**INTERNET**


### SITTING DAYS—2003

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**RADIO BROADCASTS**

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

- **CANBERRA**: 1440 AM
- **SYDNEY**: 630 AM
- **NEWCASTLE**: 1458 AM
- **BRISBANE**: 936 AM
- **MELBOURNE**: 1026 AM
- **ADELAIDE**: 972 AM
- **PERTH**: 585 AM
- **HOBART**: 729 AM
- **DARWIN**: 102.5 FM
FORTIETH PARLIAMENT
FIRST SESSION—SIXTH PERIOD

Governor-General
His Excellency Major-General Michael Jeffery, Companion in the Order of Australia,
Commander of the Royal Victorian Order, Military Cross

House of Representatives Officeholders
Speaker—The Hon. John Neil Andrew MP
Deputy Speaker—The Hon. Ian Raymond Causley MP
Second Deputy Speaker—Mr Harry Alfred Jenkins MP
Members of the Speaker’s Panel—Mr David Peter Maxwell Hawker, Mr Philip Anthony
Barresi, Ms Teresa Gambaro, Mr Peter John Lindsay, the Hon. Bruce Craig Scott, the Hon.
Dick Godfrey Harry Adams, Mr Frank William Mossfield AM, the Hon. Leo Roger Spurway
Price, Mr Kimberley William Wilkie, Ms Ann Kathleen Corcoran

Leader of the House—The Hon. Anthony John Abbott MP
Deputy Leader of the House—The Hon. Peter John McGauran MP
Manager of Opposition Business—Mr Mark Latham MP
Deputy Manager of Opposition Business—Ms Julia Gillard MP

Party Leaders and Whips
Liberal Party of Australia
Leader—The Hon. John Winston Howard MP
Deputy Leader—The Hon. Peter Howard Costello MP
Chief Government Whip—Mr James Eric Lloyd MP
Government Whips—Mrs Joanna Gash MP and Mr Fergus Stewart McArthur MP

National Party of Australia
Leader—The Hon. John Duncan Anderson MP
Deputy Leader—The Hon. Mark Anthony James Vaile MP
Whip—Mr John Alexander Forrest MP
Assistant Whip—Mr Paul Christopher Neville MP

Australian Labor Party
Leader—The Hon. Simon Findlay Crean MP
Deputy Leader—Ms Jennifer Louise Macklin MP
Chief Opposition Whip—The Hon. Janice Ann Crosio MBE MP
Opposition Whips—Mr Michael Danby MP and Mr Harry Vernon Quick MP

Printed by authority of the House of Representatives
### Members of the House of Representatives

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PARTY ABBREVIATIONS
ALP—Australian Labor Party; LP—Liberal Party of Australia; NPA—National Party of Australia; Ind—Independent; CLP—Country Liberal Party; AG—Australian Greens

Heads of Parliamentary Departments
Clerk of the Senate—H. Evans
Clerk of the House of Representatives—I.C. Harris
Departmental Secretary, Parliamentary Library—J.W. Templeton
Departmental Secretary, Parliamentary Reporting Staff—J.W. Templeton
Departmental Secretary, Joint House Department—M.W. Bolton
HOWARD MINISTRY

Prime Minister                  The Hon. John Winston Howard MP
Minister for Transport and Regional Services and Deputy Prime Minister The Hon. John Duncan Anderson MP
Treasurer                       The Hon. Peter Howard Costello MP
Minister for Trade              The Hon. Mark Anthony James Vaile MP
Minister for Foreign Affairs    The Hon. Alexander John Gosse Downer MP
Minister for Defence and Leader of the Government in the Senate Senator the Hon. Robert Murray Hill
Minister for Finance and Administration and Deputy Leader of the Government in the Senate Senator the Hon. Nicholas Hugh Minchin
Minister for Health and Ageing and Leader of the House The Hon. Anthony John Abbott MP
Attorney-General                 The Hon. Philip Maxwell Ruddock MP
Minister for the Environment and Heritage and Vice-President of the Executive Council The Hon. Dr David Alistair Kemp MP
Minister for Communications, Information Technology and the Arts The Hon. Daryl Robert Williams AM, QC, MP
Minister for Agriculture, Fisheries and Forestry The Hon. Warren Errol Truss MP
Minister for Immigration and Multicultural and Indigenous Affairs and Minister Assisting the Prime Minister for Reconciliation Senator the Hon. Amanda Eloise Vanstone
Minister for Education, Science and Training The Hon. Dr Brendan John Nelson MP
Minister for Family and Community Services and Minister Assisting the Prime Minister for the Status of Women Senator the Hon. Kay Christine Lesley Patterson
Minister for Industry, Tourism and Resources The Hon. Ian Elgin Macfarlane MP
Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service The Hon. Kevin James Andrews MP

