

Some of this may seem logical, yet I fear it is another slip down the slope of abolishing the rule of law in cases of migration.

It is fundamental to our system of government that the executive cannot act unchecked. The courts have a responsibility to ensure that the government acts in accordance with the law. Every time parliament restricts people’s rights to appeal it enhances areas in which the government is free to do whatever it wants; unrestricted by the courts and unrestricted by the law of the land. That is why this parliament will have to carefully monitor the use of this section and the regulations declared under it to ensure that the government is not seeking to expand its powers and trample on the law.

In conclusion, I strongly support the second reading amendment moved by the member for Lalor, the shadow spokesperson, which says:

That all words after the word ‘That’ be omitted with the view to substituting the following words:

‘whilst not declining to give the bill a second reading, and while supportive of the specific proposals in this bill, the House notes that, if they are to be successful the Government’s inept handling of the migration program, will need to be ended and the whole program administered with greater integrity, transparency and humanity’.

The member for Lalor noted that, despite all of the government’s protestations about being concerned about children and their fathers, 112 minors remain incarcerated on Manus Island and 110 in mainland Australia. This is not the kind of Australia that I believe most Australians support. It is something that, under the mantra of border protection, still continues. I believe it is quite understandable why the program in Woomera is undersubscribed. Who would want to be the father or older boy of a family and be in Port Hedland while the rest of the family is in Woomera?

I believe that one can have a successful immigration program in this country through sensible steps like the sponsorship legislation that is before this House and, at the same time, show more humanity by taking children out of detention and putting fathers and older brothers with mothers and the rest of the family. I believe that one can run a successful immigration program in this country; we have done so in the past. We should be very proud of the role immigration has played in the development of this country. I support the bill and the second reading amendment.
Mr HARDGRAVE (Moreton—Minister for Citizenship and Multicultural Affairs) (7.29 p.m.)—The Migration Legislation Amendment (Sponsorship Measures) Bill 2003 makes a number of amendments to the Migration Act 1958 in relation to sponsorship, an important element of the system for managing the entry and stay of persons in Australia. Sponsorship has a fundamental role to play in protecting the Australian community from the costs and risks associated with the stay of noncitizens in Australia. This bill recognises the importance of sponsorship in Australia’s migration and entry programs by establishing a comprehensive and transparent framework for the regulations to deal with sponsorship requirements. This framework provides for regulations to be made for sponsorship to be a requirement for a visa; a process and criteria for the approval of sponsors; and undertakings to be made by sponsors. The bill also allows certain actions to be taken against sponsors of prescribed temporary visa holders if they breach their undertakings. These actions include the ability to cancel sponsorship or impose bars on sponsors. These bars can prevent sponsors from gaining further approvals and sponsoring other people under their existing approvals.

While seeking to provide for a standardised approach to sponsorship, the bill gives flexibility for the regulations to cater for different sponsor relationships and situations. This is particularly important and appropriate when you consider that some sponsors enter into sponsorship arrangements for commercial reasons while others do so for family reasons. In addition, this bill seeks to prevent abuse of the merits review process by certain temporary visa applicants who are required to have a sponsor but who, at the time of applying for review, do not have a sponsor or have not attempted to obtain one. In these cases, the decision to refuse to grant the visa can never be overturned by the tribunal, because the requirement that the applicant be sponsored is simply not satisfied. This amendment will effectively close off a loophole that has led to visa applicants pursuing what are clearly unmeritorious claims.

I would like to turn to some of the points raised in the debate and thank the members for Melbourne Ports, Mitchell and, indeed, Lalor for their contributions. The shadow minister could, I guess, easily be accused of believing some of her own headlines in recent days and championing causes that are probably more relevant to her factional backers than to the Australian community. Perhaps in her contribution tonight we have seen yet another application for full partnership at Slater and Gordon, should she choose to seek it. She certainly cannot be serious about becoming an immigration minister in Australia, and I am sure that she currently must be hoping that she gets education or health in some future reshuffle from the Leader of the Opposition.

The government understands that immigration is a nation-building exercise. It is important to know that all of those who come to Australia as visitors, migrants or whatever category they happen to come under, are received well in the community and are also seen to have great credibility: that the visa extended to them, the process that governs that visa application, the processing of that visa, their arrival and, indeed, their departure from Australia are beyond any questioning. As far as the system is concerned, it is important that all Australians—whether they have come here by choice, sought refuge here or, indeed, been born here—understand that our migration system is consistent, fair and focuses on individual needs, not on job lots, which was the way of the previous Labor government. If you look at what Labor did in government versus what they say they might do, people were treated
as job lots—they were fitted into a certain category or otherwise.

It is important that, when making contributions to migration legislation discussions, those opposite do not try to defame the good standing of all those who have migrated to this country, particularly those who have come under the humanitarian program this country administers. Given that we are one of only nine countries in the world that have a planned migration program with a humanitarian component, we invest deeply and deliberately in each of those people who arrive in this country. This is not about charity, social welfare or keeping them completely closeted away from the possibilities of standing on their own two feet; this is a deliberate investment in people. It is something we take very seriously.

The whole process of maintaining the integrity of the migration system is very much hinged on making sure that we are not put under pressure by those who seek to pervert our rules—to seek a migration outcome by going around the rules. We want to make sure that we are able to continue to put those resources into people as they arrive in this country no matter what circumstances have led them to come here. It is important that we do not allow, as the member for Melbourne Ports attempted in his contribution, to suggest that those who came as refugees during or immediately following the Second World War are in the same category as those who seek a migration outcome by paying people smugglers to get them across Australia’s borders and into the Australian community. It is an important point of principle that the Australian community has ruled on through the 2001 election campaign. The credibility of migrants and visitors coming to this country is very much enhanced by the measures in this bill.

The member for Lalor talked a lot about the handling of 457 visas. The government already comprehensively monitors all sponsors of long-stay business visa holders. Every sponsor is monitored to ensure that they abide by their sponsorship undertakings. A significant number have workplace visits conducted to test the veracity of their claims, where wage records are checked and workplace conditions examined. In total, 25 per cent of all sponsoring employers are site visited. While the government is aware of a low level of abuse, the effectiveness of the government’s monitoring activity is highlighted by the numbers. The member for Lalor mentioned 24 sponsors found to have committed a serious breach, while 60,000 people have been issued visas during the last two years. In relation to the member for Lalor’s assertion that the government has failed to address the problem of illegal workers, the government has in fact located in the last financial year over 17,000 overstayers and people breaching their visas. These are the actuals; they are not the assertions. This compares to only 7,800 locations in the last year of the Labor government.

There is one side of this place that is serious about the integrity of the migration system and is backing its rhetoric with performance, with compliance teams and by working with the union movement and employer groups—and that is this side of the chamber. Those opposite make a lot of claims, they make a lot of promises and they make a lot of observations but, at the end of it, look at what was done: 7,800 in their last year in government; 17,000 in the last financial year of this government.

The member for Lalor also focused in on the fact that there were still 110 children in detention in Australia. She said that the issue was about the separation of the kids from their fathers. The government continue to
work to achieve alternative detention arrangements in Port Augusta and, indeed, at Port Hedland. We do not want to see, as those opposite seem to be implying, a forced removal of children from their parents. Nor do we want to see a signal sent to people-smugglers that, if you send kids on boats, you will get a different outcome. We do not want to see those things occurring.

As the minister for immigration said in question time today, we do work with state welfare authorities—and I see the Parliamentary Secretary to the Minister for Health and Ageing, who understands these issues very well, is at the table. You should consider that Family and Youth Services in South Australia is monitoring those children who have been in places like Woomera in the past and who are in Baxter now. People should understand that Minister Ruddock is happy to deal with any observations of the state welfare authorities and ensure that, in fact, the welfare of children properly administered by state welfare authorities is maintained. Not one state welfare authority has recommended that children be taken out of those centres away from their parents. Again, we see recycling of old arguments by Labor that have been dealt with by the Australian people on a number of occasions. People made decisions with regard to this matter at the 2001 election, and of course the Labor Party has raised this in this debate—which it is entitled to do.

I think it is important to get back to what the measures in this bill are about. We should look at what we on this side of the chamber do, at what this government have constantly done and what we have been able to do under this immigration minister, the member for Berowra. He is the longest serving immigration minister in Australia’s history, a man of high integrity, of consistency and of completeness in his scruples and in his approach—and those opposite should be ashamed of the way in which they have attempted to defame his good character in recent weeks. This minister for immigration has held the migration by, and the good standing of, all those who have come through the migration system constantly in mind. Its conduct and the possibilities for each individual have always received his greatest interest and most constant efforts. It is not easy, it is not simple; it is a hard brief, but he does it well. This bill is about ensuring that the integrity of Australia’s migration and entry programs is not compromised. I commend this bill to the chamber.

The DEPUTY SPEAKER (Hon. B.C. Scott)—The original question was that this bill be now read a second time. To this the honourable member for Lalor has moved as an amendment that all words after ‘That’ be omitted with a view to substituting other words. The immediate question is that the words proposed to be omitted stand part of the question.

Question agreed to.
Original question agreed to.
Bill read a second time.

Third Reading

Mr HARDGRAVE (Moreton—Minister for Citizenship and Multicultural Affairs) (7.40 p.m.)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

TRADE PRACTICES AMENDMENT (PERSONAL INJURIES AND DEATH) BILL 2003

Second Reading

Debate resumed from 27 March, on motion by Mr Slipper:

That this bill be now read a second time.

Mr McMULLAN (Fraser) (7.41 p.m.)—The Trade Practices Amendment (Personal
Injuries and Death) Bill 2003 is part of the Commonwealth response to the rapid increase in public liability and professional indemnity insurance premiums. Its intention is to prevent the recovery of damages where conduct in breach of part V, division 1 of the act results in personal injury or death. Part V, division 1 of the Trade Practices Act deals with unfair practices. For the purpose of this debate, the two most pertinent provisions are section 52, which, in summary, prohibits corporations from engaging in misleading and deceptive conduct, and section 53, which, again in summary, prohibits false and misleading representations in connection with the supply of goods or services. The bill essentially says that a company that misleads a consumer in a way that causes injury or death is not liable to pay any compensation under the Trade Practices Act. These amendments are said to be necessary to support the tort law reform process by which states and territories have instituted a number of measures aimed at limiting both the number of negligence claims and the quantum of damages paid.

Before I get to the detail of the proposal, let us recap the background a little. Insurance premiums have surged over the last few years. Every member of parliament has had stories from local constituency organisations and constituents about the impact of the surge in insurance premiums. I am sure that we have all had examples—I certainly have in my constituency—of customers who have been unable to get any cover at all.

Since March 2002, Commonwealth, state and territory ministers responsible for insurance have met five times to consider responses to rising premiums and the withdrawal of cover, particularly in relation to public liability and professional indemnity insurance. While there are a number of causes of the current problems in the insurance market—including obviously the impact of September 11, which changed views about terrorism and certainly had an impact on the whole reinsurance market, and the collapse of HIH—ministers received evidence that a significant factor contributing to the increase in premiums has been the growth in the number and cost of claims for negligence.

Over the past year, all states and territories have introduced tort law reforms, including caps on general damages, thresholds to prevent the commencement of actions in relation to minor injuries and measures to allow the voluntary assumption of risk. While responsibility for tort law reform rests predominantly with the states and territories, for some time Labor has stressed the importance of Commonwealth action to support the process. Last year Labor supported amendments to taxation laws to facilitate structured settlements, which were intended to reduce costs to insurers. Labor also supported the principle that people who engage in high-risk recreational activities should be able to waive their rights to sue. Labor has also called for reforms to be balanced to ensure that consumer rights are protected.

A particular issue that has been highlighted is the potential for plaintiffs to engage in forum shopping—that is, to avoid the restrictions imposed under state tort reforms by bringing actions under the Commonwealth Trade Practices Act. This becomes possible because the same conduct may form the basis of action under tort for negligence as well as under provisions of the Trade Practices Act such as those I referred to earlier concerning misleading and deceptive conduct or false and misleading representation. We do support an amendment to strengthen the protection, but the question for us is whether this is the right amendment.

In July 2002 the minister responsible, the Minister for Revenue and Assistant Treas-
urer, Senator Coonan, announced a review of the law of negligence to be headed by Justice Ipp. The terms of reference for the inquiry included an instruction to review the interaction of the Trade Practices Act with common law principles of negligence. In particular, the review was asked to develop and evaluate options for amendments to the Trade Practices Act to prevent individuals commencing actions in reliance on the Trade Practices Act, including actions for misleading and deceptive conduct, to recover compensation for personal injury and death. The Ipp report found that a number of provisions of the Trade Practices Act could form the basis for a claim for personal injury and death—obviously because, as we previously said, sections 52 and 53 of the TPA have that impact. The Ipp report also referred to unconscionable conduct in part IV A of the act and provisions relating to product safety and liability for defective products.

In relation to the potential overlap involving part V, division 1—the misleading and deceptive conduct and false and misleading representations sections—Ipp recommended that the Trade Practices Act should be amended to prevent individuals bringing actions for damages for personal injury and death under part V, division 1 and that the ACCC should no longer be able to bring representative actions for damages for personal injury and death resulting from contraventions of part V, division 1. This bill implements those recommendations.

Our concern is that these amendments do not strike the right balance between, on the one hand, the proper and recognised need to ensure that tort law reforms are not undermined and, on the other hand, the need to ensure the rights of consumers injured by misleading and deceptive conduct. It seems to me that Ipp’s terms of reference were drawn so narrowly that the committee was essentially directed to come to the conclusion it did. If you look at the terms of reference and the conclusions, it is pretty hard to see how Justice Ipp could have come to any other conclusion when operating against those terms of reference.

In relation to the other overlaps, such as unconscionable conduct, Ipp simply stated that his recommendations regarding the limitation on liability and quantum in relation to negligence should also apply to claims made under the Trade Practices Act. This has been interpreted as meaning that claimants should not be entitled to any more under the TPA than they can claim under state or territory law for personal injury. We think this is a sound principle and we would like to see it examined by the Senate inquiry to determine why it could not also be applied in relation to damage suffered due to a breach of part V, division 1 of the Trade Practices Act.

In its submission to the Ipp committee, the ACCC argued that the scope of the TPA should not be limited. Among the arguments it made were that limiting the scope of part V is economically inefficient in that it forces consumers to incur greater search costs to determine which suppliers are reliable. It also argued that such a limitation undermines the competitive process by allowing firms that engage in misleading and deceptive practices to win customers at the expense of those that do not. The commission also argued that part V, division 1 is not simply a codification of the law of negligence but rather sets norms or standards for corporate behaviour. Section 52 in particular provides an important incentive for businesses to behave fairly and to have regard for consumers’ safety. Without the availability of this important remedy, the standard of behaviour that consumers are entitled to expect may break down.

On the face of it, these views seem to be persuasive. We would like the Senate com-
mittee to investigate whether the proper concern to stop forum shopping from undermining the tort law reforms can be addressed by using thresholds and caps to restrict the damages recoverable for personal injuries under the Trade Practices Act in a manner which is broadly consistent with restrictions prevailing under state and territory law. This approach would have the advantage of ensuring that the economic efficiency and consumer protection benefits identified by the ACCC were largely maintained. This approach would also be consistent with the Ipp report’s recommendations in relation to other provisions of the Trade Practices Act which may form the basis of a personal injury claim, such as unconscionable conduct under part IVA.

There is another issue that I think needs to be addressed. Last year the parliament passed amendments to the Trade Practices Act, allowing providers of recreational services to enforce waivers excluding liability for breach of the warranty of due care and skill implied in contracts by the Trade Practices Act. During the Senate debate on that bill, Labor moved amendments providing that any waiver that included a false and misleading statement would be void. At that time, Senator Coonan rejected the amendment, arguing that it was unnecessary as the Trade Practices Act, through the very sections that we are dealing with tonight—sections 52 and 53—already provided consumers with a statutory right to seek damages for misleading and deceptive conduct. The problem is that this bill seeks to remove that remedy.