(The above ministers constitute the cabinet)
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<td>Minister for Revenue and Assistant Treasurer</td>
<td>Senator the Hon. Helen Lloyd Coonan</td>
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<tr>
<td>Minister for Ageing</td>
<td>The Hon. Julie Isabel Bishop MP</td>
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<td>The Hon. Gary Douglas Hardgrave MP</td>
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<td>The Hon. Jacqueline Marie Kelly MP</td>
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<td>The Hon. De-Anne Margaret Kelly</td>
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<td>The Hon. Ross Alexander Cameron MP</td>
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<td>The Hon. Christine Ann Gallus MP</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Defence</td>
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<tr>
<td>Parliamentary Secretary to the Minister for the Environment and Heritage</td>
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<td>The Hon. Christopher Maurice Pyne</td>
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<td>Parliamentary Secretary to the Minister for Health and Ageing</td>
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<tr>
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<td>Jennifer Louise Macklin MP</td>
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<tr>
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<tr>
<td>Leader of the Opposition in the Senate, Shadow</td>
<td>Senator the Hon. John Philip Faulkner</td>
</tr>
<tr>
<td>Special Minister of State and Shadow Minister for Home Affairs</td>
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<tr>
<td>Deputy Leader of the Opposition in the Senate and Shadow</td>
<td>Senator Stephen Michael Conroy</td>
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<tr>
<td>Shadow Minister for Trade, Corporate Governance, Financial Services and Small Business</td>
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<td>Anthony Norman Albanese MP</td>
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<td>Shadow Minister for Veterans’ Affairs and Shadow Minister for Customs</td>
<td>Senator Thomas Mark Bishop</td>
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<td>Shadow Minister for Children and Youth</td>
<td>Senator Jacinta Mary Ann Collins</td>
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<tr>
<td>Shadow Minister for Industry, Innovation, Science and Research and Shadow Minister for the Public Service</td>
<td>Senator Kim John Carr</td>
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<tr>
<td>Shadow Assistant Treasurer</td>
<td>David Alexander Cox MP</td>
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<tr>
<td>Shadow Minister for Ageing and Seniors, Assisting the Shadow Minister for Disabilities</td>
<td>Annette Louise Ellis MP</td>
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<td>Shadow Minister for Workplace Relations</td>
<td>Craig Anthony Emerson MP</td>
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<td>Shadow Minister for Defence</td>
<td>Senator Christopher Vaughan Evans</td>
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<td>Shadow Minister for Citizenship and Multicultural Affairs</td>
<td>Laurence Donald Thomas Ferguson MP</td>
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<tr>
<td>Shadow Minister for Urban and Regional Development and Shadow Minister for Transport and Infrastructure</td>
<td>Martin John Ferguson MP</td>
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<td>Joel Andrew Fitzgibbon MP</td>
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<tr>
<td>Shadow Minister for Health and Deputy Manager of Opposition Business</td>
<td>Julia Eileen Gillard MP</td>
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<tr>
<td>Shadow Minister for Consumer Protection and Consumer Health</td>
<td>Alan Peter Griffin MP</td>
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<tr>
<td>Shadow Treasurer and Manager of Opposition Business</td>
<td>Mark William Latham MP</td>
</tr>
<tr>
<td>Shadow Minister for Information Technology, Shadow Minister for Sport and Shadow Minister for the Arts</td>
<td>Senator Kate Alexandra Lundy</td>
</tr>
<tr>
<td>Shadow Attorney-General and Shadow Minister for Justice and Community Security</td>
<td>Robert Bruce McClelland MP</td>
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<tr>
<td>Position</td>
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<tr>
<td>Shadow Minister for Cabinet and Finance and Shadow Minister for Reconciliation and Indigenous Affairs</td>
<td>Robert Francis McMullan MP</td>
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<tr>
<td>Shadow Minister for Heritage and Territories</td>
<td>Daryl Melham MP</td>
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<tr>
<td>Shadow Minister for Primary Industries</td>
<td>Senator Kerry William Kelso O’Brien</td>
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<td>Gavan Michael O’Connor MP</td>
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<td>Shadow Minister for Population and Immigration and Assisting the Leader on the Status of Women</td>
<td>Nicola Louise Roxon MP</td>
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<tr>
<td>Shadow Minister for Foreign Affairs</td>
<td>Kevin Michael Rudd MP</td>
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<td>Shadow Minister for Retirement Incomes and Savings</td>
<td>Senator the Hon. Nicholas John Sherry</td>
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The SPEAKER (Mr Neil Andrew) took the chair at 2.00 p.m., and read prayers.

MINISTERIAL ARRANGEMENTS

Mr HOWARD (Bennelong—Prime Minister) (2.01 p.m.)—On 29 September, I announced significant changes to the ministry that will further strengthen the government, continue the process of renewal and regeneration of the coalition’s front bench, and reinforce the government’s goals for Australia’s national security, economic strength and social stability. I am pleased to announce that the swearing in took place this morning and, for the information of honourable members, I table an updated list of the full ministry.

I inform the House that the Minister for Foreign Affairs will be absent from question time today for personal reasons. The Minister for Trade will answer questions on his behalf. I also inform the House that the Minister for the Environment and Heritage will be absent from question time today and tomorrow. The minister is in Rome to attend the preliminary ministerial meeting in preparation for the United Nations Framework Convention on Climate Change conference of the parties later in the year. The Minister for Agriculture, Fisheries and Forestry will answer questions on his behalf.

Mr CREAN (Hotham—Leader of the Opposition) (2.02 p.m.)—Mr Speaker, on indulgence, I seek clarification in relation to the ministerial arrangements before we begin question time today for personal reasons. The Minister for Trade will answer questions on his behalf. I also inform the House that the Minister for the Environment and Heritage will be absent from question time today and tomorrow. The minister is in Rome to attend the preliminary ministerial meeting in preparation for the United Nations Framework Convention on Climate Change conference of the parties later in the year. The Minister for Agriculture, Fisheries and Forestry will answer questions on his behalf.

Mr HOWARD (Bennelong—Prime Minister) (2.03 p.m.)—Mr Speaker, may I have the indulgence of the House to say something about the death of David Gordon Kirkpatrick, better known as ‘Slim Dusty’?

The SPEAKER—Indulgence is granted.

Mr HOWARD—Much has already been said about this very dearly loved Australian. I know that his death has removed one of the iconic figures of modern Australia: somebody who was synonymous with the country or bush values of our society, somebody who reached out to Australians of different generations and somebody who established an enviable reputation as the father of what could be called the Australian version of country music.

Slim Dusty was born David Gordon Kirkpatrick on 13 June 1927 at Kempsey in New South Wales. He wrote his first song at the age of 10, and in 1942 he made his first recording, at his own expense. He signed his first recording contract in 1946, going on to record more than 100 albums in a career that spanned six decades. Along with his wife, Joy, whom he married in 1951, Slim Dusty launched his travelling Slim Dusty Show in 1954 and continued to tour for over 40 years. Famously, in 1957, he recorded A Pub With No Beer, which became the biggest selling record by an Australian at that time. It was the first international hit by an Australian and to passport fraud and the minister’s knowledge of criminal—
earned him Australia’s first ever gold record. In 2000, he released his 100th music album, with the title song *Looking Forward, Looking Back*, which became a hit. He was widely recognised for his contribution to country music and to the Australian community. Over the years, he received 36 Golden Guitars from the Country Music Association of Australia, an organisation he helped to form, and of which he went on to become chairman and was later made an honorary president for life. He was inducted to the Country Music Roll of Renown. He received a special achievement award from the Australian Record Industry Association at the ARIA awards and induction into the ARIA Hall of Fame.

Slim Dusty’s funeral service at St Andrew’s Cathedral in Sydney was a wonderful celebration of a remarkable life. It was a wonderful tribute to a person who touched the hearts of so many Australians, and it was a wonderful reminder to all of us that there is nothing quite so endearing as that distinctive Australian character which Slim Dusty so finely epitomised. I know that Australians mourn his passing, and I know that all members of this House will wish to extend their sympathy to his wife, Joy, and to his son, daughter and grandchildren—a wonderfully close family who paid eloquent tribute to their father, husband and grandfather.

Mr CREAN (Hotham—Leader of the Opposition) (2.07 p.m.)—Mr Speaker, on indulgence, I join with the Prime Minister in this tribute to Slim Dusty, a great artist and a great Australian. I was with the Prime Minister at the celebration of Slim’s life—otherwise known as the funeral service. It was a wonderful occasion, really, despite the sad circumstances. It was a celebration of his life. He was an icon, a person of great commitment to his family and a mate.

We talk of Slim’s music, but Joy, his wife of so many years, was really the strength and pillar of this partnership—and this was referred to by the family. Joy herself came from a very talented family, The McKean Sisters, who continued to perform in their own right. Of course their family, Anne and David, are wonderful talents in their own right. It is a family that is wonderfully talented and wonderfully close. It was terrific to hear both Anne and David speak with emotion and passion. Anne spoke of the irreverence which Slim had, and she did a wonderful rendition of *Travellin’ Still, Always Will*. David said, at a very poignant moment, that he had lost a mate and there was a space that could not be filled. Both talked of their love for him and their bond. They shared him with Australia, but he was still theirs.

On the question of mateship, this, in a sense, was what was so endearing about Slim: he was everyone’s mate. It was not just his singing that developed this camaraderie with the Australian people but also his commitment to country, to family, to community, to conservation and of course to reconciliation. Peter Garrett, who also spoke at the funeral service, read out a message from Mandawuy Yunupingu, lead singer of Yothu Yindi, in which he said:

> You were the first pioneer of reconciliation between black and white Australia. The message in your songs brings harmony and balance between people and the land.

Slim and his music brought many people together, not just black and white but also city and country and young and old. He even performed with The Wiggles, singing that great song *I Love To Have A Beer With Duncan* but this time changing the words to ‘I love to have a beer with Dorothy’. He had all the kids singing along. The Prime Minister has referred to his other great song, the big hit *A Pub With No Beer*. I never thought I
would see the day when that song was
played in a church, but not only was it
played in that church but we were led in its
chorus by the Reverend Phillip Jensen, the
Dean of St Andrew’s Cathedral. There were
no words—we all knew it; we just sang
along. I am sure, Mr Speaker, that if standing
orders allowed it we could all break out into
song here, but I know that they do not and I
know how strictly you observe them.

That song was not just about drinking; in
essence it was about mateship, it was about
friendship and it was about looking after
each other. This was the endearing quality of
Slim: he told the Australian story so long and
he told it so well. It was a wonderful service.
Whilst those songs were sung and played in
the church service, it concluded with the title
song of his 100th album. I was fortunate to
be in Tamworth with Slim when that 100th
album was launched—100 in 106—Looking
Forward, Looking Back. That is how we will
remember Slim: we will look forward to the
legacy that he leaves, we will look back to
the great life that he led and the many people
that he touched. Our condolences go to the
family—to Joy, Anne and David—and to the
extended family, all of whom were there. It
was a celebration of a great life. He will be
sadly missed, and I join with the Prime
Minister in offering our condolences.

QUESTIONS WITHOUT NOTICE

Insurance: Medical Indemnity

Mr CREAN (2.11 p.m.)—My question is
to the Prime Minister. Does the Prime Minis-
ter recall saying, when asked on 25 Septem-
ber by Ray Martin whether there was a crisis
in medical indemnity:

No, I think crisis is the wrong word.
Prime Minister, are you aware that just two
weeks later your new minister for health,
when asked about medical indemnity, de-
scribed it as an immediate crisis? Does the
Prime Minister agree that the system now is
in immediate crisis?

Mr HOwARD—I will go back over the
transcript of A Current Affair.

Mr Crean interjecting—

Mr HOwARD—I will, because you are a
serial offender. The Leader of the Opposition
is a serial offender when it comes to mis-
quoting people. Let me say this: the new
health minister, I think, has got off to a re-
markable start. The new health minister has
engaged the medical profession. The new
health minister has, quite properly, provided
a circuit-breaker to the medical profession in
relation to the issue of medical indemnity,
and I am greatly indebted to the Leader of
the Opposition for asking me about medical
indemnity. It enables me to remind the
House that this government has already
committed some $700 million of taxpayers’
money over a period of 10 years in order to
address the issue of medical indemnity. The
House ought to remember that the reason
there is a problem with medical indemnity
insurance in Australia at the present time is
that the negligence laws of this country have
been allowed to develop to a situation where
claims are getting out of hand and premiums
are rising. As even the Leader of the Opposi-
tion must know, the Commonwealth parlia-
ment has no power over the negligence laws
of Australia—none whatsoever. The doctors
are being asked to meet the IBNR levy for
two reasons: the negligence laws got out of
control due to the failure of the states to
bring them up to date—not the failure of any
Commonwealth government, be it Labor or
Liberal—and of course there was the mis-
management of UMP.

But that is the past. The present—and the
future—is more relevant to this parliament.
By the 18-month moratorium for any levies
over and above $1,000 a year, what the min-
ister has done is to remove the levy as a cur-
rent reason for any doctor to withdraw his or her services. If doctors claim they have a reason to withdraw their services now, it cannot be because of the levy alone. The reason I say that is that by providing that circuit-breaker, by providing that moratorium, the minister, and therefore the government, has removed the levy as a reason.

I say to the doctors who are considering withdrawing their services: we have made a contribution—a fair, responsive contribution—to resolving this difficult issue, and we ask them to make a contribution by suspending any plans to withdraw their services. That will not help their cause in the eyes of the Australian community. It will not help the public hospital systems of the states of Australia—over which we have no control, although we provide more money to fund the public hospitals than the states do.

I say to the doctors of Australia: we are prepared to meet you halfway, we are prepared to sit down and talk about things, but understand that by providing the moratorium we have removed the levy as a justification for you to withdraw your services. I think that is a fair offer by the federal government. I think it is an offer the Australian people see as fair. I ask the doctors to come halfway and continue their discussions with the minister—who, as I say, has got off to an excellent start in his new portfolio—and together we can resolve this issue in the interests of all of the Australian people.

Medicare

Mrs DRAPER (2.17 p.m.)—My question is addressed to the Minister for Health and Ageing. Is the minister aware of any misleading statements being made about Medicare; and what is the government’s response to these statements?

Mr ABBOTT—I thank the member for Makin for her question, and I can inform her and other members that over the past few days I have been familiarising myself with Australia’s health system and the various challenges it faces. I can tell the House that Australia has a good health system, but it does have some significant contemporary problems. The most pressing is the medical indemnity issue, which is threatening to drive some doctors from public hospitals in Sydney. Then there is the question of ensuring affordable access to a local GP. Mr Speaker, this government cannot solve all problems, but we are determined to make a difference.

One thing that I have learnt, travelling around Australia over the past few days, is that Australians do not want ministers and shadow ministers to play politics with their health, and that means telling the truth about the system and about plans to improve it. I regret to inform the House that, unfortunately, Labor is telling lies about Medicare. I regret to inform the House that at least three Labor members of this House have been distributing misinformation about Medicare—and there may be more. The members for Scullin, Lowe and Banks have said in brochures or advertisements, ‘The federal government wants to charge a $20 fee every time you visit your doctor.’ This is simply not true. The lie is being repeated; it is simply not true, and members opposite know it. This government’s position is identical to that of Neal Blewett, the original architect of Medicare: we want bulk-billing to be available but we do not think it can or should be compulsory.