Imagine a case where a consumer is induced to participate in a recreational activity by a false and misleading statement given by a recreational service provider. If the consumer signs a waiver—a procedure facilitated by the recent amendments—and suffers injury, they could be left with no remedy in negligence, contract or under the Trade Practices Act. It is quite possible that the courts would decline to enforce a waiver obtained in these circumstances, but there is a very strong case to revisit Labor’s amendments to ensure that consumers of recreational services have the statutory protection that the government said they would have at the time the recreational service bill went through the parliament. We are getting sequential amendments that compound the impact without the first bill being able to accommodate the consequences of this bill which we are considering now.

Because we support the broad principle, we will not be opposing this bill in the House, but we will seek to have the issue of the interaction between these amendments and the amendments made last year in relation to recreational services examined by the Senate committee. I think that is a question of how we might maintain the balance between consumers’ rights and an efficient insurance market. It is a difficult balance to strike.

Before concluding, I would like to make some general comments about the insurance crisis. There has been a lot of state and territory reform over the last 18 months. All members of the House will be well aware, or most will be, that this was sold to the Australian community on the basis that reform would lead to reduced premiums. If the Trade Practices Act applied, that would go very close to being false and misleading conduct, because in March this year the Assistant Treasurer, Senator Coonan, stated:

The actuarial information is that there ought to be an immediate reduction in premiums of about 13.5 per cent but obviously as attitudes to litigation change and the legal framework adjusts to a different way of looking at the handling of claims these reductions in premiums should escalate up to about 30 per cent.
If anybody can find insurance premiums falling by between 13.5 per cent and 30 per cent, I would invite them to come forward and display the example.

We understand that not all the Ipp reforms have been implemented and there are some differences in approach between the various jurisdictions. Nevertheless, it remains of concern that public liability premiums still seem to be heading up; not down, as the minister forecast. A JP Morgan study found that public liability premiums had gone up by 51 per cent in 2002. But the more worrying sign is that it forecasts further rises of 23 per cent this year. A 51 per cent rise in 2002; 23 per cent this year. The Australian community has not yet seen the pay-off it was promised from these reforms. In fact, it has not seen any pay-off at all.

Labor recognised that this was the trade-off and last year we introduced a private member’s bill—the Trade Practices Amendment (Public Liability Insurance) Bill 2002. The intent of that legislation was to empower the ACCC to ensure that the savings that accrue to insurers from state and territory law reforms are passed on to consumers. This is the very power that this government thought was perfectly appropriate and legitimate with regard to ensuring that GST changes were passed on, but the government has refused to pursue this and has instead asked the ACCC to conduct informal monitoring. We understand that the first monitoring report is due out in the next month or so, and I call on the government to act swiftly if that report identifies that the tort reforms are being used by insurance companies to recoup past losses. The JP Morgan study says that is probably the case, but let us wait for the report. If the report does say that rapid and continuing escalation in premiums is unabated, then I call on the government to take some action to deliver the benefits to consumers that are the underlying reasons for these reforms. The reforms are about delivering insurance products to consumers at a reasonable price, and these reforms have the potential to do that. We have been supporting the principles, but I worry that the government will not respond to our initiatives to give the benefit to the consumers rather than to the insurance companies. But let us see; the report is due out in the next month or so. It may not reinforce the view that prices are increasing swiftly, but I will be very surprised if it does not, because that is all the survey evidence and the anecdotal evidence shows.

It must also be remembered that not all the problems in the insurance market flow from increased litigation. The ACCC has found that the extremely high loss ratios experienced in recent years by public liability insurance were contributed to by the behaviour of the industry itself. The ACCC stated that in the 1990s insurers placed emphasis on obtaining market share in this class rather than pricing premiums on a cost based methodology. We all know that is true and we all know the substantial consequences of that, particularly in the case of HIH. A forgotten element of the reform process has been the need for insurers to improve their use of claims data. In its January 2003 report—that is, five months ago—the Productivity Commission stated that insurers could make better use of claims data in setting premiums and risk management. The opposition notes that APRA's statistical area is now putting together a national claims database for liability claims. We hope that work on this will proceed quickly. We would like to see action on all fronts to address the issue rather than simply reducing the rights of consumers to compensation.

I flag that the opposition have no problem with the principle underpinning this bill, but we have serious concern as to whether the amendment in itself and in its relationship with previous amendments, particularly
those relating to recreational services, will deliver the benefits and the balance between the benefits and consumer protection. However, it is important that we do have action on this matter, so we will certainly not oppose the bill in this House. We will subsequently have a closer scrutiny of it in the Senate, and that will enable us to get both the principle and the detail right. We hope that we can deliver for the Australian people a balanced and responsible package that amends the Trade Practices Act to deal with issues of personal injury and death without forum shopping, which could clearly undermine the tort law reform process, while maintaining protection for the rights of Australian citizens as consumers. With that, I indicate that the opposition will not be opposing this legislation in the House.

Mr CIOBO (Moncrieff) (7.59 p.m.)—At the outset I would like to commend the opposition for supporting the government on the Trade Practices Amendment (Personal Injuries and Death) Bill 2003. This is an important bill and forms part of a raft of legislative changes that we, as a government, hope will go to the core of altering an attitude that seems to prevail in modern day Australia. It is an important bill because it is, as I said, another step along that path towards reform of the marketplace, particularly liability and insurance pertaining to public liability.

This amendment to the Trade Practices Act is at the periphery of the debate but highlights what has been, in essence, one of the ongoing problems the public liability insurance marketplace has faced in recent years. I am referring to the attitude that has descended among the Australian population—an attitude that, in my view, has unfortunately been promoted by unscrupulous and unethical lawyers. They tend to adopt an attitude that you sue wherever and whenever you can. By promoting and building a perception among the general public that, irrespective of what has happened and of any way in which you may have contributed to injuries that you have suffered, you should adopt a deep pockets philosophy and sue. Australians all around the nation are now suffering the consequences of allowing that kind of environment to continue unabated and unfettered by commonsense.

This bill will now go towards reducing what has been an unfettered attitude towards suing for damages, irrespective of the cause, in cases of personal injury and, at the extreme end and one which is abused far less, in death. The bill amends the Trade Practices Act 1974 to prevent individuals using part V, division 1 of that act to seek damages for personal injury and death. There has been some discussion about this in many circles. The member for Fraser, who spoke immediately before me, highlighted the ways in which it has been envisaged that the Trade Practices Act, in particular part V, division 1, may be used or misused to obtain damages for personal injury and death where it is felt that there has been no ability to seek recompense under other forms of legislation or under tort law. This amendment is driven by the increasingly litigious society in which we now live. Australians sue regularly and, consequently, have created an upward spiral of insurance premiums and insurance claims. This new environment has required the Commonwealth and the state governments to work together to end this upward spiral and to make significant changes not only to tort law but also to particular acts such as the Trade Practices Act.

As background to this bill we are debating in the Commonwealth parliament tonight, I highlight that Trowbridge Consulting reported in their Public liability insurance: analysis of a meeting of ministers on 27 March 2002 that there have been rapid increases, as I have outlined, in the numbers of people suing and attempting to sue on a
regular basis for what they claim to be breaches of public liability. It found that, as a consequence, the insurance crisis was impacting most severely on community and sporting events, tourism and leisure operations, the retail industry and local non-government community groups that operate under the umbrella of local government.

I have two principal concerns with this issue. The first is with regard to Trowbridge Consulting's findings that, as a result of the crisis that arose in public liability insurance, we were suffering in terms of tourism and leisure operations. There is a good example that directly highlights the ways in which the people of the Gold Coast, whom I represent in the seat of Moncrieff, could suffer as a consequence of this apparently out of control spiral of claims on public liability insurance. It is the very high profile decision made recently in the case of a gentleman who suffered injury when he dived into the surf at Bondi Beach. It was held in the first judgment in this case that the local council was responsible, at least in part, for the injuries suffered by this young gentleman. If I recall media clippings correctly, this man admitted to being under the influence when he dived into the beach at Bondi and suffered injury. This sent immediate shock waves throughout the local community on the Gold Coast. Locals engaged in any type of activity that involved the surf—for example, the Gold Coast City Council, the Surf Life Saving Association or any like operator—had to suddenly consider ways in which they might be liable as a consequence of this ruling.

Another poignant reminder of ways in which unexpected decisions were having an impact on the public liability crisis was a court case that took place on the Gold Coast. Again, it concerned an inebriated party-goer who dived off a fence into one of the canals. In this case, the individual suffered significant injury to his neck and spinal cord. It was held in that case that there would be significant damages payable by the owners of the property at which the party this young gentleman attended was held. I must say I was astounded.

I do not profess to be an expert in tort law. It has been many years since I studied tort law, but I do recall some basic principles from tort law with regard to tort actions. One of them was the legal notion of volenti non fit injuria; in other words, the voluntary assumption of risk. When I heard about this case involving a young gentleman diving off a fence into a canal and injuring his spine, I thought it would be a very remote possibility that there could be a causal connection between this young gentleman being at the party and the owners of the premises at which this party was held being liable—at least in part; certainly not in full—for the injuries sustained by him. I was very surprised when I discovered the court held the owners were in part liable.

Another area of particular concern is community groups. As a consequence of the spiralling costs associated with public liability insurance, there are many examples of local community groups on the Gold Coast going about their business in a meaningful way to try to better the community in which they reside—trying to make a difference in the community—increasingly being hampered as premiums skyrocketed. Logically, many people were requiring community groups to demonstrate they held comprehensive public liability insurance. It is only to be expected that there would be a requirement for community groups to have significant comprehensive public liability insurance policies in place in order to help ease the concern in the minds of so many people with regard to what potential liabilities might exist should something happen.
I highlight as an example two local community groups in the electorate of Moncrieff which recently received significant funding from the Commonwealth government: the Silver Bridle Action community group and the Connect the Coast community group. The Commonwealth government required, as part of its funding package and funding contract, that these community groups have in place comprehensive public liability policies—policies that had increased significantly in price when these groups sought them. Premiums had increased significantly as a consequence of the latest tremors flowing through the public liability marketplace. In this case both groups were able to obtain the necessary cover, but at great expense. Whilst I am delighted they received the funding, this just underscores and highlights the very great need not only for the Commonwealth government but also for state governments to act on this crisis. This is another demonstrable way in which the Commonwealth government is heeding the call to respond in a proactive and efficient way with regard to public liability.

The Trowbridge Consulting report confirmed in particular were community groups experiencing problems in obtaining affordable public liability insurance. The report also found in a statistical and factual way that premium increases of 20 per cent were routine, 100 per cent not uncommon and 500 to 1,000 per cent had occurred. You can see how, in that kind of environment, it quickly all becomes unsustainable.

The question is: what is driving these insurance market problems? What is driving these significant increases in premiums for public liability insurance? What has driven the significant changes which have taken place in the public liability marketplace? It is very clear that we can point the finger at a number of different events: the collapse of HIH insurance, the terrorist bombings on 11 September, unwise business practices by insurance companies and a poor investment environment. These are just some of the many identified causes which have led to this crisis. As I have also been indicating, an escalation in the number and size of personal injury claims has also been identified as a key contributor to the problem. I cannot help but wonder why, on so many occasions when I sit and watch television, I still see to this very day law firms advertising questionable practices. They say, ‘If you have been injured, call us and learn your legal rights. Irrespective of the circumstances, we will look at taking an action. There may be redress you can seek as a consequence of taking legal action.’

I am certainly not someone who seeks to deny a legitimate right to compensation for those who have been injured or the parties of those who have died as a consequence of negligence. Not for one moment would I value a circumstance in which we denied those who have been injured or the parties of those who have died as a result of their injuries the right to seek lawful, legitimate, adequate recompense for their injuries. Having said that, though, it is important it is done in a sustainable and measured way. It is very clear to this point it has not been sustainable or measured. That is the reason why we are in this chamber this evening discussing this bill.

With regard to some of the drivers behind what has been taking place we can see and find evidence that demonstrates the insurance market is not dissimilar to any other marketplace. It has peaks and troughs and it is possible, although unfortunate, that the current market conditions might be part of this business cycle. The Trowbridge Consulting report noted:

The nature of the crisis is that there are fewer insurers than ever before accepting the business and these insurers are generally charging much
higher prices than previously and are also being very selective in their acceptance of risks.

While this phenomenon can be regarded as the peak (or trough) of an insurance market cycle, it is nevertheless to persist for another year or two at least unless there is some external stimulus to or intervention in the market.

This, in large part, is what drove the decision of the ministers to bring about a review of negligence. In a recent article in the Australian Bar Review, the Chair of the Negligence Review Committee, Justice David Ipp, set out the key practical arguments as to why negligence laws needed to be reviewed. He stated:

There is no conclusive evidence that the state of the law of negligence bears any responsibility for this situation [the insurance crisis]. But the fact is that insurance companies are not prepared to provide the necessary insurance (or are only prepared to provide it at unaffordable rates), because of the unpredictability of the law, the ease with which plaintiffs succeed and the generosity of courts in awarding damages. There is evidence to suggest that the insurance crisis is at least partly attributable to the conduct of certain insurance companies but that is not to say that the state of the law of negligence has not contributed to the current state of affairs.

It is interesting to note that Justice Ipp acknowledged that insurance companies were at least in part to blame for the insurance crisis.

The Minister for Revenue and Assistant Treasurer, Senator Helen Coonan, has drawn clear links between problems with the legal system, the insurance crisis and the need for the government to intervene. All of these elements have been drawn together by this government and by the state governments to bring about changes to the laws of negligence. This bill gives effect to recommendation 19 of the Review of the law of negligence report, the Ipp report, which stated:

The TPA should be amended to prevent individuals bringing action for damages for personal injury and death under Part V Div I.

This essentially has been predicated on developing a strategy to respond to the highly publicised crisis which has been occurring.

In terms of this review, there was once a very clear legal precedent in tort law: the notion of volenti non fit injuria. This notion—that is, the voluntary assumption of risk—is a legal notion that I would like to see take greater standing. It is very true that this bill acts to deny people the opportunity to misuse section 52 or section 53, for example, of the Trade Practices Act to obtain damages as a consequence of pursuing actions under the Trade Practices Act. Although we do that in this bill, there still needs to be fundamental reform to the marketplace. There needs to be reform to the mind-set that occupies too many lawyers—the mind-set that immediately springs to mind when people are injured. That mind-set seems to be, in two words, ‘easy money’. Let us use this bill to deny people the opportunity to use the Trade Practices Act in a way for which it was not originally intended, but let us also be mindful of the continual need to reform and change the way people think about injuries. If someone is injured and it is appropriate to sue for negligence, let that person sue. But let it not be a money-hunting exercise, let it not be an exercise in pursuing deep pockets, and let it not be an exercise that contributes to the significant increases in costs that we have seen associated with public liability insurance.

Let people recognise—let the House reassert this fact—that they must take responsibility for their actions. If someone is inebriated and they dive off a fence and injure themselves, or if someone is inebriated and they dive into the water at Bondi beach and injure their neck, they must recognise that, in doing so, they must take some assumption of
risk. There is a requirement for people to understand that the government, or those with deep pockets, or, indeed, those with insurance, are not easy targets for people to pursue.

This is also the way we have got to make people think when it comes to recreational services, particularly in the tourism industry, which, as I said, is predominant on the Gold Coast. People ought not take the view that they can go and bungee jump, for example, and, should they be injured, look at suing the operator of a bungee jumping service. Let them understand and let the principle be reinforced. (Time expired)

Debate (on motion by Mr Andren) adjourned.

TAXATION LAWS AMENDMENT BILL (No. 2) 2003

Consideration of Senate Message

Consideration resumed from 17 June.

Senate’s amendments—

(1) Clause 2, page 2 (table item 2), omit the table item.

(2) Schedule 1, page 4 (line 2) to page 9 (line 31), omit the Schedule.

Mr SLIPPER (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (8.20 p.m.)—I move:

That the amendments insisted on by the Senate be agreed to.

I am particularly unhappy to be standing before the House tonight to move that the amendments insisted on by the Senate be agreed to. It is particularly unfortunate that the Senate has once again taken on its obstructionist armour. The Taxation Laws Amendment Bill (No. 2) 2003 is a particularly important piece of legislation, and the government is very unhappy that Senate amendments insisting on the removal of the expatriate tax measures have been passed by the Senate and the Senate appears to be insisting on the removal of those items from this very important bill.