Not only do we have these dodgy dodges being distributed by Labor members but also we have the members for Sydney and Lowe, as well as Senator Ludwig, asking their constituents to sign petitions based on a lie. So the party that brought us push polling has now introduced push petitioning to tell lies about our Medicare system. How do we know it is a lie? We know that Labor is
spreading lies because the member for Lalor has said so. She has admitted that what Labor members are spreading are lies. I quote from the *Canberra Times* of Friday, 19 September:

A spokesman for Ms Gillard conceded the claims were not true…

Labor are quite shameless. They are quite shameless because the fact that these claims are not true has not stopped the member for Lalor from distributing in her own electorate petitions stating, ‘We therefore pray that the House opposes the introduction of an up-front fee for GP visits.’ Mr Speaker, the only person who has ever introduced an up-front fee for GP visits is the member for Lalor’s mentor, Brian Howe. He is the only person in this country who has ever tried to do this. I ask the member for Lalor to come clean. How many dodgy dodges have been distributed? How many bodgie petitions have been sent out? How many Australians have been asked to sign petitions based on a lie? I call on the member for Lalor to withdraw these petitions and apologise to those Australians whom Labor have conned.

**DISTINGUISHED VISITORS**

The SPEAKER (2.22 p.m.)—I inform the House that we have present in the gallery this afternoon members of a parliamentary delegation from Singapore, led by my colleague the Speaker of the Singaporean parliament, Mr Abdullah Tarmugi. On behalf of the House, I extend a very warm welcome to our visitors.

Honourable members—Hear, hear!

**QUESTIONS WITHOUT NOTICE**

**Insurance: Medical Indemnity**

Mr CREAN (2.22 p.m.)—My question is again to the Prime Minister and follows his previous answer to me on the reasons for the problem in medical indemnity insurance. Is the Prime Minister aware that in April this year, during a lecture at the Centre for Public Policy at Melbourne University, previous health minister Michael Wooldridge said:

There are some issues that you simply can’t address until there is a crisis, and medical indemnity is one of them. As minister I was accused of doing far too little on medical indemnity. That is completely unfair; I did absolutely nothing whatsoever.

Prime Minister, given that the government was warned about the looming crisis in medical indemnity, do you now agree that the system is in crisis as a result of your government’s policy inaction? 

Mr HOWARD—The answer to the first part of the question is no. I am not aware of Dr Wooldridge’s speech—

Mr Crean—Oh, he is not aware!

Honourable members interjecting—

The SPEAKER—Every member of the House is aware of standing order 55. If, therefore, I have to draw anyone’s attention to standing order 55, their electorate should know that they are in fact defying the chair and the standing orders.

Mr HOWARD—I repeat that I was not aware of that address. But I am aware, now that I have had the time, that again the Leader of the Opposition has deliberately misquoted something I have said. I have actually looked up the transcript of the *A Current Affair* interview and the question that was asked of me in which the word ‘crisis’ was used was not asked specifically in relation to medical indemnity; it was asked in relation to the generality of the health system. I said then what I say now—that the Australian health system is a system that is superior to the health systems of most comparable countries around the world, and I do not think that the Leader of the Opposition does any service to the Australian health system in his frantic campaign to try to create a sense of crisis in relation to an important
public policy issue where, clearly, there are areas of deficiency and, clearly, there are areas where improvement can be made. But let me just remind the House again that, under the constitutional arrangements in this country, state governments have responsibility for running public hospitals. Public hospitals are totally controlled and administered by state governments. Successive federal governments have had no say in the administration of state hospitals in this country. The current Medicare funding agreement will provide an increase of 17 per cent in real terms over the next five years for the running of public hospitals in Australia. It remains the case that even though the federal government does not run or administer the state hospitals in Australia the federal government puts more money into state hospitals than the state governments do.

The proposition that every time there is a difficulty in the administration of the state hospitals of this country—be they in Victoria, New South Wales or Western Australia—that every time there is a problem with a waiting list or that every time somebody is not given urgent attention it is automatically the responsibility of the federal government is an absurd proposition and one that this government will continue to reject. We will accept responsibility for the things that we have responsibility for under the constitutional arrangements in this country. I go immediately to the issue of private health insurance. We have direct responsibility for private health insurance.

Mr Latham—Mr Speaker, I rise on a point of order. This is a bit like ethanol; the Prime Minister is answering the wrong question. The question was about medical indemnity, and it would be appropriate if his remarks were directed to the question of medical indemnity. I had not deemed private health insurance to be so wide of the mark as to justify my intervention. Since the Manager of Opposition Business has raised the point, I will indicate that the question did focus on medical indemnity.

Mr Howard—I am very happy, Mr Speaker, if you like and if the opposition like, to conclude my remarks by pointing out that the Leader of the Opposition completely misrepresented what I said on the Ray Martin program.

Health Insurance

Dr Southcott (2.28 p.m.)—My question is addressed to the Minister for Health and Ageing. Is the government committed to private health insurance for Australians who want it? Are there any alternative policies?

Mr Abbott—I thank the member for Boothby for his question, and I appreciate his deep commitment to private health insurance, along with that of all members of this government. This government believes that private health insurance is an important part of Australia’s health system, because it takes the pressure off our public hospitals and helps to reduce waiting lists. Unfortunately, under the former government the percentage of Australians who had private health insurance plummeted to almost 30 per cent. The percentage of Australians who had access to private health insurance has now gone up to nearly 44 per cent thanks to this government’s policies—in particular, the private health insurance rebate which this government has put in. That is nine million Australians who enjoy the added security and protection that private health insurance provides. Those nine million Australians know
where this government stands, and they deserve to know where the alternative government of this country stands. But they do not know, because members opposite do not know what they think and do not know what they stand for. Individually they know, but collectively they do not know. When asked about the private health insurance rebate, the member for Jagajaga said:

It is a huge area of expenditure and a lot of people are figuring out that it isn’t worth having.

So the Deputy Leader of the Opposition clearly wants to scrap the private health insurance rebate. When asked about it, the member for Fraser said:

There will be more than just health about which people are complaining when they see the cuts we are prepared to make.

So the macho member for Fraser and shadow finance minister certainly wants to scrap the private health insurance rebate.

Then there is the shadow Treasurer. The shadow Treasurer says that he is inclined, sort of, up to a point, kind of, to support the private health insurance rebate. But can you believe him, because this is what he has said before? Talking about the private health insurance rebate, in this very parliament he mentioned the ‘madness’. He was not talking about anyone whom he knows well; he was talking about the private health insurance—the ‘madness’ of this government’s multibillion dollar private health insurance rebate. When speaking about the private health insurance rebate, he said:

This is bad economics. It is an appalling piece of public policy.

On another occasion in this parliament, when talking of the private health insurance rebate, he went on to say:

This is a first-rate absurdity.

So we all know what the real beliefs of the shadow Treasurer are. The one person who has not told us where he stands is, of course, the Leader of the Opposition. I call on the Leader of the Opposition to state clearly whether and in what form he supports the private health insurance rebate so that nine million Australians can plan their health future with security and confidence.

Insurance: Medical Indemnity

Ms GILLARD (2.31 p.m.)—I fear that I am going to disappoint because my question is to the Treasurer as minister responsible for medical indemnity and assisted by Senator Coonan. I refer him to Senator Coonan’s media release of 1 October 2003 entitled ‘Paying for doctors’ past mistakes?’ in which she, on his behalf, defended the government’s medical indemnity package, stating:

While today’s announcement that five doctors will leave Western Sydney Hospitals is disappointing, half-truths and scare tactics about the medical indemnity situation are counterproductive—

... taxpayers cannot be expected to foot all the bills for claims against UMP for negligence of doctors. That is why the levy scheme is in place, after full consultation with the medical profession. It was a condition of the rescue operation.

Given that just two days later, the incoming Minister for Health and Ageing overturned the Treasurer’s policy, does the Treasurer stand by the statement that his assistant minister made just last week or was he rolled by the new minister for health?

Dr Emerson interjecting—

The SPEAKER—Member for Rankin!

Mr Zahra interjecting—

The SPEAKER—The member for McMillan is warned!

Mr COSTELLO—I thank the honourable member for her question; no doubt she has spent many days setting out that tricky little formulation. But we do get up early in the morning and we can see these tricky little
questions when they are coming. We do like stepping down the crease every now and then and actually hitting them gently out towards the boundary, so I thank her. I will say in answer that Senator Coonan is a minister in her own right.

Opposition members interjecting—

Mr COSTELLO—Surprisingly enough, she is a minister in her own right and is perfectly capable of handling the indemnity issue and has very well indeed—not on my behalf but because she happens to be a very talented person in her own right. The point that Senator Coonan made was simply this: in relation to the doctors’ mutual, because there had been underpricing in relation to tort law and there had been large verdicts, the mutual was not able to deal with all claims which had been incurred but not reported. As a consequence of that, the government stepped in with financial accommodation of the order of $400 million or $450 million. It gave the financial accommodation to the doctors to handle those claims, and under Senator Coonan’s guidance has gone back to all of the states and argued for tort law reform to put this on a proper basis.

That tort law reform, incidentally, was opposed by some of the states, in particular the Victorian Labor Party, under pressure from trade union lawyers, some of whom the honourable member may well be familiar with—over the years they have made quite a deal of money out of this particular area. In return, what the government said was that the liability, which the taxpayer had picked up, would be recovered over time on an orderly work-out through a levy for incurred but not reported claims. For those who had retired there would be an exemption in relation to those claims. For those that would have had abnormal expenses there would be financial accommodation and an equalisation.

What the new minister for health announced the other day was that the incurred but not reported levy would be paid up to $1,000 but there would then be an actuarial investigation in relation to the recovery of the balance after allowance had been made for the tort law reform with the hope that it would reduce liabilities. That is what he announced. Nobody could argue with the proposition that you would do an actuarial analysis to actually see the amount that was involved. But there is one point where we would disagree with the AMA and it is this: the AMA has regularly called the IBNR levy a tax. It is no such thing. The IBNR levy is the recovery of a premium for a legal liability. Doctors are not the only profession that has professional insurance. Accountants, auditors, engineers and lawyers all have professional indemnity insurance. They all pay premiums. None of them actually call it a tax because it is a premium for an insurance—that is, a product which you get by way of indemnity.

In addition to that, can I also point out that those levies are in fact tax deductible—that is, they are a necessary expenditure incurred in the course of carrying on a business and earning income. So it is a tax deduction in the hands of the doctors for an orderly work-out for a taxpayer to pick up in relation to a problem which emerged which will be addressed with tort law reform. It has been handled brilliantly by Senator Coonan, with the addition and the expertise of the latest but greatest, in the last couple of days, new minister for health.

Economy: Fiscal Policy

Mr SOMLYAY (2.37 p.m.)—My question is also to the Treasurer. Would the Treasurer advise the House of the results of the final budget outcome for 2002-03? What is the government’s approach to fiscal policy? Are there any alternative approaches?
Mr COSTELLO—The government reported last week the final budget outcome for the budget ended 30 June 2003. After seven budgets for which we now have a final budget outcome under the Howard government, this was the fifth budget surplus. It was a surplus of $7½ billion or one per cent of GDP. That will reduce Commonwealth net debt. Since this government has been in office, Commonwealth net debt has now been reduced by a record $66 billion.

The budget outcomes prior to the election of this government—and one will bear in mind that the member for Werriwa has just announced that Labor is the party of the surplus rather than the deficit, so it may well be worth reminding the House of this fact—were that, in the last Labor budget, the budget deficit was $10 billion or two per cent of GDP. In the budget before that, the deficit was $13 billion or 2.8 per cent of GDP. In the budget before that, the budget deficit was $17 billion or 3.8 per cent of GDP. In the budget before that, Labor’s fourth last budget, it was $17 billion or four per cent of GDP. In the budget before that, it was $11½ billion or 2.9 per cent of GDP.

Dr Emerson interjecting—

The SPEAKER—I warn the member for Rankin!

Mr COSTELLO—As a consequence of that—and this is the figure I would ask the House to bear in mind—when this government was elected, the servicing of Commonwealth debt required $8.5 billion of taxes. Because that debt has now been reduced by $66 billion, the servicing of Commonwealth debt now requires $3.6 billion. That is a built-in saving to the budget of $5 billion year after year. Because we have reduced debt, we have a recurrent annual saving of $5 billion to the budget.

Mr Tanner interjecting—

The SPEAKER—Member for Melbourne!

Mr COSTELLO—if Labor’s position were still in place, we would have to raise another $5 billion of taxes to service the Labor debt.

Mr Tanner interjecting—

The SPEAKER—For the second time, member for Melbourne!

Mr COSTELLO—but by getting the Labor debt down by that $66 billion, we now have a built-in saving to the Commonwealth budget of $5 billion a year. I say to the taxpayers of Australia: we can therefore have the same outcome on $5 billion of better expenditure or $5 billion of less tax.