I think most people listening to this debate, and most people who have listened during the many times when this debate has returned to the chamber, would know that the Senate’s amendments are simply designed to obstruct the government’s ongoing attempts to reform the current tax treatment of expatriates. The Senate is failing to recognise that this government has a mandate for the changes contained in Taxation Laws Amendment Bill (No. 2) 2003. Who is to blame for this? Is it the Australian Labor Party? The answer to that question is yes. Is it other senators in the other place? The answer is yes. By insisting on this amendment, the Australian Labor Party, which is supposed to be a responsible opposition, in some people’s eyes, have simply indicated that they do not care that they are obstructing the removal of barriers to Australia’s international tax competitiveness.

The member for Kingston will no doubt speak after I finish and will try to justify something that cannot be justified. He will get up and try to explain to those people listening why the Senate and the Australian Labor Party have the right to insist on the removal of the expatriate tax measures from the bill. In doing so, he will simply indicate that he and his Labor colleagues do not care that they are blocking measures that will make lasting changes to create employment and investment in Australia or that they will impede the development of Australia as a strong business centre.

The member for Fraser, who is currently shadow Treasurer—but who may soon be succeeded by the member for Kingston—pointed out in the House over the past couple of days, when the opposition did in fact agree with certain proposals of the government, that the opposition does not always
obstruct government legislation. Yesterday, the member for Fraser was completely correct. It is true that on occasions the opposition will cooperate in the national interest. But, regrettably, on more occasions than not—and increasingly—we find that the Labor Party, no doubt attempting to divert attention from their internal leadership woes, seek to frustrate this government’s mandate from the Australian people.

With the Taxation Laws Amendment Bill (No. 2) 2003 we find once again mindless oppositionism and mindless obstructionism from the Australian Labor Party. They do not bring forward any positive suggestions; they do not bring forward a vision; they have absolutely no ideas. They are a real policy-free zone, with no alternative policies of their own. This is nothing more than opposition for the sake of opposition. It is eminently regrettable that they are taking this approach, because this approach will undermine Australia’s international competitiveness.

Let us look at the history of these reforms. They have had a long history and they represent a sound policy initiative. They were recommended to the government by the Ralph Review of Business Taxation as far back as 1999. They were introduced by the government last year and again this year, and during this lengthy period the measure has been subjected to extensive consultation. We are a government that consult. We went out to the Australian people and to stakeholders. We asked what they thought of our proposals, and we obtained a mandate from them. We sought their support, and we obtained their support.

The measures before the House are particularly important measures which have been backed by people with whom we have discussed these proposals. These proposals have been consistently supported by business, and this support has more recently been endorsed by the Board of Taxation. These changes would remove counterproductive taxes imposed on workers temporarily posted to Australia. The Labor Party appear not to recognise—or, perhaps more appropriately, do not want to recognise—that this measure would help to meet identified shortages in professions in a wide variety of vocations.

(Extension of time granted)

The proposal would promote employment and investment in Australia by removing competitive disadvantages for the development of Australia as a strong business centre. This objective has been supported by successive federal governments. It might surprise my friend the member for Kingston, who is looking a little embarrassed by his approach to this legislation, that successive federal and state governments, including Labor governments, have supported this objective. A wide range of business groups have shared the government’s vision.

As has been done before, the opposition are attacking this measure as being a special concession for rich, foreign executives. That is a particularly stupid assertion. We have a national shortage of accountants, registered nurses, pharmacists, occupational therapists, radiation therapists and information and communication technology professionals, among others. These are the sorts of people this measure would help to attract to Australia. We have a skills shortage, and we are trying to bring about a regime which will encourage people to come here and help boost our Australian economy. But the ALP seem to think all of these people are in some way rich foreign executives.

How out of touch are the ALP, Mr Deputy Speaker? Is it any wonder that they were rejected by the Australian people in 1996, 1998 and 2001? Is it any wonder that the opinion polls which are regularly brought down by the various polling companies show
that the ALP are seen as being so far short of reality that they really have major problems? What they have done, therefore, is remove their focus from the big issue—namely, the need to provide responsible opposition to the government—and simply decide to navel gaze, to look at their own problems. They seem to think it is more important to run the Australian Labor Party than it is to run the government of this country or, for that matter, to provide a sound and reasonable opposition.

Let us look at the facts. This measure would apply to people who are Australian residents for tax purposes but who are only here on temporary entry visas. These are really the kinds of people who would benefit most from this measure, rather than the rich foreign executives that the Labor Party talk about. Over the years, successive Labor governments have done a lot to open our economy. They have deregulated the exchange rate—they have actually done quite a lot—and this government has not been at all churlish in giving credit to the ALP for the reforms that they made. The Hawke and Keating governments, and Hawke and Keating in particular, would be appalled by the approach being taken by the opposition under its current leader.

Australia is no longer a closed, isolated economy. That statement might well come as a surprise to the member for Kingston. We as a nation have major trading partners. We have major investments. We have recognised the benefits of skilled labour and the introduction of new ideas from overseas. Costs relating to temporary resident employees are an important consideration in establishing regional offices and headquarters. International companies are not forced to come to Australia with their regional offices. They have a choice of Australia, Hong Kong, Singapore—they have the choice, really, of going anywhere they want. What we need to do, as we seek to make Australia very much a financial centre, is to bring about an environment such that those companies want to come to Australia. The attitude espoused by the member for Kingston and his Labor colleagues essentially expels a lot of these people from the country. It certainly expels the idea of coming to Australia from the minds of a lot of these companies.

Other countries in the region that compete for this kind of investment have special tax arrangements for temporary employees. The very sad reality is that without the unamended Taxation Laws Amendment Bill (No. 2) 2003 Australia will fall behind in this respect. The Australian Labor Party continues to penalise Australian businesses that rely on specialist skills which can come from abroad. They almost take the view that we do not need specialist skills; even though we have a shortage, Australia is to be deprived of them. That is an approach which most people see as being entirely unacceptable and undesirable.

It is regrettable that the blocking of these measures will most hurt Australian employers who are experiencing short-term skill shortages. The Senate’s rejection of expatriate tax reform for the second time squanders the government’s well thought out and effective tax policy and sacrifices it to the cynical obstructionist policies of the Labor Party. (Extension of time granted) This cynical political strategy by members of the Labor Party has Labor, in a continuing trend, picking off bits of legislation they do not like without proper consideration of the effects on the drivers of economic growth. This is despite the government having a clear mandate for these measures. This economic and legislative vandalism reveals a lack of strategic vision—indeed, any vision—on the part of the Australian Labor Party. It indicates the need for a na-
tional debate on constitutional reform with respect to the possibility of there being a joint sitting of the two houses of parliament without the need for a double dissolution. That was a proposal originally put forward—

Mr Cox—You want a double dissolution over this?

Mr SLIPPER—It was a proposal, my friend, that was originally put forward by a range of people, including Sir Alexander Downer and Gough Whitlam. It is also supported by Carr, who suggests that it is one of the most major initiatives anyone can suggest. Mr Crean has indicated some support for it; the member for Barton has also indicated some support for it. I hope it gets through. The former member for Dickson, the former Attorney-General Michael Lavarch, brought forward a similar proposal.

What we need is a national debate on how we as a country could better operate our parliamentary system. We have a situation at the moment where it is almost impossible to bring about real and meaningful reform—even reform for which the government has a mandate as determined by the people at an election—without a double dissolution and a joint sitting. If we as a nation could talk about the benefits of being able to have a joint sitting in circumstances without a double dissolution, then it might be possible for the policies that the Australian people vote for at an election to be implemented without the need for a double dissolution and a further election.

As I said at the outset, I am moving—regrettably—that the House accept the Senate amendments. I move that motion with considerable reluctance. We agree to accept the Senate amendments to excise schedule 1 of the bill. In doing so, it ought to be recognised publicly right throughout the Australian community that the ALP has effectively defeated the bill before the House. The Senate has failed to pass Taxation Laws Amendment Bill (No. 2) 2003.

We see the other measures in the bill as being sufficiently necessary for us to sacrifice what we believe to be a very important part of our legislation. I have explained to the troglodytes opposite why their approach is entirely unacceptable. I have explained how they are attempting to defeat Australia’s international competitiveness. I have explained that they are out of touch with reality. I have explained how they are denying the mandate given to this government by the Australian people.

Despite all of that, the government will continue to progress its ongoing commitment to reform of expatriate taxes. We will return to this measure in the context of the government’s recently announced international tax reforms, despite Labor already committing to its all too predictable response to these wider and much needed reforms.

In this nation, we have a very good government. We have given sound economic leadership. We inherited an economic basket case. We did not create the problem but we accepted the responsibility of fixing it. Having been elected in 1996, 1998 and 2001, having gone to the people and told them that we wanted to achieve certain aims to make Australia a financial centre and to make it a more internationally competitive place, it is enormously frustrating that under our current system we find the Australian Labor Party essentially thumbing its collective nose in the direction of the Australian people.

They say, ‘We know you gave the government a mandate; we know the government has the right to bring in its legislation. But because of the vagaries of the Senate—because of the way this parliament currently operates—we are going to seek to frustrate what the government achieves, even if the price of doing that is to reduce Australia’s...
international competitiveness.’ The ALP stands condemned for its approach to this legislation.

Mr COX (Kingston) (8.35 p.m.)—I would like to thank the Parliamentary Secretary to the Minister for Finance and Administration for his very gracious acceptance of the Labor Party’s amendment to the Taxation Laws Amendment Bill (No. 2) 2003. I would like to point out to the parliamentary secretary the reasons why this amendment has been necessary. This measure to provide certain tax concessions to foreign expatriates who are temporary residents of Australia would cost the taxpayer approximately $200 million over a four-year period. It is important to consider that cost in the context of the position of the Commonwealth budget.

This year, the government has provided a modest tax cut, which has a cost in the 2003-04 financial year of $2.4 billion. If the government had handed back all bracket creep this year, that tax cut would have cost another $900 million. That would have reduced the budget surplus in the 2003-04 financial year to $1.3 billion.

If the government set that precedent and decided to hand back all bracket creep to Australian taxpayers, then, in the following financial year—that is, 2004-05—the budget would actually be in deficit by $550 million. In the following year—2005-06—if all bracket creep was returned, the budget would be in deficit by $1.55 billion. The reason the opposition moved this amendment is that the government cannot afford this measure.

Since the government came to office, it has made new policy decisions which have had a net negative impact on the budget bottom line. Over the current financial year, the budget year and the three forward estimates years—that is, the years recorded in the budget reconciliation and measures tables—the decisions now total $65.4 billion, and the government cannot afford this measure.

It is with very great regret that the opposition also has had to vote or will vote against other aspects of the government’s review of international tax arrangements which were proposed in the budget. We are doing this because they have less priority for the Australian community than doing something about the rapid decline in bulk-billing. Medicare is a priority for all Australian families. It is a great regret that the government could not have done more as a result of the review of international tax arrangements, that it could not have provided some taxpayer relief for foreign dividends and that it could not have provided a measure to allow Australian companies to stream dividends. Those two measures were the essential measures in the review of international tax arrangements.

The foreign expatriates measure, which has been dealt with a couple of times by the House in the last 12 months, was a relatively minor measure. The other measures that were contained in the budget, which related to foreign investment funds and controlled foreign corporations, were also relatively modest. But they too are unaffordable, because this government has lost control of its spending. In fact, it lost control of its spending at the end of its second year in office, and it has been on an expenditure rampage ever since. There have been a succession of expenditures that have been largely politically motivated. They certainly have not been a response to clear policy thinking and good policy design. (Extension of time granted) The result has been that we are seeing what were public expenditures being shifted to private expenditures in the areas of health and higher education.

The parliamentary secretary spoke at great length about our need for international tax
competitiveness. The government cannot afford to provide international tax competitiveness because of its profligacy. That is a great regret to me and the opposition, and it is something that is going to need to be addressed in future years. But it cannot be afforded now, and it cannot be afforded by this government. This government has to learn that, having increased taxation as a proportion of GDP from 23 per cent under Labor to 25 per cent now, it cannot provide international tax competitiveness when it does not control its own new policy agenda and its budget bottom line. That is the bottom line in this debate. This measure may well be of great benefit to Australian companies that need to attract skilled personnel here, but the brutal reality is that this government cannot afford it. It has been the duty of this opposition, which is fiscally responsible, to draw the attention of the government and parliament to that. I am very pleased that the government has felt compelled to accept our amendment.

Mr SLIPPER (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (8.42 p.m.)—Because of the relative lateness of the hour, I will not detain the House for long. But I was a little amused to hear the member for Kingston say that the opposition is fiscally responsible when one can look at the history of deficits built up by successive Labor governments and at the government debt that was inherited by this government. I think we have paid back about $60 billion of Labor’s more than $90 billion debt. We did not create the problem, but we have accepted the responsibility to fix the problem. Look at what this government has been able to do with respect to our budget: we brought down a budget surplus and we returned a dividend from sound economic management to the Australian people by way of tax cuts.

The member for Kingston referred to bracket creep. If you look at the massive personal income tax reductions as a result of A New Tax System brought in in 2000, you will see that this government has done more than any other government to be financially responsible and to run the economy of the country in a very sound and responsible way. That is one of the reasons that right around the world this government is praised and portrayed as a paragon of economic virtue. Our achievements are lauded from one side of the world to the other. For the member for Kingston to stand in the House and publicly admit that the proposal which is being excised from this legislation is a valuable measure while saying that we cannot have it because we cannot afford it is a fairly sad indictment of the Australian Labor Party. There is no doubt that if the government had unlimited funds we would spend them on this initiative and that initiative—

Mr Cox—You already have.

Mr SLIPPER—We have only spent money on sound economic initiatives, and the reason we have been able to do so is that we realise that you have to run the economy of the country in a sound and responsible manner.

I suspect the member for Kingston is embarrassed by his party affiliation at times. I suspect that when he looks at the history of the Labor Party he is somewhat shamefaced and regretful about what the ALP did not do when they were in office. He mentioned certain other initiatives, but the government of the day has to look at what is attainable, affordable, desirable and most necessary. I want to reiterate, quite briefly, that these measures are not designed to assist rich foreign executives. These measures are designed to improve our international competitiveness and enable Australia as a nation to attract skills where we currently have a
shortage. The aim of this legislation is to attract people like accountants, nurses, occupational therapists, radiation therapists, information and communication technology professionals, and others. The legislation is designed to help Australia plug a gap in our skills shortage.

But, regrettably, the ALP come into the parliament and make a whole lot of noise—they do not make any sense at all—and I find that on behalf of the government I am in the situation of having to move that the Senate amendments be accepted when the Senate amendments will undermine Australia’s international performance. It is a sad and sorry day when Labor oppositionism, Labor obstructionism and Labor recalcitrance bring the government to the point of having to accept the removal of this measure to get the rest of the legislation through. I do, however, commend the amendment to the House.

Mr COX (Kingston) (8.46 p.m.)—I want to respond to one thing that the parliamentary secretary said in that last set of remarks—and that was his reference to the government’s record in reducing net government debt. The actual figure for reduction in net government debt by this government is $63 billion. I point out to the parliamentary secretary that that was predominantly achieved by asset sales with a total value of $55 billion. This government’s performance in reducing net government debt has to be seen in that light. If you go carefully through the list of asset sales that this government has made—and I refer particularly to some of the non-financial assets such as government buildings in the parliamentary precinct and elsewhere—you will find that there have been appalling deals in business terms. Those deals have been done for ideological reasons with the simple purpose of creating a cosmetic effect of reducing net government debt. They will have very large ongoing costs to Australian taxpayers in the form of very high rental streams over future years and we will all be paying extra tax as a result of that method of paying down our debt. I do not think Australians should forget it.

Question agreed to.

TRADE PRACTICES AMENDMENT (PERSONAL INJURIES AND DEATH) BILL 2003

Second Reading

Debate resumed from 27 March, on motion by Mr Slipper:

That this bill be now read a second time.

Mr ANDREN (Calare) (8.48 p.m.)—After listening to that last debate, I must say that this bill may be subject to amendment in the Senate. That is the Senate’s prerogative and it is absolutely essential in our democracy that that be the case. The government should not get too excited about any constitutional reform in that area. The public will never deliver a winner take all mandate to any party winning just 37 per cent to 39 per cent of the vote. Minority government, or what I call ‘consensus government’, is here to stay. I hope it is represented in this place one day.

The Trade Practices Amendment (Personal Injuries and Death) Bill 2003 amends the Trade Practices Act to ensure that individuals cannot resort to provisions under the act to seek damages for personal injury and death. The aim of the bill is that such damages be pursued only within the parameters of state tort law and it certainly makes clear that the Trade Practices Act is to be an area of law quite separate from ordinary laws of negligence. The TPA essentially sets up standards of conduct that a corporation must adhere to. Provisions in part V, division 1 of the act deal with misleading and deceptive conduct, including bait advertising, harassment and coercion, and pyramid selling. Where these provisions are breached, a person may seek
to recover from the corporation damages for any loss they have suffered as a result of a contravention of the provision. This may also include injunctive relief, non-punitive orders, punitive orders and remedial orders. Criminal proceedings may also be brought to bear under section 52, which deals with misleading and deceptive conduct.

The ACCC may also take legal proceedings—so-called ‘representative actions’—on behalf of a person who has suffered loss where any of the provisions in part V, division 1 are breached. The bill amends the Trade Practices Act 1974 to prevent individuals recovering damages for personal injury and death where there has been a contravention of part V, division 1 of the act. It also prevents the ACCC bringing representative actions on behalf of individuals to recover damages for personal injury and death. According to the report of last year’s inquiry into the insurance crisis facing this country, the Ipp report, such measures will ensure that changes to negligence law—that is, the tightening of the circumstances under which a person may seek damages for personal injury—are not undermined.

I might add that the Mayor of Bathurst, Ian Macintosh, was a distinguished member of the Ipp committee. He strongly represented the concerns of local government and those many community groups that the Deputy Speaker knows have been so hurt by the insurance crisis. The suggestion from that report is that people who are unsuccessful in claiming damages for negligence may resort to claiming damages under the misleading and deceptive conduct provisions of the Trade Practices Act. It is noteworthy that if this bill becomes law it will be possible to pursue damages for economic loss under part V, division 1, but not for loss of life, or quality of life, due to injury. However, I accept that claims for personal injury or death under part V, division 1 have been very rare and that the existing provisions could well invite plaintiffs and their lawyers to circumvent negligence laws by applying the TPA.

It is also clear that these amendments are necessary to complement tort law reform in relation to public liability claims. It seems reasonable to maintain that the Trade Practices Act does not exist to deal with personal injury compensation when the recovery of damages for injury and death is provided for under tort law. The member for Moncrieff, who contributed earlier to this debate, talked of the voluntary assumption of risk and brought into his delivery the Bondi surf incident and diving into a canal on the Gold Coast as examples of gross negligence. But the fact remains that, whoever is liable, the victim—reckless or not—is still a huge cost to society.

It seems to me incredible that we do not seriously study the New Zealand no-fault process as the most economical way of dealing with this. For instance, Evans Shire—one of my constituent councils—is faced with a $16 million payout, or part thereof, to a victim of a road accident, where it has been established that the gravel left on the road by the contractors contributed substantially to the horrific injuries sustained by that young lady. There is no question about the need to compensate her, but the money goes to the individual, then to the family and then to the estate. A staged payment scheme and a better rehabilitation and respite care process, spreading the risk over the whole community by way of a levy, might offer a more sensible and sane solution to what is an enormously expensive area of litigation—lifelong damages have been provided in recent court settlements.

I understand that, despite the proposed amendments, consumers will still be able to recover damages for economic loss as a result of breaches of part V, division 1. The
ACCC may still represent individuals to recover damages for economic loss. Criminal proceedings may still be brought if a person suffers personal injury or dies as a result of conduct in breach of part V, division 1, with the exception of section 52. A court may still issue an injunction or make punitive or non-punitive orders where the provisions have been breached and this leads to personal injury or death. For these reasons I do support the bill, but I have strong reservations about an adversarial fault system, the bounty it provides for lawyers and the wastage that is inherent in a lump sum payout—as I have demonstrated. I am not convinced that that is the way to go.

I do have a problem with the underlying assertions made—not only by the Ipp report but also by the government—that the obscene rises in insurance premiums will be fixed through changes in federal and state laws. I have a problem with the insurance industry, in that it is not committed to making insurance more available or affordable in response to changes in legislation. There was a warning from the industry only three months ago that premiums for professional indemnity were ‘set to soar’. I still receive calls from community groups, sporting bodies and small businesses either not able to afford insurance—or simply not able to access any cover whatsoever.

Where is the data to support all these industry assertions that this crisis in insurance is mainly caused by greedy lawyers and too many excessive payouts? There is, as I said, a large argument about the wastage of such payouts, but I am certainly not convinced by the industry’s argument that they are not to blame for any of this. I do not deny that spurious and simply vexatious claims for compensation should not even make it to court. As for exorbitant payouts for pain and suffering caused umpteen years ago by the cane at school, or to someone’s mother who claims psychological suffering because her son was hit by a home owner while breaking into a house, I simply do not believe they are allowable. They should not be on. Those legal professionals who encourage this sort of behaviour should be strongly discouraged.

My concerns are about addressing the problem of unaffordable or unavailable insurance and the effects this has on communities, without limiting a person’s right to fair and proper recompense for their future care when seriously injured. Because of our parlous rehabilitation and disabled care in this country, payouts have been large lump sums targeted at individuals rather than shared community care. There have been many factors contributing to this insurance crisis. The big ones have been the so-called normal hardening of the worldwide insurance cycle—exacerbated by a number of factors in Australia, including the crash of HIH—and the events of 11 September overseas, and the consequent lack of underwriting and reinsurance.

I do not doubt that the huge payouts for medical negligence and increased activity in this area from the legal profession have contributed to premium increases. But my point is this: insurance cover is now a prerequisite to any sort of activity a person may be involved in, whether it be a community stall to raise money for the local CareFlight helicopter or the planting of trees in our damaged environment. Despite changes to state laws, including the capping of compensation for personal injury and limits on lawyers’ costs, there is no guarantee the premiums will be made more affordable—unless of course the vagaries of the market determine that conditions are right. These conditions are cyclical, and the market will harden again and again. No person must ever go without comprehensive care for their injuries, no matter who is at fault.
It is starkly obvious that we need more publicly funded rehabilitation, primary and respite care places for our injured and handicapped. We must focus not on the cost of this but on the cost of not providing such services. There is absolutely nothing in the Constitution to prevent the Commonwealth from becoming involved with insurance in a more proactive way. This is a national problem and needs a national approach. As I said, we need a national fund similar to New Zealand’s accident compensation scheme, which provides cover for injuries no matter who is at fault and which pays weekly compensation equivalent to 80 per cent of normal earnings to a maximum of $1,300. The scheme pays for medical bills, rehabilitation, home and vehicle modification, retraining, counselling—any costs that arise from the injury itself.

Debate interrupted.

ADJOURNMENT

The SPEAKER—Order! It being 9.00 p.m., I propose the question:
That the House do now adjourn.

Martin, Mr Albert

Ms HALL (Shortland) (9.00 p.m.)—On 29 May last year I brought to the parliament’s attention the sad story of Mr Albert Martin, a constituent who was stationed at Maralinga at the time of the atomic testing by the UK government in the 1950s and 1960s. He worked in the RAAF transport division as a mechanical transport driver, driving jeeps, trucks, cranes and all forms of earthmoving transport—without airconditioning. He was at Maralinga at the time of Vixen B tests in 1957. Unfortunately, Mr Martin—at long with most of the men that he worked with at Maralinga at that time—has developed acute myeloid leukaemia. A person who worked alongside him at the time has died subsequently.

Mr Martin has been undergoing quite a battle to obtain compensation. He has been informed by the Military Compensation and Rehabilitation Service that they cannot find the records of his service. They have acknowledged that he was at Maralinga at the time of the testing and that he served there between 9 January 1963 and 20 May 1963, but the records have disappeared. The sad part of it is that according to the department he is not entitled to compensation because they cannot find these records, even though they can establish that he was there at that time.

I have made a number of representations on behalf of Mr Martin. It is very important for the House to understand that he is a man who does not enjoy good health: he is constantly having treatment for his illness, making him feel quite weak, and all the pressures that surround him cause him great stress and do not help. I have been in touch with the Department of Veterans’ Affairs on many occasions and, unfortunately, as I have already said, they are refusing to look at any form of compensation for him. I have tried all along to do things in a manner that would create the least conflict, I have written to the current Minister for Veterans’ Affairs and I also wrote to the previous Minister for Veterans’ Affairs, but I have not been able to help Mr Martin because both ministers have walked away from him and his predicament.

He has now been forced to take the matter to the legal system. He has a solicitor who is very happy to represent him and who is looking at the issues of exposure to the atomic bomb during this time and the failure to provide adequately for Mr Martin’s safety and wellbeing by equipping him with the knowledge he needed about adequate protection and what he was actually exposed to. His solicitor has been going through the various processes to bring the case to court, but it has
not yet reached that stage. Mr Martin has been denied legal aid.

The Department of Veterans’ Affairs recently sent him to be examined by a leading cancer expert, Professor Martin Tattersail. As Mr Martin was leaving, the professor shook him by the hand, looked him in the eye and said, ‘Don’t worry, Mr Martin, you will be receiving some compensation.’ The sad part about it is that the Department of Veterans’ Affairs is now refusing to provide that information or to use that doctor in Mr Martin’s case. This is medical information that supports Mr Martin and the government is going to cover it up. I call on the Minister for Veterans’ Affairs to ensure that her department uses the medical information that Professor Tattersail has and to ensure that Mr Martin receives justice.

Indi Electorate: VCE Graduates

Ms PANOPOULOS (Indi) (9.05 p.m.)—According to a survey published a few weeks ago, VCE graduates in my electorate are above the state average in gaining employment and show no need for a city education to stay ahead in today’s hectic job market. Take, for example, Ms Jenny Wood from Wodonga High School, who decided that studying at her local Wodonga TAFE was a much more sensible idea than move to the city. It has given her the opportunity to complete a traineeship in the area, helping her learning immensely, and she has no regrets in the career pathway she has chosen.

Students in the north-east are not only ahead of the norm in employment, apprenticeships and traineeship enrolment but the unemployment rate is below that of other Victorian regions. Compared to the rest of the state, the north-east’s transition into the world of work is significantly higher. To name just two of the exceptional schools in my electorate that prove that this is the case, year 12 students from Rutherglen High School topped the state’s employment list with 27 out of 44 graduates securing work; and 28 out of 49 students from Wangaratta’s Ovens College found employment after completing their VCE studies. In the north-east of Victoria only one in 20 who finished school in 2002 was still seeking a job compared to the state average of one in 16.

Another case in which a rural education has met and bettered the state standard is that of Mr Tim Lamb. After completing his studies at the same school as Ms Wood, he chose to continue on to tertiary education at La Trobe University’s Wodonga campus and even went so far as to say: ‘The facilities and the new library are first class, and I do not feel disadvantaged at all. There are fewer people and you do not have the city feel, but you get better access to lecturers and tutors—and that is a big advantage.’

Not only are the graduates proving that education is of an extremely high standard in the north-east of Victoria but a local youngster, Louise Dunster from Benalla, was chosen as one of only 50 young people to be a member of the National Youth Round Table last year, proving that you do not need a city education to be successful. If it is not enough to convince the House that a rural education is not a substandard level and deserves just as much attention as education in schools in Melbourne, then I will give one last example of a student who leapt with ease from school into a job at the end of 2002. Mr Brendan Johnson, also from Wodonga High School, decided that full-time work would be his best option. He landed himself a job at a nearby bank almost immediately upon completing his studies. All of the people I have chosen to speak about tonight have proven the determination, initiative and ability of students in north-east Victoria and their ability to rise above the standards set for them and to finish ahead of others.
I would also like to mention Jess Sullivan, another young Australian from my electorate of Indi. Jess Sullivan wrote the speech I just read out, and I am extremely proud of her. She is the epitome of what initiative is in the north-east of Victoria. She is a young girl who, without telling her parents or her school, ended up on the doorstep of my office. She asked for a week’s work experience. I was in Canberra at the time and I got a phone call from a staff member who told me about this. I said, ‘If you reckon she’s all right and you can work with her for a week, take her on’—so they did.

During the week, another idea emanated from my office: why not give Jess the opportunity to write a speech? Again, I gave in to my staff’s demands and said, ‘Why not?’ The speech that was drafted was extraordinary. Here is a young girl, living very close to Wangaratta who, in spite of all the odds and in spite of what we say about young people not caring about politics and current affairs, has made an effort. I am very proud that, in a very small way, I have been able to introduce her into this House, to show her the workings of this parliament and to give her an opportunity to experience what all of us on this side of the House believe—that is, no matter where you come from, no matter who your parents are and no matter what your educational background is, if you have the will, the desire and the passion, you can make a significant contribution to this wonderful nation of ours.

Workplace Relations

Mr McCLELLAND (Barton) (9.10 p.m.)—The current Minister for Employment and Workplace Relations is fond of telling the House about this government’s commitment to the rule of law in industrial relations. However, most fair-minded observers would conclude that this government invariably places political rhetoric, shown by its obsessive attacks on trade unions, ahead of its rhetorical commitment to the rule of law. Tonight, it is my duty to place on record a matter relating to the building industry which confirms this analysis.

In 1999 the Employment Advocate, Jonathan Hamberger, commenced an action against the CFMEU and its organiser Ian Williamson alleging breaches of the Workplace Relations Act on an Abigroup building site in Hawthorn, Victoria. The Employment Advocate relied on evidence of two subcontractors, Mr John Lyten and Mr Lee Carson, who claimed that they had been subjected to unlawful coercion by Mr Williamson. The Employment Advocate sought to tender a tape recording that Mr Lyten and Mr Carson had secretly made of their conversation with Mr Williamson.

On 23 November 2000 the Federal Court dismissed the case, finding that Mr Lyten had told ‘a series of lies’ to manufacture a dispute with Mr Williamson, and that Mr Carson had been a willing participant in the charade. The court concluded:

How anyone could consider this conduct to be other than improper or designed to advance an impropriety defies rational consideration.

It further stated:

Mr Williamson was set up by a highly artificially manufactured device arranged by two people who have a reckless indifference to probity and a propensity to give inconsistent and unacceptable evidence under oath.

The Federal Court had also heard evidence that Mr Carson paid Mr Lyten $1,000 per week in cash or cash cheques, but that Mr Lyten declared no wages income in his taxation return for the relevant year. In March 2001 the Federal Court took the extraordinary step of ordering that Mr Lyten and Mr Carson personally pay the costs of the CFMEU and Mr Williamson in the case because of the conduct that I have referred to.
In August 2001 an appeal by the Employment Advocate was dismissed. I believe that Australians would be disturbed, if not entirely surprised, that the Howard government pursued false claims through the Employment Advocate against a trade union and its officials, when the most elementary inquiry would have revealed that its two witnesses had fabricated their evidence. The government’s own model litigant principles require the government and its agencies to ‘act honestly and fairly in handling claims and litigation’. Regrettably, the Attorney-General has shown no interest in applying those principles to this case.

However, Australian taxpayers would be utterly disgusted to learn that on or about 11 December 2000 former Minister Peter Reith granted Mr Lyten and Mr Carson an indemnity to cover their exposure to legal costs. It is important to be clear about the sequence of events. Mr Reith granted Mr Lyten and Mr Carson the indemnity after the Federal Court had found that they had ‘a reckless indifference to probity and a propensity to give inconsistent and unacceptable evidence under oath’, and after evidence had been heard that Mr Lyten declared no wages income in his relevant tax returns.