I described the member for Werriwa earlier as an Aladdin’s cave of conflicting and confused economic analysis. As recently as August, he was complaining that the budget surplus was running on empty. We had a budget outcome of $7½ billion, one per cent of GDP, and the member for Werriwa had this to say on 6 August 2003:
With the budget surplus running on empty, Mr Costello has abandoned responsible fiscal policy ... Apparently it is not responsible fiscal policy to have a one per cent surplus. Apparently the member for Werriwa—who is now claiming to be the man of fiscal rigour—believes that the one per cent was not enough. What did the member for Lilley say of the member for Werriwa? ‘Men in tights jumping across the stage yelling slogans’.

The member for Werriwa is trading on the fact that the press will not hold him responsible for his statements. At 11 o’clock at night he is against negative gearing; by 11 o’clock the next day he is in favour of it. In August he thought we were not running a strong enough fiscal policy; today they think it is too great. We will hold the Labor Party accountable. We will make sure that the member for Werriwa is accountable for his statements because the people of Australia need good economic policy, and there is only one side of Australian politics that can deliver good economic policy. It is and always has been the coalition.

Medicare: Reform

Ms GILLARD (2.44 p.m.)—My question is to the Minister for Health and Ageing. I refer to the regular reports prepared by staff of his department on the calls received to the government’s own Medicare information hotline. Is the minister aware that these reports reveal that callers felt that ‘low-income families without concessional status were being hard done’? Given that the government’s Medicare hotline confirms Labor’s claim that the government is destroying Medicare, will the minister now adopt Labor’s plan to get doctors bulk-billing again by lifting the Medicare rebate to 100 per cent of the scheduled fee and providing targeted incentive payments? Will the minister guarantee that changes he will make to the government’s Medicare package will provide incentives to doctors to bulk-bill all Australians and not just concessional card holders?

Mr ABBOTT—The member for Lalor has no credibility, and she will never have credibility until she has her colleagues withdraw the dodgy brochures and the push petitions which her staff have admitted are wrong and are based on a lie.

Ms Roxon interjecting—

The SPEAKER—The member for Gellibrand!

Ms Roxon interjecting—

The SPEAKER—Is the member for Gellibrand hard of hearing?

Mr Latham—Mr Speaker, I raise a point of order. The question was about the government’s own hotline; it was not about the Labor Party’s petitions. We are simply Australians for honest politics.

The SPEAKER—I was listening closely to the minister’s response and I presumed that that was a preamble to his answer.

Mr Bevis—How is the worst day in office?

Mr ABBOTT—Welcome to the club. This government’s position on bulk-billing is exactly the same as that of Neal Blewett, who was the architect of Medicare. We think bulk-billing should be available but should not be compulsory. Let me quote what Dr Blewett said:

What we have mostly in this country is ... compassionate doctors using the bulk billing facility to treat pensioners, the disadvantaged and others who are not well off or who are in great need of medical services, which was always the intention.

That is what Neal Blewett said and that is the position of this government. If members opposite are serious about our health care system and about extending and strengthening Medicare, they would take a much more
constructive attitude to the A Fairer Medicare package now in the Senate.

Ms Gillard interjecting—

The SPEAKER—The member for Lalor has asked her question.

Trade: Free Trade Agreements

Mr JOHN COBB (2.47 p.m.)—My question is to the Minister for Trade. Would the minister inform the House of the likely impact a free trade agreement with the United States would have on Australia’s capacity to ensure the delivery of local content on television and radio?

Mr VAILE—I thank the honourable member for Parkes for his question. At the outset, I assure him that he will be able to continue watching his favourite Australian produced programs on TV. The local content rules that are in place to ensure that we maintain an audiovisual industry in Australia certainly are not under any threat as far as the negotiations for a free trade agreement with the United States are concerned.

Mr VAILE—I thank the honourable member for Parkes for his question. At the outset, I assure him that he will be able to continue watching his favourite Australian produced programs on TV. The local content rules that are in place to ensure that we maintain an audiovisual industry in Australia certainly are not under any threat as far as the negotiations for a free trade agreement with the United States are concerned.

Over the weekend or yesterday I saw some suggestions from professionals in the audiovisual industry that Australian TV programs and films would disappear as a result of the negotiation of a free trade agreement with the United States. This is simply not true. We are not going to negotiate away our ability as a nation to ensure the objectives of those policies of local content. We have made that quite clear. In fact, during wide-ranging consultations with the industry—

with actors, producers, directors and writers—over the last couple of months, my colleague Senator Kemp and I have made that point to the industry and have maintained close contact with the industry as we have discussed with the United States the issues surrounding access for audiovisual product. In fact, the US chief negotiator, Ralph Ives, has stated that the US is not seeking to abolish either broadcast quotas or subsidies in Australia. Of course, we want to continue to see that we have a vibrant and viable industry in Australia so that we can provide a training ground for the many world famous actors and actresses now performing particularly in the United States and on screens across the world.

The free trade agreement with the United States is comprehensive; it has to be. When we embarked on this, we said that it would be—that we would cover all areas. We are having mature and rational discussions with our counterparts in the United States about all sectors of the economy, because it is all about drawing the two economies closer together to drag out of that arrangement the best economic outcome we can. It has been forecast to be worth billions of dollars to the Australian economy, and we are not going to walk away from an opportunity of delivering that to future generations of Australians—and that goes right across the board. We have seen some of the scare tactics that have come from some in the community and certainly from some on the other side of the parliament regarding this issue of audiovisual, the issue of the Pharmaceutical Benefits Scheme and others, and at each stage we have proven those allegations and those scaremongering tactics to be without base and unfounded.

So I assure the House and the broader Australian community that we will not sell out the Australian film and television industry in these negotiations and that it is simply not true that we are going to lose local content from Australian television screens. I assure the member for Parkes that he will still be able to watch his 55 per cent Australian content on free-to-air TV, his 10 per cent local content on pay TV and all the ABC programs that he watches and that will continue to get screened without any quota at all. Australian consumers, month in and month out, subscribe to the fact that they want to continue to watch Australian local content.

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We want to continue to see it being produced in Australia, and we want to be able to continue to export that product overseas—and not just the product but also the actors and the actresses.

For the information of the Leader of the Opposition, we are fully engaged with the United States negotiators on this issue and right across the board as far as the free trade agreement is concerned because we believe it will benefit the Australian economy to the tune of billions of dollars in the future. What we want to know is what the Australian Labor Party’s position is and what it is going to do in supporting those opportunities for Australian jobs in the future.