Despite his rhetorical commitment to the rule of law and the importance of respecting the courts, the current minister for workplace relations saw no problem with honouring this indemnity. As a result, Australian taxpayers have now paid almost $100,000 on behalf of Mr Lyten and Mr Carson. When asked about this matter in the House, the minister claimed he believed that both Mr Reith and the Employment Advocate had acted with ‘perfect propriety’. Despite this, the minister has refused to make public the indemnity or any documents associated with it under cover of privacy—an excuse the minister for immigration frequently uses. The Lyten and Carson affair has been a disgrace and lays bare the hypocrisy and double standards of this government in prophesising about the rule of law in industrial relations. In the coming months, we will hear this minister continue to vilify trade unions in the building industry, claiming they manufacture disputes and disregard the rule of law and the authority of the courts. Yet when presented with Federal Court findings of such misconduct, the government has paid the bill. (Time expired)

Cook Electorate: Rainbow Club of Australia

Mr BAIRD (Cook) (9.15 p.m.)—This past Saturday night, the Rainbow Club held its annual ball and fundraiser at the Stamford Hotel in Double Bay and at the same time celebrated its 10th year of incorporation. It was a great time to celebrate the success of the club, with over 300 people attending the function and roughly $50,000 being raised in donations. This fundraising, I am pleased to say, comes on top of the $30,000 being donated by St George Rugby League Club over the next three years. Main contributors to the fundraising were Qantas and the Holt group of companies, represented by Mr Martin McKinnon, Group Marketing Manager for Qantas, and Mr Philip Holt, head of the Holt group of companies. Qantas kindly donated flight simulator training and two return business class tickets to Europe.

One of the most impressive features of the Rainbow Club is that it does not receive any government assistance. Instead, it has reached its position through hard work and a real commitment and dedication to such a worthwhile cause. The Rainbow Club of Australia was founded 34 years ago by Ron Siddons MBE, a self-described ‘ordinary guy’, to provide swimming lessons to children suffering from disabilities that range from the visually and aurally impaired to children with cerebral palsy, autism and
The Rainbow Club is an inspiring story of special children learning to live with dignity and fulfillment.

Mr Murray Rose, who is well known to people within this chamber, played a very special role in bringing together former Olympic stars in a special fundraising effort at the national championships that were held at Homebush Bay a few weeks ago.

Murray organised a number of different teams—firstly at Cook and Phillip Park, which was provided by Mr John Konrads, another former Olympic champion. He organised different business communities in Sydney to champion the cause of the Rainbow Club, to sponsor individual events at the relay swimming championship and to have special stars as part of each team. The teams comprised those who were handicapped and also Olympic stars. It provided a great event. Those who were successful in winning the various events went to Homebush Bay, where the swim-off was held. This was following the national championships, where we had the current champions of today like Ian Thorpe and Grant Hackett winning their events and watching the swim-offs of the Rainbow Club. It is a great club with great aims. Murray Rose also stated:

I feel privileged to serve as patron of this growing network of people who are dedicated to nurturing the power of the human spirit to triumph over immense challenges.

Centrelink: Family Payments

King Island: Remote Area Allowance

Mr SIDEBOTTOM (Braddon) (9.20 p.m.)—Tonight I would like to take issue with the Minister for Family and Community Services on two subjects. The first is related to the family tax benefit scheme, the flaws that are contained within it and the litany of complaints, which I am sure all members in this place have had raised with them by families, that the system unfortunately does
not correct itself in time to stop the accumulation of debt by families who do the right thing and report on time changes in circumstances, particularly changes in their income. I will quote from an email which was sent to the minister and to me and many other members of this House by Mr Rod Fielding from 78 Barrens Road, South Riana, in my electorate of Braddon. I think this demonstrates the flaws within the system. Mr Fielding writes:

I am writing to express my extreme disappointment in the way my family have been treated by the Family Tax Benefit system.

Jarrod, one of my sons began the 2000-2001 financial year as a full time student and on January 21st he began full time employment.

My wife was receiving fortnightly FTB payments for him and also our youngest son.

When Jarrod became employed, my wife notified Centrelink and FTB payments for Jarrod were stopped as from her payment on 25th February.

When my wife received her tax return she found that $626.04 had been retained for FTB overpayments, money she had already budgeted for.

When she inquired about this she was told that even though Jarrod was a dependant for over half of the year, he was not considered a dependant for any of the year, because his income was over the limit.

This limit is listed as being $8079, Jarrod’s taxable income for the year was $8357, a mere $278 over the limit.

Because of this $278, my wife not only had to repay the $626.04 but also would have been entitled to a further $355.32 after Jarrod’s FTB payments were stopped, had his income not exceeded the limit.

In short Jarrod’s earning of $278 cost my wife over $980 in FTB!!

This situation is even more shameful considering that $1682 of Jarrod’s income was earned working nights while a student.

For him to earn this money we had to run our car from South Riana to Bernie & return 3 nights a week, to pick him up, sometimes at 11 or 12 PM (75 km round trip).

The money he earned by working nights was less than many of his friends were receiving through Austudy allowance for doing nothing. Even though our travelling expenses were probably more than Jarrod’s income for this night’s work, we encouraged him to do it, because we wanted him to experience earning his own money and to develop a work ethic.

Something I believe our country needs from more of it’s citizens.

This is how the tax system thanks us for it!!!

I thought it was really important we put that on the record because it demonstrates the flaws within that system. We have to do everything we can, all members on either side of the House, to make this a much more equitable and fairer system so that families who do the right thing are not plummeted into debt.

The other issue I would like to quickly take up is that the people of King Island have been rezoned for taxation purposes to a special zone B. I had great pleasure in helping them achieve that status. The Australian Taxation Office recognises that—it has allowed a rebate going back to 1990-91 as payback for this remote area allowance—and so does the Department of Veterans’ Affairs. Unfortunately, the Department of Family and Community Services, through Centrelink, does not. It is unfair and those people receiving income from the Department of Family and Community Services should also be able to receive a remote area allowance and be back paid for that. I call on the minister to do that.

I would also like to wish my son Julian a happy 17th birthday for Thursday, 26 June. I am sorry I will not be there. I never am for his birthday, but I will be thinking of him very much.
Mrs DRAPER (Makin) (9.25 p.m.)—I commiserate with my colleague on the other side; Sid, it is my son’s 15th birthday on 28 June. Since I was elected in 1996, I have been in this House for all of my three sons’ birthdays for the past 7½ years.

Mr Sidebottom—Happy birthday to your son.

Mrs DRAPER—Thank you very much. Tonight I wish to speak on an amendment bill to the Flags Act that I, the member for Makin, and Mr Don Randall will hopefully be introducing in the spring session of the parliament for the protection of our Australian flag. Many Australians have become angry and disgusted in recent times by the actions of a few misguided people who, in seeking to gain publicity for whatever cause they wish to promote, resort to the abhorrent act of desecrating the Australian flag. Flag burning seems to have become the in thing for a certain kind of protestor.

The desecration of flags is not currently a specific offence in Commonwealth law. The overwhelming majority of Australians find any desecration of our flag offensive. Protecting our flag and what it represents is important. I believe action should be taken to protect the Australian flag and that people who desecrate the flag should be prosecuted. It ought to be an offence to wilfully burn, deface, defile, mutilate, trample on or otherwise desecrate the Australian national flag. In making these acts an offence we would not stifle free speech or the right to protest but provide protection for the symbol of the Australian nation and its people.

I have personally canvassed this proposal with many people in my electorate and have yet to find one person who objects to providing legal protection for the Australian flag. Not surprisingly, the strongest support for this measure has come from returned Defence Force servicemen and women, for whom the Australian flag has even greater significance. During some of the darkest days in our nation’s history in World War II, when Australia was under attack and victory was far from assured, the Australian flag became our symbol of hope and resilience. The almost sacred respect for our flag among veterans of this and subsequent conflicts is now shared by most of us, including those more recent arrivals who choose to come to Australia because of the freedoms and values that our flag symbolises. Most Australians continue to cherish our flag and many have expressed their distress and even disgust at the sight of it being burned or trampled on by misguided individuals.

As I said earlier today I, along with the honourable member for Canning, will attempt to give voice to the desire of many Australians to protect our flag. We will seek to give legal protection to the flag and impose fair and reasonable penalties on those who seek to defile it and all that it stands for. We will be co-sponsoring an amendment to the Australian Flag Act via an Australian flag protection bill, which hopefully will be introduced in the spring sitting of parliament. I can only hope that all members of the House of Representatives and the Senate will support it. Free speech and the right to protest, which I totally support, should never be equated with a right to offend and destroy the symbol of the Australian spirit. Let all who seek to harm us and this nation take note that the Australian people are as one when it comes to defending our cherished freedoms and values.

In closing, Mr Speaker, I offer the member for Braddon my sincere best wishes for his son’s birthday.

The SPEAKER—Before I put the question, I inform the member of Makin that she perhaps ought to be familiar with the antici-
pation rule. It is true that the bill that she has alluded to is not on the Notice Paper and therefore what she has said was in order, but if had it been on the Notice Paper her speech would have been anticipating debate.

House adjourned at 9.30 p.m.

NOTICES

The following notices were given:

Mr Tuckey to present a bill for an act to amend the law relating to aviation, and for related purposes.

Mr Entsch to present a bill for an act to amend the ACIS Administration Act 1999, and for related purposes.

Mr Tuckey to move:

That, in accordance with section 5 of the Parliament Act 1974, the House approves the following proposal for works in the Parliamentary Zone which was presented to the House on 23 June 2003, namely: Works to the Treasury building northern courtyard in the Parliamentary Zone.

Mr Tuckey to move:

That, in accordance with section 5 of the Parliament Act 1974, the House approves the following proposal for works in the Parliamentary Zone which was presented to the House on 23 June 2003, namely: Commonwealth Place forecourt—works approval.

Mrs Draper to present a bill for an act to amend the Flags Act 1953 to prohibit desecration of the flag, and for related purposes.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

HIH Insurance: Royal Commission
(Question No. 1069)

Mr Latham asked the Prime Minister, upon notice, on 24 October 2002:

1. Has his attention been drawn to evidence before the HIH Royal Commission concerning the role of
Mr Malcolm Turnbull in the sale of FAI and the subsequent collapse of HIH.
2. Are office bearers of registered political parties in receipt of public funds under the Commonwealth
Electoral Act required to be fit and proper persons; if so, are Mr Turnbull’s actions consistent with
this requirement.

Mr Howard—The answer to the honourable member’s question is as follows:
The report of the Royal Commission into the failure of HIH made no adverse finding in relation to Mr
Turnbull.

Education: Funding
(Question No. 1144)

Mr Wilkie asked the Minister for Education, Science and Training, upon notice, on
2 December 2002:

1. How many (a) primary, (b) secondary and (c) tertiary students are there in Australia.
2. What proportion of GDP was spent on education in 2001-2002.
3. What are the funding arrangements for secondary students in terms of State and Federal Govern-
ment funds spent on non-government and government schools.

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

1. (a) In 2002, there were 1,931,093 full-time primary school students in Australia (Australian Bureau
of Statistics Schools Australia 2002, Catalogue 4221.0). (b) In 2002, there were 1,370,683 full-time
secondary school students in Australia (Australian Bureau of Statistics Schools Australia 2002,
Catalogue 4221.0). (c) The most recently published data (DEST—“Students 2002 (First half
year)—Selected Higher Education Statistics”) shows 747,825 higher education students in Austra-
lia. This represents the “number of students enrolled in Submission 1 2002 undertaking units of
study in higher education courses during the period 1 September 2001 to 31 March 2002”.
As at June 2001, there were 1,756,800 vocational education and training (VET) students in Aus-
tralia (Australian Vocational Education and Training Statistics 2001, National Centre for Vocatio-
nal Education Research (NCVER)). This covers VET delivered by all VET providers in receipt of
public funding allocations, but excludes fee for service by private providers.

2. The proportion of GDP spent on education is published annually in Catalogue 5518.0 of the Aus-
tralian Bureau of Statistics Government Finance Statistics, Education. The figures for 2001-02 are
not available at present and will be published in April 2003, electronically.

3. State and Territory governments are responsible for funding their schools. The Commonwealth
provides supplementary funding to both government and non-government schools, supporting
choice for parents in deciding the best school for their child. State and Territory governments pro-
provide some 88 per cent of public funding to government schools, with the Commonwealth contribut-
ing the remaining 12 per cent. State and Territory governments provide around 28 per cent of pub-
lic funding to non-government schools, with the Commonwealth contributing 72 per cent. On a
per capita basis, average public expenditure on a government school student is some $6,700, while in a non-government school average public expenditure is around $4,500 per student.

In 2003-04, Commonwealth funding for government schools and students will total $2.5 billion, $130 million or 5.5 per cent greater than in 2002-03, and $935 million or 60 per cent greater than in 1996. Commonwealth funding for non-government schools, will be some $4.4 billion in 2003-04, $398 million or 9.9 per cent more than in 2002-03, and $2.4 billion or 119 per cent more than in 1996. Government schools enrol 68 per cent of total students and receive 76 per cent of the public funding for schools and school students. Non-government schools enrol 32 per cent of total students and receive 24 per cent of the public funding for schools and school students.

The majority of Commonwealth funding for schools is provided through the General Recurrent Grants Programme. Primary and secondary students are funded at different rates and different funding arrangements apply to the government and non-government sectors.

For government schools, funds are provided as block grants calculated on a per student basis and are paid to State and Territory Governments for distribution to schools. The Commonwealth is not directly involved in the allocation of funds to individual schools. The final per student rates for government schools in 2002 were $504 per primary school student and $747 per secondary school student.

For non-government schools funds are provided on a per student basis and calculated by the school or system’s level of funding. The final per capita levels of funding for the 2002 programme year range from $775 to $3,960 per primary student and $1,024 to $5,229 per secondary student.

From 2001, the funding levels of non-government schools are based on the socio-economic status (SES) of their school community. The SES approach to school funding involves linking student address data to Australian Bureau of Statistics national Census data to obtain a measure of the capacity of the school community to support its school. The maximum funding under the SES model, payable to schools serving the neediest communities, has been significantly increased from about 59 per cent to 70 per cent of the average cost of educating a student in a government school. Schools serving the wealthiest communities receive 13.7 per cent of this cost.

(4) The Commonwealth provides $4.1 billion annually for the one million students in non-government schools.

Health and Ageing: Program Funding
(Question No. 1697)

Ms Hoare asked the Minister representing the Minister for Health and Ageing, upon notice, on 19 March 2003:

(1) Does the Minister’s Department administer any Commonwealth funded programs for which community organisations, businesses or individuals in the electoral division of Charlton can apply for funding; if so, what are the programs.

(2) Does the Minister’s Department advertise these funding opportunities; if so, (a) what print or other media outlets have been used for the advertising of each of these programs, (b) were these paid advertisements, and if so, (c) what was the cost of each advertisement.

(3) With respect to each of the Commonwealth funded programs referred to in part (1), (a) what is its purpose and (b) who is responsible for allocating funds.

(4) With respect to each of the Commonwealth funded programs referred to in part (1), how many (a) community organisations, (b) businesses or (c) individuals in the electoral division of Charlton received funding in (i) 1999, (ii) 2000, (iii) 2001, and (iv) 2002.

(5) What is the name and address of each recipient.
Mr Andrews—The Minister for Health and Ageing has provided the following answer to the honourable member’s question:

Please Note: Questions (1) to (5) and relevant parts are answered in relation to each listed program

(1) Safety Innovations In Practice Program (2002) (funded through the Australian Council for Safety and Quality in Health Care)

(2a) The Australian, Sydney Morning Herald, Melbourne Age, Brisbane Courier Mail, Adelaide Advertiser, Perth West Australia, Canberra Times, Hobart Mercury and Northern Territory News.

(2b) Yes.

(2c) Total print advertising in 2002 was $9,693.61 including GST.

(3a) Grants were provided to improve patient safety in health care.

(3b) The Department of Health and Ageing is the delegate and will allocate the funds.

(4a) Nil.

(4b) Nil.

(4c) Nil.

(5) Not applicable.

(1) National Primary Mental Health Care Initiative—Incentive Funding

(2) The Department does not advertise this program. The funding is only available to Divisions of General Practice who are invited by letter to apply for funding.

(2a) Not applicable.

(2b) Not applicable.

(2c) Not applicable.

(3a) The purpose of this program is to support GPs through education, training and peer support by improving the quality of care provided through general practice to Australians with a mental health disorder.

(3b) Funding allocation is through the State and Territory office of the Department of Health and Ageing.

(4a) Nil.

(4b) Nil.

(4c) Nil.

(5) Not applicable.

(1) Better Outcomes in Mental Health Care Initiative—Access to Allied Health Services

(2) The Department does not advertise this program. The funding is only available to Divisions of General Practice who are invited by letter to apply for funding.

(2a) Not applicable.

(2b) Not applicable.

(2c) Not applicable.

(3a) To enable GPs to access psychological and other allied health services to support their patients with mental health disorders.

(3b) Funds are allocated to Divisions through a selection panel comprised of members from peak organisations, consumer bodies and departmental representatives.

(4a) Nil.
The Medical Rural Bonded (MRB) Scholarship Scheme

(2a) The MRB Scholarship Scheme is advertised through:
- distribution of fliers to medical school applicants who sit the Undergraduate Medicine and Health Sciences Admissions Test (UMAT) or Graduate Australian Medical Schools Admission Test (GAMSAT);
- distribution of fliers and information packs to medical school applicants by medical schools;
- information on the Scheme placed in most medical school prospectus.

(2b) The advertisements are not paid advertisements.

(2c) Not applicable.

(3a) The purpose of the MRB Scholarship Scheme is to address the workforce shortage of medical practitioners in rural and remote areas of Australia. It provides for 100 additional medical school places each year for first year Australian medical students. The Scholarship itself provides over $20,000 per year, indexed annually and currently tax free, to the students during the course of their medical degree. In return, MRB scholars agree to work for six years in a rural or remote area once they have qualified and attained either a general practice or specialist Fellowship.

(3b) The funds for the MRB Scholarships are allocated through the Department of Health and Ageing. The funds for the 100 extra medical school places each year are allocated through the Department of Education, Science and Training.

(4a) Nil.

(4b) Nil.

(4c) One (2001 and 2002).

(5) Due to the provisions of the Privacy Act, names and addresses of MRB Scholarship recipients cannot be disclosed without their written consent.

National Arthritis and Musculoskeletal Conditions Improvement Grants program 2002-2003

(2a) The Weekend Australian, the Department’s ‘tenders’ website, and Stakeholders via email.

(2b) Advertisements in The Weekend Australian were paid advertisements.

(2c) Total cost of print media advertising for 2002-03 funding round was $2,362.14 including GST.

(3a) To expand the evidence base for osteoarthritis, rheumatoid arthritis and osteoporosis, and to enable innovative and effective interventions to be implemented at a local level.

(3b) The Department of Health and Ageing allocates funds with advice from members of the National Arthritis and Musculoskeletal Conditions Advisory Group.

(4a) Nil.

(4b) Nil.

(4c) Nil.

(5) Not applicable.
(1) **National Asthma Community Grants (2001)**

(2a) The Australian, Sydney Morning Herald, Melbourne Age, Melbourne Herald-Sun, Brisbane Courier Mail, Adelaide Advertiser, Perth West Australian, Canberra Times, Hobart Mercury and Northern Territory News and major regional newspapers.

(2b) Yes.

(2c) Total cost of print media advertising for 2001 round was $26,210.18 including GST.

(3a) Grants were provided for grass roots activities which assist in promoting better management of asthma.

(3b) The Department of Health and Ageing is the delegate and will allocate funds with advice from members of the National Asthma Reference Group.

(4a) One.

(4b) One.

(4c) Nil.

        Hunter Home-Start Inc
        211 Main Road
        CARDIFF  NSW  2285

        Wyee Centre Pharmacy
        Shop 4
        Wyee Shopping Village
        Cnr Jilliby and Wyee Roads
        WYEE  NSW  2259

(1) **National Asthma Community Grants (2002)**


(2b) Yes.

(2c) Total cost of print media advertising for 2002 round was $16,090.70 including GST.

(3a) Grants were provided for grass roots activities which assist in promoting better management of asthma.

(3b) The Department of Health and Ageing allocates funds with advice from members of the National Asthma Reference Group.

(4a) Nil.

(4b) Nil.

(4c) Nil.

(5) Not applicable.

(1) **Asthma Innovative Management Initiative**


(2b) Yes.

(2c) Total cost of print media advertisements in 2002-03 was $9,530.66 including GST.
(3a) This initiative offered grants for innovative and practical projects that will expand the evidence base and enable research to be undertaken at a local level on the diagnosis and management of asthma in target populations.

(3b) The Department of Health and Ageing is the delegate and will allocate funds with advice from members of the National Asthma Reference Group.

(4a) Nil.
(4b) Nil.
(4c) Nil.

(5) Not applicable.

(1) National Diabetes Improvement Projects (NDIPs)

(2) Yes.

(2a) The Weekend Australian.
(2b) $1,526.71 including GST.

(3a) The NDIPs provide funding for innovative projects that identify barriers to good diabetes care and demonstrate practical improvements in diabetes management within health service settings. These projects provide an opportunity for organisations to test and implement new ideas and evidence-based practice in the area of diabetes detection and management.

(3b) Funds are allocated by the Department based on the recommendations of an expert panel.
(4a) Nil.
(4b) Nil.
(4c) Nil.

(5) Not applicable.

(1) Medication Safety Innovations Awards Program (funded through the Australian Council for Safety and Quality in Health Care)

(2b) Yes.
(2c) $9,164.98 including GST for all print media advertising.

(3a) Funding enables health care organisations to expand the medication safety evidence base and contribute unique, innovative solutions to the aim of measurably reducing patient harm from medication use. Ensuring sustainable improvement that can be applied more widely is also a key element of this initiative.

(3b) The Department of Health and Ageing is the delegate and will allocate the funds.
(4a) Nil.
(4b) Nil.
(4c) Nil.

(5) Not applicable.

(1) Safety Innovations in Practice Program (2001) (funded through the Australian Council for Safety and Quality in Health Care)

(2b) Yes.
(2c) $10,500.19 including GST for all print media advertising.
(3a) Grants were provided to improve patient safety in health care.
(3b) The Department of Health and Ageing allocates the funds.
(4a) Nil.
(4b) Nil.
(4c) Nil.
(5) Not applicable.

1 Safety Innovations in Practice Program (2002) (funded through the Australian Council for Safety and Quality in Health Care)

(2a) The Australian, Sydney Morning Herald, Melbourne Age, Brisbane Courier Mail, Adelaide Advertiser, Perth West Australian, Canberra Times, Hobart Mercury and Northern Territory News
(2b) Yes
(2c) $9,693.61 including GST for all print media advertising.
(3a) Grants were provided to improve patient safety in health care.
(3b) The Department of Health and Ageing is the delegate and will allocate the funds.
(4a) Nil.
(4b) Nil.
(4c) Nil.
(5) Not applicable.

2 The National Palliative Care Program

(2a) The Australian and the Commonwealth Government Gazette.
(2b) Yes.
(2c) Average $1,100 including GST each year.
(3a) To improve the standard of palliative care in the community.
(3b) Commonwealth Department of Health and Ageing.
(4a) Nil.
(4b) Nil.
(4c) Nil.
(5) Not applicable.

Research funding via the National Health and Medical Research Council. This funding is categorised into the following streams:
- Research Scheme;
- Researcher Support Scheme; and
- Strategic Research.

(2a) Calls for applications are published in the Government Gazette and on the National Health and Medical Research Council (NHMRC) web site in accordance with Section 11(a) of the National Health and Medical Research Council Act 1992. They are also advertised nationally by paid advertisements in print media and through direct notification to research institutes.
(2b) Yes, paid advertisements in national print media.

QUESTIONS ON NOTICE
(2c) Due to the vast number of research programs conducted by the NHMRC, it is not possible to extrapolate the exact cost of each advertisement.

(3a) Health and medical research and research training.

(3b) Under Section 51 of the National Health and Medical Research Council Act 1992 the Minister for Health and Ageing approves all applications of funds acting on the advice of the NHMRC.

(4) The NHMRC is unable to provide details of research funding by electorate.

(5) Not applicable.

(1) **The After Hours Primary Medical Care (AHPMC) Development Grants Program**

(2a) Funding opportunities are advertised in national newspapers across Australia and on the Department’s internet site.

(2b) Yes.

(2c) The most recent round of funding had an advertising budget of $1,800 (including GST).

(3a) The purpose of the AHPMC Development Grants Program is to facilitate the development and implementation of new and/or improved after hours primary medical care services across Australia in areas where there is a demonstrable need for service improvement.

(3b) An independent expert advisory group assesses applications and makes recommendations to the Minister, who grants the final approval.

(4a) Nil.

(4b) One—the Hunter Regional After Hours Service (commenced funding on 1 January 2003). The service is comprised of five clinics, one of which is located at Westlakes, Toronto in the Federal electorate of Charlton.

(4c) Nil.

(5) Hunter Regional After Hours Service

Hunter Urban Division of General Practice

PO BOX 572

Newcastle NSW 2300

(1) **GP Links Program (March 1999 to September 2000)**

(2a) The Scheme was advertised through the major national print media.

(2b) Yes.

(2c) The total cost for print advertisements was $89,008.98.

(3a) To encourage eligible practices to amalgamate in order to improve business efficiency, patient care and GP lifestyles.

(3b) The then Minister for Health and Aged Care was responsible for the allocation of funding on the advice of the Department.

(4a) Nil.

(4b) In the electoral division of Charlton, a total of four general practices received funding under the GP Links Practice Amalgamation Incentive Scheme:

- 1999—Nil;
- 2000—Two practices;
- 2001—Two practices;
- 2002—Nil.

(Note: it has been assumed that general practitioners and general practices are businesses).
(4c) Nil.

(5) For privacy reasons the Department cannot release names and addresses of those general practitioners who participated in the GP Links program.

(1) The Australian General Practice Training Program

(2) No.

(3a) To provide vocational training to medical graduates wishing to pursue a career in general practice in Australia.

(3b) Funds are allocated to General Practice Education and Training (GPET), who is responsible for allocating funds to regional training providers.

(4a) Nil.

(4b) General Practice Training—Valley to Coast (2002).

(4c) Nil.

(5) General Practice Training—Valley to Coast

   Dr Kevin Sweeney
   Chief Executive Officer
   Newbolds House
   Cnr Gavey and Frith Streets
   MAYFIELD NSW 2304

(2) General Practice Immunisation Incentives (GPII) Scheme

(3) No. Information about the program is on the Health Insurance Commission Website.

(3a) To provide financial incentives to general practitioners to monitor, promote and provide age appropriate immunisation services to children under the age of seven years.

(3b) Funding is provided through the annual Commonwealth Budget process. As a National Scheme, incentives are available to all general practitioners and general practices that provide immunisation services to children under seven years of age.

(4a) Not applicable.

(4b) Data on GPII incentives are not collected by electorate. However the following National data are provided:

   The estimated number of general practitioners who received Service Incentive Payments was:
   
   (i) 1999—9,500
   (ii) 2000—11,500
   (iii) 2001—11,000
   (iv) 2002—11,000

   The estimated number of general practices that received outcomes payments were:
   
   (i) 1999—3,500
   (ii) 2000—4,500
   (iii) 2001—4,850
   (iv) 2002—4,600

   (Note: it has been assumed that general practitioners and general practices are businesses).

(4c) Nil.
(5) For privacy reasons the Department cannot release names and addresses of those recipients participating in the GPII Scheme.

(1) The Practice Incentives Program (PIP)
(2) No. Information about the program is on the Health Insurance Commission website.
(3a) The PIP provides financial incentives to those general practices and practitioners who are providing comprehensive, quality care, and which are either accredited or working towards accreditation against the Royal Australian College of Practitioners’ (RACGP) Standards for General Practices.
(3b) Funding is provided through the annual Commonwealth Budget process. As a National program, incentives are available to all general practitioners and general practices that are accredited against the Royal Australian College of Practitioners’ (RACGP) Standards for General Practices.
(4a) Nil.
(4b) Data on PIP incentives are not collected by electorate. However the following National data are provided with the estimated number of general practices who received PIP payments being:
   (i) 1999—5,022
   (ii) 2000—5,252
   (iii) 2001—5,273
   (iv) 2002—4,553
   (Note: it has been assumed that general practitioners and general practices are businesses).
(4c) Nil.
(5) For privacy reasons the Department cannot release names and addresses of individual recipients of the PIP.

(1) The Rural Chronic Disease Initiative
(2a) The Rural Chronic Disease Initiative Innovative Rural Project Funding Pool was advertised through a range of media (national and regional). This included placing advertisements in newspapers such as The Australian, The Sydney Morning Herald, The Land and The Newcastle Herald.
(2b) Yes.
(2c) The total newspaper advertising expenditure for the Innovative Rural Project Funding Pool was $28,715 with 30 advertisements placed in national and regional newspapers.
(3a) To assist people in rural Australia, especially those in small rural communities, to prevent and better manage chronic diseases and disabilities caused by preventable injuries such as farm accidents.
(3b) The Minister of Health and Ageing is responsible for the allocation of funds, which is managed by the Department.
(4a) Nil.
(4b) Nil.
(4c) Nil.
(5) Not applicable.

(1) The Home and Community Care (HACC) Program (jointly funded program with States and Territories).
(2) No, the State and Territory Governments are responsible for the day to day administration of the program, including the advertising of funding rounds.
(3a) The HACC Program aims to provide a comprehensive, coordinated and integrated range of basic maintenance and support services, such as community nursing, personal care, meals, domestic assistance, home modification and maintenance, transport and community based respite care, for frail
aged people, people with a disability and their carers. It aims to support clients to be more independent at home and in the community, thereby enhancing their quality of life and/or preventing their inappropriate admission to long term residential care.

(3b) Each State and Territory Government is responsible for the allocation of funds for each project under the HACC Program.

(4) Funded organisations are as follows:

<table>
<thead>
<tr>
<th>Organisation</th>
<th>1999-00</th>
<th>2000-01</th>
<th>2001-02</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alkira Respite Service Inc</td>
<td>114,311</td>
<td>117,168</td>
<td>119,746</td>
</tr>
<tr>
<td>Department of Transport</td>
<td>90,109</td>
<td>92,361</td>
<td>94,393</td>
</tr>
<tr>
<td>Home Modifications Lake Macquarie/Newcastle Inc</td>
<td>88,886</td>
<td>91,108</td>
<td>167,117</td>
</tr>
<tr>
<td>Jesmond Neighbourhood Aid Inc</td>
<td>0</td>
<td>0</td>
<td>80,798</td>
</tr>
<tr>
<td>Lake Macquarie City Council</td>
<td>27,671</td>
<td>28,362</td>
<td>28,986</td>
</tr>
<tr>
<td>Mercy Community Services</td>
<td>0</td>
<td>51,796</td>
<td>130,740</td>
</tr>
<tr>
<td>Morisset &amp; District Meals on Wheels Inc</td>
<td>42,070</td>
<td>43,121</td>
<td>44,070</td>
</tr>
<tr>
<td>North Lake Carers Inc</td>
<td>30,701</td>
<td>31,468</td>
<td>32,160</td>
</tr>
<tr>
<td>NSW Home Modification and Maintenance Services State Council</td>
<td>85,656</td>
<td>87,642</td>
<td>89,570</td>
</tr>
<tr>
<td>South Wallsend Neighbourhood Development Group Inc</td>
<td>19,004</td>
<td>19,479</td>
<td>19,907</td>
</tr>
<tr>
<td>Southlake Carers Inc</td>
<td>37,458</td>
<td>38,394</td>
<td>39,238</td>
</tr>
<tr>
<td>Westlakes Community Care Inc</td>
<td>50,288</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Woodrising Neighbourhood Centre</td>
<td>17,355</td>
<td>17,788</td>
<td>18,179</td>
</tr>
<tr>
<td>TOTAL</td>
<td>603,508</td>
<td>618,687</td>
<td>864,906</td>
</tr>
</tbody>
</table>

(5) The Department does not keep address details of funding recipients. This information, if required, can be sourced from the NSW Department of Ageing, Disability and Home Care.

(1) **Commonwealth Carelink Program**

(2a) Major national newspapers

(2b) Yes

(2c) Approximately $100 per advertisement.

(3a) To provide a single contact point to obtain information on the range, cost, availability and eligibility of community aged care, disability and other support services in the local area or anywhere else throughout Australia.

(3b) Open tender process with proposed budgets approved by the Minister for Ageing.

(4a) One (2000-01 and 2001-02)

(4b) Nil

(4c) Nil

(5) The Uniting Church trading as Wesley Mission,

13 Denison Street, Newcastle, NSW 2302

(1) **Commonwealth Carer Respite Services**

(2) No advertising is currently being undertaken.

(3a) To offer centre-based respite and in-home respite.