Insurance: Medical Indemnity

Ms GILLARD (2.52 p.m.)—My question is to the Minister for Health and Ageing. Is the minister aware that the Australian Medical Association expects that over the next couple of days up to 200 doctors will walk off the job in public hospitals and that this total includes four orthopaedic surgeons and one ear, nose and throat specialist at the Nepean Hospital? What guarantees can the minister give the members for Lindsay and Macquarie that patients waiting for surgery in their electorates will not have that surgery delayed?

Mr ABBOTT—I certainly do concede that it is a very serious situation when you have these medical specialists leaving their posts. I do concede that is a very serious situation, and people are entitled to be concerned about that. But I make this point: late last week they were saying that they were resigning because of the IBNR levy. If they are still resigning it is not because of the IBNR levy, because on Friday we put an 18-month moratorium in place. What that means is that if they are resigning it is not because of the policies of this government. I would respectfully appeal to those doctors: please do not leave your posts and please do not let your patients down, because this government will not let those doctors or patients down.

Mr Martin Ferguson—You never talked to Martin Kingham like that!

The SPEAKER—The member for Batman is warned!

Immigration: Settlement

Ms PANOUPOULOS (2.54 p.m.)—My question is addressed to the Deputy Prime Minister and Minister for Transport and Regional Services. Would the Deputy Prime Minister explain to the House how the government’s immigration programs help migrants to settle in regional Australia, and are there any alternative policies?

Mr ANDERSON—I thank the honourable member for her question and acknowledge her real interest in creating investment and jobs in regional areas, because that is a prerequisite if you are going to try and encourage migrants into those areas. There are a number of immigration programs and measures in place now to encourage migrants to settle in regional areas. The now Attorney-General has certainly put a lot of work into this over time. Those programs are not only being continually enhanced but also making a real difference. A number of them would include the increasing of a number of potential skilled migrants and the number recorded on the skill-matching database, and that has led to a three-fold increase in numbers on the database. In the middle of last year we increased temporary residence visas for doctors in areas of need for up to four years, and the numbers there continue to grow strongly. We have made changes to the long-term business category to make it easier to sponsor migrants to regional areas, and from July of this year there is a bonus points scheme—one that I know the now Attorney-General put a lot of work into and that we talked about at great length—for overseas
students prepared to study and work in regional areas for a certain amount of time.

I was asked about alternative policies, and I made the comment at the beginning that if you want to attract people into rural and regional Australia the first thing you have to do is make certain that there are some job and life opportunities there for them. I note that the Leader of the Opposition seems to have discovered this area over the weekend. While I note with approval his new found interest in the matter, I have to say that he will have to do a little more work if it is to come together for him. If he is serious, there are five areas that I can think of that he can really seek to address if he wants to see more job opportunities in regional areas. The first would be to walk away from the massive new taxes he wants to impose on the mining industry, because it is a major employer in rural and regional areas. Not only does it have a lot of existing jobs—the member for Hunter knows all about this; he understands small business and mining—it also offers the potential for a lot of new jobs.

Over and above that, he could cease Labor’s obstruction to the workplace relations amendment bill so that small businesses can employ his new regional migrants with confidence. He could then also acknowledge that a major new industry that regional Australia wants to support is ethanol—and who is standing in the way of that with a scare campaign? The Labor Party. He could move on to have a talk to his state colleagues—the leaders of all the states—about their utterly pitiful support for regional Australia in the worst drought for 100 years.

Finally, as the member for Indi would know, nothing will destroy confidence for investment in jobs in regional areas more than the sort of ad hoc approach adopted in relation to the Living Murray that the Leader of the Opposition is outlining. Our approach, which will ensure that there is consultation, that there is science and that there is a recognition of people’s property rights, will restore investment confidence in jobs—yours will undermine it. There are five areas where we will all wait with bated breath to see whether you do anything at all to secure some job and investment opportunities in regional Australia for migrants to enjoy.

Insurance: Medical Indemnity

Mr ABBOTT—Mr Abbott: I certainly do accept the member for Prospect’s imputation or point that a lot of doctors late last week were very angry, and they were citing the IBNR levy as a reason for potentially withdrawing services from Sydney hospitals. This government did not sit on its hands; this government acted swiftly. We put an 18-month moratorium in place on all IBNR levies over $1,000, so any doctor who is thinking of resigning or retiring because of the IBNR levy now has no reason to do so. I would call on the doctors of Western Sydney to continue to work with this government, to continue to work with the state government—which has responsibility for public hospitals—to try to ensure that all Australians continue to have access to high-quality affordable health care.
Education and Training: Apprenticeships

Mr CHARLES (3.00 p.m.)—My question is addressed to the Minister for Education, Science and Training. Would the minister inform the House of the success of the new apprenticeship campaign, which is focused on attracting young people back into traditional trades? Is the minister aware of other statements or policies likely to have a detrimental impact on the access of young people to training opportunities?

Dr NELSON—I thank the member for La Trobe for his question and his great contribution to Australia and his advocacy for the Berwick campus of the Chisholm Institute of TAFE. On 27 June this year, the government announced its marketing and promotion campaign for new apprentices. This year we have 396,000 Australians—more than half of them under the age of 25—undertaking apprenticeships and training. About 136,000 of those are in traditional trades and occupations. Not content with this, however, this government is determined to see that young people and their parents in particular see apprenticeships and training as being just as highly valued by this country as going to university or undertaking any other form of education and training.

We have conducted this campaign focusing on construction and building, hospitality, the restaurant industry and hairdressing. These are bread-and-butter, core occupations for many Australians and great careers for young people in particular. In fact, when the Holden racing team takes to Mount Panorama for the Bathurst 1000 this coming weekend, its livery will include the promotion of the Howard government’s New Apprenticeships program. In the last year in particular, we have had a six per cent increase in commencements for young people starting apprenticeships in traditional trades.

I am asked about possible obstacles to further promoting and undertaking apprenticeships, particularly by young people. Last week the Victorian government announced that it will be increasing up-front fees in TAFE by 25 per cent. That means that students at the Berwick campus of the Chisholm Institute of TAFE, who disproportionately come from low-income families, will be met at the gates of the TAFE with a compulsory, up-front, no loan available, fee increase of 25 per cent. Further to that, in its May budget this year, the Victorian government announced it would withdraw $210 million in payroll tax exemptions for employers of apprentices over four years. This is a $210 million tax on the employment of young people as apprentices in Victoria.