(3b) The Department of Health and Ageing administers the funding.

(4a) Two
(4b) Not applicable
(4c) Not applicable

(5) Wangary Aboriginal Home Care Service
   Shop 1, State Bank Bldg, 13 Cleeve Close
   Mount Druitt 2770; and
   Multicultural Friendship Groups Co-Ordinator
   Polish Day Care Centre
   122 Chatham Road
   Broadmeadow 2292

(1) **Aged Care Approvals Round (ACAR) (Residential Care Places).**

(2a) The ACAR is advertised through print media in both major metropolitan newspapers and regional
daily newspapers. Notification of the ACAR is also distributed via fax to Approved Providers and
media releases are posted nationally.

(2b) Yes.

(2c) The total cost of print advertising for the most recent ACAR (including Residential Care Capital
Grants and Rural and Regional Building Fund Grants) was $18,762.75.

(3a) The Aged Care Approvals Round (ACAR) provides an opportunity for aged care providers to apply
for an allocation of aged care places which, when occupied, attract a daily subsidy.

(3b) The Secretary (or delegate under the Aged Care Act 1997) is responsible for the allocation of aged
care places and therefore the allocation of funds.

(4a) (i) 8
   (ii) 8
   (iii) 8
   (iv) 8

(4b) (i) 2
   (ii) 2
   (iii) 3
   (iv) 3

(4c) Individuals are not eligible to be Approved Providers of residential aged care places.

(5) See table below

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australasian Conference Association Ltd</td>
<td>148 Fox Valley Road, WAHROONGA, 2076</td>
</tr>
<tr>
<td>Bethshan Incorporated</td>
<td>83-85 Wyee Road, WYEE, 2260</td>
</tr>
<tr>
<td>The Newcastle Lake Macquarie Ex-Services Memorial Centre</td>
<td>13 The Ridgeway, BOLTON POINT, 2284</td>
</tr>
<tr>
<td>North NSW Conference of The Seventh Day Adventist Church</td>
<td>113 Lake Road, WALLSEND, 2288</td>
</tr>
<tr>
<td>Royal Freemasons Benevolent Institution of NSW (Nominee) Ltd</td>
<td>Masonic Club Chamber, 169-171 Castlereagh Street, SYDNEY, 2001</td>
</tr>
<tr>
<td>The Trustees of Church Property for the Anglican Diocese of Newcastle</td>
<td>C A Brown Village, Toronto Road, BOORAGUL 2285</td>
</tr>
<tr>
<td>United Protestant Association of NSW Limited</td>
<td>1614 Pacific Highway, WAHROONGA 2076</td>
</tr>
</tbody>
</table>
(1) **Aged Care Approvals Round (ACAR): Residential Care Capital Grants and Rural and Regional Building Fund Grants.**

(2a) Advertising is conducted annually through major metropolitan, regional and country newspapers. Existing aged care service providers and industry peak bodies are also notified directly.

(2b) Yes

(2c) The total cost of print advertising for the most recent ACAR (including Residential Care Capital Grants and Rural and Regional Building Fund Grants) was $18,762.75.

(3a) Residential Care (capital) Grants are made available to assist providers who, as a result of their circumstances, are unable to meet the cost of necessary capital works through user contributions. Rural and Regional Building Fund grants are allocated to address needs in rural and regional areas including upgrading to meet regulatory requirements or changing care needs, the reconfiguration of services to significantly enhance long-term viability, and construction of buildings to accommodate new residential care places.

(3b) The Secretary holds the power of approval of Residential Care (capital) Grants under the Aged Care Act 1997, which is exercised under delegation by the First Assistant Secretary, Ageing and Aged Care Division. The Minister for Ageing approves grants from the Rural and Regional Building Fund.

(4a) Nil

(4b) Nil

(4c) Nil

(4) Not applicable

(1) **The Puggy Hunter Memorial Scholarship Scheme.**

(2a) Advertised in all national, regional and Indigenous newspapers and Indigenous health worker journals and magazines.

(2b) Yes

(2c) The total cost of all print media advertising for most recent round (October 2002) was $13,534.10.

(3a) The scholarship scheme aims to help address the under-representation of Aboriginal and Torres Strait Islander peoples in health professions and assist in increasing the number of qualified Aboriginal Health Workers.

(3b) The Royal College of Nursing Australia administers the scheme on behalf of the Commonwealth.

(4a) Nil

(4b) Nil

(4c) Nil

(5) Not applicable.

(1) **Aged Care Innovative Pool.**

(2a) Calls for Expressions of Interest are sent to all aged care providers.

(2b) No.
(2c) Not applicable.

(3a) The Aged Care Innovative Pool allows for the development of pilots for innovative service provision, in partnership with other stakeholders including state and territory governments and approved providers.

(3b) Funds are allocated by the delegate of the Secretary under section 14-1 of the Aged Care Act 1997, and administered by the Department of Health and Ageing.

(4a) Nil.

(4b) Nil.

(4c) Nil.

(5) Not applicable.

(1) **Retirement Villages Care Pilot**

(2a) Call for Expressions of Interest was advertised through peak body publications and newsletters in January 2003.

(2b) No.

(2c) Not applicable.

(3a) The Federal Government provided $14.9 million over 4 years in the 2002-03 Budget to pilot the provision of community care into retirement villages. The RVCP aims to examine opportunities to build upon existing provision of services in the unique retirement village setting. It will target those people who already have some of their care needs met but need some additional support to stay in their home even longer. Pilot sites will operate for a time-limited period until June 2006 and participate in a national evaluation, which will help determine future directions for the initiative.

(3b) Successful pilots will be allocated flexible aged care places through an approval by the delegate of the Secretary under section 14-1 of the Aged Care Act 1997. This enables Flexible Care Subsidy to be paid.

(4a) Nil.

(4b) Nil.

(4c) Nil.

(5) Not applicable.

(1) **Positive Ageing Community Sponsorship Grants**

(2a) The grants were advertised in The Australian, and one major newspaper in each capital city and, for the Newcastle region, the Newcastle Herald and the Central Coast Express Advocate as well as on the Internet.

(2b) Yes

(2c) Average of $1,713 for major metropolitan newspaper advertisements. The cost of advertising in the Newcastle Herald was $551, and in the Central Coast Express Advocate was $254.

(3a) The grants aim to increase local community activities that promote and maintain the health, well-being and positive images of older Australians.

(3b) The Minister for Ageing will determine successful applicants on the basis of advice from the Department of Health and Ageing.

(5) Not applicable. This is a new program and grants will be made in the latter part of 2003.

(5) Not applicable. Applications are currently being assessed.

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QUESTIONS ON NOTICE
(1) **National Child Nutrition Program**

(2a) Two funding rounds have been previously advertised through paid advertisements in national print media. There are no further funding rounds available under this program.

(2b) Yes.

(2c) The program area is unable to extrapolate this information.

(3a) This is a community grants program to improve the nutrition and long term eating patterns of children up to 12 years of age and pregnant women.

(3b) The Minister for Health and Ageing will determine successful applicants on the basis of advice from the Department of Health and Ageing.

(4a) One (announced in November 2001, funding commenced in 2002).

(4b) Nil.

(4c) Nil.

(5) Hunter Aboriginal Health Partnership

(1) **The National Suicide Prevention Strategy**

(2a) Advertisements are placed in the national print media, including Koori Mail and rural papers. Organisations may also be advised through various networks such as the Divisions of General Practice and the New South Wales Mental Health Service Suicide Prevention coordinators.

(2b) Yes

(2c) This information is unable to be obtained.

(3a) The objectives of the National Suicide Prevention Strategy are to:

- reduce deaths by suicide across all age groups in the Australian population, and reduce suicidal thinking, suicidal behaviour, and the injury and self-harm that result;
- enhance resilience and resourcefulness, respect, interconnectedness and mental health in young people, families and communities, and reduce the prevalence of risk factors for suicide;
- increase support available to individuals, families and communities affected by suicide or suicidal behaviours; and
- provide a whole of community approach to suicide prevention and to extend and enhance public understanding of suicide and its causes.

(3b) The Central Office of the Department of Health and Ageing allocates funds on a State by State basis. State and Territory offices of the Department then conduct an open tender process to decide which organisations should be recommended for funding. The National Advisory Council on Suicide Prevention (NACSP) reviews State recommendations, and may endorse them or seek clarification. Only proposals endorsed by the NACSP are recommended for funding to the Minister.

(4a) Nil.

(4b) Nil.

(4c) Nil.

(5) Not applicable.

(1) **Clinical Support Program (administered on behalf of the Commonwealth by the Royal Australasian College of Physicians)**

(2) No—Tender process was conducted by the RACP

(3a) The Clinical Support System Program is a joint initiative of the RACP and the Commonwealth to facilitate the uptake of evidence within clinical practice through the implementation of the clinical support system model.
(3b) RACP in consultation with the Department.

(4a) Nil.

(4b) Hunter Consortium (Towards A Safer Culture) comprising 7 organisations: Frankston Hospital; John Hunter Hospital; Nepean Hospital; Townsville Hospital; Health Care Risk Resources International; Standards Australia International; and Hunter Area Health Service.

(4c) Nil.

(5) Not applicable; the project was completed in 2002.

1 Community Partnerships Initiative

(2a) Advertisements seeking applications for the fourth funding round will be placed in the national, major metropolitan, indigenous and rural press to encourage those interested in developing a prevention project in a community setting to submit an application for funding.

(2b) These will be paid advertisements.

(2c) Costs have not yet been expended.

(3a) Under the National Illicit Drug Strategy, the Community Partnerships Initiative aims to encourage quality practice in community action to prevent illicit drug use and to build on existing activity occurring across Australia. The focus of the Initiative is young people, however it includes other individuals and groups in the community who interact with young people in their social environments. The Initiative also has an illicit drugs focus, as well as the issue in some jurisdictions of problematic use of solvents and of petrol sniffing.

(3b) The Commonwealth is responsible for allocating funds based on advice from an Expert Advisory Group (EAG). The EAG comprises representatives from the Australian National Council on Drugs (ANCD), the non-government sector, people from non-English speaking backgrounds, the Aboriginal and Torres Strait Islander Peoples’ Reference Group, Commonwealth, State and Territory government representatives, an early childhood expert and representatives from the mental health and/or suicide prevention sectors.

(4a) Nil.

(4b) Nil.

(4c) Nil.

(5) Not applicable.

1 Non Government Organisation Treatment Grants Program (NGOTGP)

(2a) Arrangements for advertising are yet to be finalised, but will include advertising in the national and relevant rural and Indigenous press.

(2b) These will be paid advertisements.

(2c) Costs have not yet been expended.

(3a) The NGOTGP provides funding to non-government organisations (NGOs) to establish and operate new treatment services for users of illicit drugs with a particular emphasis on filling geographic and target group gaps. Funding has also been allocated for expanding and upgrading existing non-government treatment services to strengthen the capacity of NGOs to achieve improved service outcomes and to increase the number of treatment places available.

(3b) The Minister for Health and Ageing is responsible for allocating funds based on the advice of State Reference Groups (SRG). Membership of the SRGs comprises representatives from the Commonwealth, State and Territory government health departments, the Australian National Council on Drugs, the Alcohol and Other Drugs Council of Australia and other recognised experts.

(4a) Nil.
(4b) Nil.
(4c) Nil.
(5) Not applicable.

**Immigration: Detention Centres**

*(Question No. 1707)*

Mr Andren asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 20 March 2003:

(1) How many detained asylum seekers have died in Australia (including Christmas Island) in a detention centre or in a hospital or other place to which they might have been taken while under detention in each year since the introduction of mandatory detention in 1989; of those deaths in each year, how many were: (a) women, and (b) children.

(2) How many died: (a) prior to a first determination being made about their claim, and (b) prior to a final determination.

(3) In respect of each detainee who died: (a) in which detention centre were they detained, (b) how long had they been detained, (c) what was the cause of death, and (d) how was the cause of death established.

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

(1) To date there have been eight deaths of persons in immigration detention. Of these six were people detained following their location in the community and two were unauthorised arrivals. Of the unauthorised arrivals (a) one was a woman and (b) none were children. The break up of deaths by year is as follows:

- 1998—one male;
- 2000—one male;
- 2001—three males, one female;
- 2002—one female; and
- 2003—one female.

None of the deaths were children.

(2) Of the two deaths in detention of people who had arrived without authority and had sought asylum (a) neither died prior to first determination about their claim and (b) neither died prior to final determination.

(3) In respect of each detainee who has died in detention:

(a) Four were detained at Villawood IDC (of which two were transferred to Liverpool hospital where they died), one was detained and died at Maribyrnong IDC, one was detained in Port Phillip prison but was transferred to hospital where he died, one was detained at Port Hedland IRPC and transferred to hospital in Perth where he died and one was detained at Christmas Island IRPC but transferred to hospital in Perth where she died.

(b) The eight detainees who died were in detention for the following period: 16 hours, 3 days, 12 days, 114 days, 124 days, 254 days, 1 ¼ years and one person, from the date of first detention to the date of the death, 193 days passed but for 101 of those days the detainee had escaped.

(c) The cause of death in 6 of the cases was:

(i) Liver failure and bleeding, gastro oesophageal varices, due to cirrhosis of the liver.

(ii) Chest infection related to persistent sinus.
(iii) Gastro-intestinal haemorrhage due to penetration of the aorta by mediastinal abscess.
(iv) Suicide by hanging.
(v) Narcotic withdrawal with an antecedent cause being malnutrition and early acute pneumonia.
(vi) Head injury caused by a fall.

(d) The cause of death was investigated by the coroner in six cases, and is currently being investigated or to be investigated in two cases.

Multiculturalism

(Question No. 1720)

Mr Laurie Ferguson asked the Minister for Citizenship and Multicultural Affairs, upon notice, on 24 March 2003:

(1) Is he aware of research released by the Human Rights and Equal Opportunity Commission on 24 February 2003 on the phenomenon of cyber-racism; if so, does the research show that the Internet is being used to promote: (a) notions of racial superiority and violence, (b) racist groups, (c) extremist literature, (d) race hate music, and (e) racist games, via email, websites, chat rooms, newsgroups and web order catalogues.

(2) Do the aims of the Living in Harmony initiative include an effective focus upon combating racism and encouraging respect, goodwill and understanding between Australians of all ethnic, cultural and religious backgrounds and does the prevalence of cyber-racism run counter to these aims; if so, what actions, if any, has he taken to initiate suitable educational measures to alert the Internet industry and users of the Internet to the need to combat the phenomenon.

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

(1) I am aware of the research undertaken by the Human Rights and Equal Opportunity Commission and agree that the research highlights the use of the Internet for a range of race-hate related activities.

(2) Yes, the aims of the Living in Harmony initiative do include an effective focus on combating racism and encouraging respect, goodwill and understanding between Australians of all ethnic, cultural and religious backgrounds. The Living in Harmony initiative aims to do this through the three complementary elements of a community grants program, a partnerships program and the public information strategy led by Harmony Day each year.

The Internet provides another forum through which racist propaganda can be promulgated. No specific actions have been taken to date through the activities of the Living in Harmony initiative to initiate educational measures to alert the Internet industry and users of the Internet to the need to combat cyber-racism. The presence of cyber-racism is a global issue and HREOC and other agencies are currently exploring possible options for regulatory control of racist material on the Internet generated from within Australia.

I note that non-regulatory options to combat cyber-racism discussed at the related symposium hosted by HREOC included:

- the further supply and use of appropriate electronic filters by Internet Service Providers;
- the possibility of a content rating scheme for websites, and
- the need for a stronger presence of organisations and individuals on the Internet as anti-racist advocates and educators.

While the Australian Broadcasting Authority may have a future role in addressing the first two options, the Living in Harmony initiative certainly has a role to play in relation to the third. The ini-
The initiative has a strategy of encouraging the development of positive values and processes that promote community harmony and address racism at the local level. A large number of past and current Living in Harmony community grants and partnerships have used the Internet as a vehicle for promoting the positive outcomes of their projects and the broader messages of the initiative.

The presence of the Living in Harmony initiative therefore continues to grow on the Internet and more broadly within the community, thus encouraging attitudinal change in a non-regulatory way. Since the commencement of the initiative in 1998, 179 community grants and 34 partnerships have been funded; all of which have addressed issues of racism and promoted community harmony in a variety of ways. On 21 March 2003 we enjoyed the most successful Harmony Day yet in terms of the level of community participation. The strengthening presence and recognition of the Living in Harmony initiative across the community and on the Internet helps to combat the phenomenon of cyber-racism.

**Immigration: ‘Children Overboard’ Affair**

(Question No. 1727)

Mr Latham asked the Prime Minister, upon notice, on 24 March 2003:

Has he recently declared his support for human rights in the Middle East; if so, will he now apologise to the parents whom he claimed to have thrown their children overboard during the last Federal election campaign.

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

These matters have been extensively canvassed in both public and parliamentary forums.

I refer the honourable member to the Government Members report of the Committee on a Certain Maritime Incident.

**Health: Safety Net Concession Card**

(Question No. 1745)

Ms Vamvakinou asked the Minister representing the Minister for Health and Ageing, upon notice, on 24 March 2003:

(1) What was the total number of individuals that have reached the PBS Safety Net Threshold during (a) 2001-02 and (b) 2002-03 in (i) Victoria, and (ii) the electoral division of Calwell, and (iii) in the postcode areas of (a) 3036, (b) 3037, (c) 3038, (d) 3043, (e) 3046, (f) 3047, (g) 3048, (h) 3049, (i) 3059, (j) 3060, (k) 3061, (l) 3064, (m) 3427, and (n) 3428.

(2) What was the total number of families that have reached the PBS Safety Net Threshold during (a) 2001-02 and (b) 2002-03 in (i) Victoria, and (ii) the electoral division of Calwell, and (iii) the postcode areas of (a) 3036, (b) 3037, (c) 3038, (d) 3043, (e) 3046, (f) 3047, (g) 3048, (h) 3049, (i) 3059, (j) 3060, (k) 3061, (l) 3064, (m) 3427, and (n) 3428.

(3) What was the total number of individuals that have reached the PBS Safety Net Threshold and were not issued with a Safety Net Card during (a) 1998-99, (b) 1999-00, (c) 2000-01, (d) 2001-02 and (e) 2002-03.

(4) What was the total number of families that have reached the PBS Safety Net Threshold and were not issued with a Safety Net Card during (a) 1998-99, (b) 1999-00, (c) 2000-01, (d) 2001-02 and (e) 2002-03.

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

(1) The total number of individuals that reached the PBS Safety Net threshold and been issued a Safety Net card, for which a claim has been made by the pharmacy from HIC during (a) 2001-02 and (b)
2002-03 in (i) Victoria, and (ii) the electoral division of Calwell and (iii) in the postcode areas of (a) 3036, (b) 3037, (c) 3038, (d) 3043, (e) 3046, (f) 3047, (g) 3048, (h) 3049, (i) 3059, (j) 3060, (k) 3061, (l) 3064, (m) 3427, and (n) 3428 is shown in the following table.

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</thead>
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<td>315,309</td>
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<tr>
<td>Calwell</td>
<td>HIC does not collect data on a Parliamentary electoral boundaries basis, however, the postcodes identified below are those generally associated with the electoral division of Calwell.</td>
<td></td>
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<tr>
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<tr>
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<td>699</td>
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<td>Postcode 3428</td>
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</tbody>
</table>

Note 1. These figures include the total number of individuals within a family, who are also counted as individuals.

Note 2. Safety Net cards issued by pharmacists prior to 31/03/03 but not yet claimed through HIC are not able to be included in the figures.

(2) The total number of families that reached the PBS Safety Net threshold and been issued a Safety Net card, for which a claim has been made by the pharmacy from HIC, during (a) 2001-02 and (b) 2002-03 in (i) Victoria, and (ii) the electoral division of Calwell, and (iii) the postcode areas of (a) 3036, (b) 3037, (c) 3038, (d) 3043, (e) 3046, (f) 3047, (g) 3048, (h) 3049, (i) 3059, (j) 3060, (k) 3061, (l) 3064, (m) 3427 and (n) 3428 is shown in the following table.

<table>
<thead>
<tr>
<th>Postcode Area</th>
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<td>HIC does not collect data on a Parliamentary electoral boundaries basis, however, the postcodes identified below are those generally associated with the electoral division of Calwell.</td>
<td></td>
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<tr>
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<td>Postcode 3061</td>
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<tr>
<td>Postcode 3064</td>
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</table>
Note: Safety Net cards issued by pharmacists prior to 31/03/03 but not yet claimed through HIC are not able to be included in the figures.

(3) and (4) HIC is unable to provide accurate and complete data on how many individuals and families reached the PBS Safety Net Threshold but were not issued with a Safety Net Card, for two reasons. First, HIC is unable to provide data on families unless they have registered for the purposes of accumulating PBS benefits for the Safety Net. Secondly, PBS/RPBS items under the patient contribution amount are not claimed from HIC by the patient.

**Education: University Operating Surpluses**

(Question No. 1796)

Ms Macklin asked the Minister for Education, Science and Training, upon notice, on 13 May 2003:

Can he provide by institution and in 2001 dollars: (a) a table of university operating surpluses for the financial years ending 30 June 1996, 1997, 1998, 1999, 2000, and 2001, and (b) an average of university operating surpluses for those years.

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

(a) and (b) Universities provide their annual financial information on a calendar year basis, therefore the figures provided are for the financial years ending on 31 December for 1996, 1997, 1998, 1999, 2000 and 2001. The answer to the honourable member’s questions is at Attachment A.

Attachment A

Operating Result in 2001 Prices

For all Australian Universities

For the financial years ending on 31 December from 1996-2001

<table>
<thead>
<tr>
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**QUESTIONS ON NOTICE**
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NOTE: * Only higher education sector information has been included.
* The University of Notre Dame has not been included in the calculation of average surplus for the years 1996-1999.

Bendigo Gospel Music Festival

(Answer No. 1828)

Mr Gibbons asked the Minister representing the Minister for the Arts and Sport, upon notice, on 13 May 2003:

1. Is the Minister aware that the Bendigo Gospel Festival Inc, the organisation that conducted the 2002 Bendigo Gospel Music Festival, has been placed in voluntary liquidation.
(2) Is the Minister aware that the 2002 Bendigo Gospel Music Festival, which was conducted from 26-28 April 2002, resulted in a substantial loss, with creditors owed more than $90,000.

(3) Is the Minister aware that the 2002 Bendigo Gospel Music Festival received a grant of $18,180 in the 13th grant round of the Festivals Australia Programme in October 2001.

(4) Is the Minister aware that the people behind this incorporated association had conducted two previous private events in Bendigo that also ran at a loss.

(5) What accountability processes are in place to protect the misuse of public monies.

Mr McGauran—The Minister for the Arts and Sport has provided the following answer to the honourable member’s question:

(1) and (2) The Department of Communications, Information Technology and the Arts, which administers Festivals Australia received unsolicited information on 16 September which indicated that there were financial problems with the Festival and it had a shortfall of $72,404. This loss on the whole festival was confirmed in the information provided by the festival director as part of the acquittal process for the project.

(3) Festivals Australia provides funding to assist in the presentation of specific arts and cultural activities within regional and community festivals. It does not provide funding for entire festivals. In this instance, the funding was provided towards the costs associated with staging the Australian Massed Gospel Choir event.

(4) Applicants are required to complete a detailed application form, which includes the provision of a financial statement and evidence of incorporation. Evidence of community support is also sought to assist the Festivals Australia committee in making their recommendations. In this instance, letters of support were received from local businesses, service organisations and the Tourism and Events section of the Greater Bendigo City Council. This information included references to the success of the previous festival. As part of the assessment process, the Department of Communications, Information Technology and the Arts also sought comments from Arts Victoria. In this instance no specific comments were provided.

(5) All grant recipients are required to provide an acquittal report which includes information on attendances, media coverage and a financial report demonstrating that the funding was used for the purposes specified in the application. The project acquittal provided by the festival director indicates that the funding allocated to the Australian Massed Gospel Choir project was spent in accordance with the Deed of Agreement between the Commonwealth and Bendigo Gospel Festival Inc.

Defence: Williamstown Shipbuilding Yard

(Question No. 1829)

Ms Roxon asked the Minister representing the Minister for Defence, upon notice, on 13 May 2003:

(1) In respect of the Government’s plans to rationalise the shipbuilding industry in Australia, can the Minister advise of any specific plans for the future of the Williamstown shipbuilding yard or plans for the industry that may affect the Williamstown facility’s future.

(2) What are the options currently being considered by the Minister for the future of the industry or specifically the Williamstown shipbuilding yard.

(3) Will the Minister be making recommendations to Cabinet on the future of any Australian shipbuilding facility.

(4) What recommendations will he make regarding the Williamstown facility.

(5) What is the timeframe for any decision by the Government that will affect the future of the Williamstown shipbuilding yard.
(6) What factors will be taken into account in determining the future of the Williamstown shipbuilding yard.

(7) Will the Minister ensure the full economic value of the Williamstown shipbuilding facility is properly taken into account in any decision—in particular the skills of the workforce and the access, space and facilities at the yard.

(8) Will the Minister rule out the consideration of irrelevant factors such as the housing market in residential areas neighbouring the Williamstown shipbuilding facilities.

(9) Will the Minister undertake to consider the deleterious economic and employment effect on the community in Williamstown and surrounding suburbs, which would arise from the loss of the shipbuilding industry in the area.

(10) Will the Minister make a commitment to ensure that any decision-making, tender or contract process is open, accountable and subject to public input and consultation.

(11) Can the Minister give an undertaking that the Government’s ownership of the South Australian defence construction facilities will not prejudice the decision-making regarding the Williamstown shipbuilding facility.

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

(1) There are no specific plans detailing the future of the Williamstown shipbuilding yard or for industry that may affect the Williamstown facility’s future. Any decision in relation to the Williamstown shipyard would be made by the owners and operators of the site, Tenix Defence Pty Ltd, and not the Government.

(2) The Government has not yet made a decision in relation to the shipbuilding industry in Australia, and is currently considering a variety of views, including those set out in the Defence Department’s Naval Shipbuilding and Repair Sector Strategic Plan. Ultimately, the future of Williamstown and other privately owned yards will be a commercial matter for their owners.

(3) (4), (5), (6), (7), (8), (9), (10), and (11) Refer to part (2).

Refugee Review Tribunal
(Question No. 1862)

Mr Kerr asked the Minister for Immigration and Multicultural and Indigenous Affairs, upon notice, on 14 May 2003:

(1) Will he provide a list of the Refugee Review Tribunal (RRT) decisions published for each of the preceding 24 months (ie. April 2001 to April 2003).

(2) Has he been advised that since the beginning of this year only one or two decisions of the RRT have been published and since April none has been published.

(3) Will he explain why, contrary to legal obligations, the RRT appears to be failing to publish leading decisions of the Tribunal.

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

(1) Please see the list below of RRT decisions published each month from April 2001 to April 2003.

(2) The RRT publishes approximately 20% of its decisions in accordance with Section 431 of the Migration Act 1958. Publication has been by making these decisions available at the RRT registries and also available via the Austlii (Australasian Legal Information Institute) Internet database.

I am aware that decisions of the RRT that had appeared on the Austlii database were withdrawn from the Internet on 29 January 2003. This followed advice received by the RRT that certain decisions contained identifiers of applicants’ claims and that, in a very small number of cases, this en-
abled a full version of the RRT decision, which identified the applicant, to be published, contrary to the express statutory provision prohibiting this.

Since the withdrawal of these RRT decisions from the database on 29 January 2003, all published decisions have been audited with the result that approximately 30 decisions were found to contain identifying information. These identifiers appeared in the decisions that had been made available on the Internet owing to the use by the RRT of electronic editing technology which, on publication on the Austlii database, resulted in the reappearance of previously deleted identifiers.

Up until the decisions database was taken off-line on 29 January 2003, published decisions were available as normal. Between 29 January 2003 and 27 March 2003 (a period of 8 weeks) no decisions were available on the Internet. However, these decisions remained available on request at both the Sydney and Melbourne registries of the Tribunal. Since 28 March 2003, the previously published Internet decisions have been progressively returned to the Austlii database. The final installment of most recent decisions became available on 22 May 2003. All decisions published from 1 June 1999 to 22 May 2003 are now available once again on the Austlii database (4,323 decisions).

The remainder of the database (decisions prior to 1 June 1999) is being progressively returned to the Internet. RRT Registry staff have met all requests for access to published decisions while the database was unavailable. The RRT Bulletin summarises key recent decisions and has continued to be issued on a monthly basis. The current and previous Bulletins can be viewed on the Tribunal’s website.

(3) Decisions of the RRT are selected for publication in accordance with the requirements of the Migration Act 1958 (the Act).

Section 431 of the Act provides:

“431 Certain Tribunal decisions to be published

(1) Subject to subsection (2), and to any direction under section 440, the Registrar must ensure the publication of any statements prepared under subsection 430(1) that the Principal Member thinks are of particular interest.

(2) The Tribunal must not publish any statement which may identify an applicant or any relative or other dependent of an applicant.”

Those RRT decisions which are published are edited into a style and format so as not to contain information which may identify the applicant or relatives or other dependents of the applicant, in order to protect the identity of the applicant or his or her relatives and dependents.

The current Principal Member’s direction relating to the publication of decisions considered to be of ‘particular interest’ states that decisions of ‘particular interest’ are those that: represent a broad cross section of decisions having regard to factors such as country of reference, the outcome of the review, whether there is detailed consideration of legal principles, and whether the factual circumstances are complex or unusual, or whether they are common to a large number of cases.

On average the Tribunal currently publishes 20% of its decisions. The RRT decision’s database provides Internet based full text copies of published decisions. In addition, the RRT produces the RRT Bulletin, which covers recently published Tribunal decisions. The editor of the RRT Bulletin chooses the decisions that are to be published. The RRT Bulletin is a publicly available document that contains, amongst other things, summaries of selected decisions. The summarised cases represent a cross section of published decisions.
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**QUESTIONS ON NOTICE**
Mr Danby asked the Minister representing the Minister for Health and Ageing, upon notice, on 15 May 2003:

1. Can the Minister confirm that in letters dated 13 and 21 May 2002 he stated that Australia was favourably disposed to Taiwan being admitted to the World Health Organisation (WHO) with observer status, but would only do so when it was clear a consensus supported such a move.

2. Would consensus have to include the agreement of the People’s Republic of China; if so, is the Minister able to say whether this is likely to be forthcoming.

3. What other organisations or entities, such as the International Committee of the Red Cross, or quasi states, already enjoy observer status and did Australia support their accreditation to the WHO as observers; if so, how did Australia explain its support for these organisations or entities.

4. Has the speedy spread of the SARS epidemic in Taiwan and the possibility of continued cross-infection between China and Taiwan via the busy cross-Strait trade and travel made the admission of Taiwan as an observer to the WHO even more urgent than before.

5. Will the Government, at the commencement of the meeting of the WHO in Geneva on 28 May 2003, move to join the recent statements of the Japanese government, the European Union, and the United States Congress and the bi-partisan private member’s resolution moved by the Member for Fairfax and seconded by the Member for Lilley supporting the admission of Taiwan to the WHO as an observer.

Mr Andrews—The Minister for Health and Ageing has advised that the Minister for Foreign Affairs will answer the honourable member’s question.

Ms George asked the Minister for Children and Youth Affairs, upon notice, on 26 May 2003:

1. On the most recent data, how many Child Support Agency clients reside in (a) New South Wales, and (b) Australia.

2. On the most recent data, how many Child Support Agency clients reside in the electoral division of Throsby.

3. On the most recent data, how many Child Support Agency clients reside in the postcodes of (a) 2502, (b) 2505, (c) 2506, (d) 2526, (e) 2527, (f) 2528, (g) 2529, and (h) 2530.

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

1. On the most recent data, 424 110 Child Support Agency clients (payers and payees) reside in (a) New South Wales, and 1.2 million clients reside in (b) Australia.

2. On the most recent data, 11 531 Child Support Agency clients (payers and payees) reside in the electoral division of Throsby.

3. On the most recent data, how many Child Support Agency clients reside in the postcodes of (a) 2502, (b) 2505, (c) 2506, (d) 2526, (e) 2527, (f) 2528, (g) 2529, and (h) 2530.
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