What have we heard from the federal Labor Party about this? While the member for Jagajaga and the Leader of the Opposition roam around the country expressing concern for double-income families graduating as lawyers and dentists and about a possible increase in HECS charges of up to 30 per cent—every dollar going into improving their education—not a single word has been said by the Australian Labor Party leadership about a 300 per cent increase in TAFE fees in New South Wales, a 25 per cent increase in TAFE fees in Victoria or full fee paying degrees of $12,000 in Victorian TAFEs—no loans available there. Not a word has been said by the Labor Party on a 50 per cent increase in TAFE fees for apprentices in South Australia. The Labor Party has absolutely no credibility in any of its arguments in relation to education and training so long as it is not prepared to stand shoulder to shoulder with the member for La Trobe, and the other members on this side, and argue against these outrageous taxes on young people who are trying to get apprenticeships and training throughout Australia.
The only person on the Labor frontbench who has said anything to explain Labor’s position in relation to this is the member for Grayndler. On 15 September in this House the member for Grayndler described the actions of state governments as them balancing their books. One thing the Labor Party should not do is balance the books of TAFE and apprenticeship and training opportunities with the career aspirations of young people who want to get into apprenticeships and training and with the career aspirations of their families for them.

Health and Ageing: Accommodation Places

Ms ELLIS (3.05 p.m.)—My question is to the Minister for Ageing. Is the minister aware that three aged care facilities in Victoria are currently under receivership and that the receivers told one family that moneys cannot be found in one of those facilities, which could result in the family losing some or all of the bond refund that they are entitled to? Is the minister also aware that the Department of Health and Ageing has been contacted by the representatives of the former residents regarding the non-payment of the accommodation bonds. We require—and the department requires—that the payment of those bonds be taken from the proceeds of the sale which is currently under way. So the matter is in hand. This government will ensure that the people in question are not without their accommodation bonds.

Trade: Live Animal Exports

Mr HAWKER (3.08 p.m.)—My question is to the Minister for Agriculture, Fisheries and Forestry. Minister, will you provide an update on the Cormo Express and the government’s efforts to secure a market for the 52,000 sheep on board?

Mr TRUSS—I thank the honourable member for Wannon for his question. He represents many of the sheep growers of Australia who have a particular interest in this trade—although, to be fair, the sheep on board the Cormo Express come from Western Australia and not from the electorate of Wannon.

On 21 August the Cormo Express and its cargo of 57,000 sheep was rejected by Saudi authorities because of claims that the sheep had a high level of scabby mouth. There is a specification which allows up to five per cent
of scabby mouth on sheep for this trade. The Australian vet on board the vessel is an experienced vet who has made many trips. He believes that the percentage of sheep on the vessel with scabby mouth was about 0.3 per cent. The Saudis initially claimed it was 30 per cent and then later adjusted that figure to six per cent. For whatever reason, they rejected that shipment and, since that time, the government, in cooperation with the shipper and others associated with the trade, has been seeking a satisfactory destination for the sheep. We do not fully understand the reason for the rejection, but other countries have joined in refusing to receive the sheep on the basis of the Saudi’s original rejection because of scabby mouth.

This is an important trade for Australia. It involves about 1.5 million sheep. Indeed, our live trade to Saudi Arabia last year was worth about $195 million. But, clearly, we cannot have this trade continue whilst there is this uncertainty about whether or not shipments will be accepted in that country. So, on 26 August, I moved to ban any further shipments to Saudi Arabia whilst these issues are unresolved. I point out that trade to other countries in that region has proceeded without incident. There have been 10 ships subsequently unloaded at other destinations in that area without any incident.

Obviously our priority is to seek to find a new destination for the sheep on board the Cormo Express. The vessel is currently in Kuwait and is taking on additional provisions to enable it to go to sea again. Whilst in Kuwait there has been a small fire on board, and that has delayed the taking on of provisions. We now expect it will be Wednesday or probably Thursday before it is able to leave Kuwait. Whilst the Cormo Express has been in that port, the Australian Chief Veterinary Officer, Dr Gardner Murray, has boarded the vessel to inspect the sheep and also arranged for an international vet—Dr Ghazl Yehia, from the OIE—to inspect the sheep for an independent assessment. I think it is very important that there be this public assurance in relation to the health and quality of the sheep, and the best way to get that kind of independent assessment was through the OIE.

In his official report, the OIE veterinarian confirmed that the sheep on board the Cormo Express are fit, healthy and suitable for human consumption. He has confirmed that there is no evidence of any infectious or contagious disease and there is no evidence of any disease to suggest a consignment would be unsuitable for admission to any country in the region. He has also said that there is no evidence that there has been a significant outbreak of scabby mouth aboard the vessel at any time during the voyage. This comprehensive report backs up the Australian assessment that these sheep are in good health. This report has been provided to around 25 countries in the region which originally expressed concern about the health of the sheep, with a request that they reconsider their objection to receiving the sheep.

There have been any number of offers to receive the sheep—any number of potential places where the sheep could be placed—both for commercial reasons and as aid. However, to this date, none of the relevant countries have been prepared to grant an import consent. Our efforts—diplomatic, commercial and with the trade—have been directed towards seeking to obtain consent from a country to enable the sheep to be unloaded somewhere in the region. That remains our priority. It is clearly the best outcome for the sheep, and major efforts are being devoted to that purpose.

In the event that something cannot be achieved in that regard, we are also naturally working on the fallback options of either slaughter somewhere else in the region or
returning the sheep to Australia under very strict quarantine conditions. I emphasise that our preferred position remains that we find a destination in that region for the sheep. Our priority is the welfare of the sheep. In those circumstances, I would hope that we would have the support of all members of the House in seeking to secure a satisfactory negotiation so that a destination can be found quickly.

Health and Ageing: Aged Care

Ms ELLIS (3.14 p.m.)—My question is again to the Minister for Ageing. I refer to the answer that the minister gave to the previous question, where the minister gave a guarantee for the payment of residents’ bonds in the two homes referred to in Victoria. Can the minister guarantee the accommodation bonds of the residents of all aged care facilities?

Ms JULIE BISHOP—I thank the member for her question. The fact is residents’ bonds are subject to agreement between the particular resident and the particular approved provider. Approved providers are required to repay bonds within a specified period on the departure or death of the resident and in the case there has been a receiver or a manager or—as in one case—a liquidator appointed.

But what the Australian government has done is establish a number of protections for the bonds of residents in aged care homes. For example, if a home is sold the purchaser is responsible for repaying the bonds and this is factored into any sale negotiation. Aged care places cannot be transferred to another provider without the approval of the department. The point is any approval would include an agreement from the purchaser to repay bonds as they fall due and the amount of resident bonds, in the event that the opposition is interested in that, is in fact protected information under the Aged Care Act 1997.

Automotive Industry: Performance

Mr McARTHUR (3.16 p.m.)—My question is addressed to the Minister for Industry, Tourism and Resources. Would the minister update the House on the recent contribution of the automotive sector to the performance of Australian manufacturing and the creation of jobs for Australians? How does the recent performance of the manufacturing sector compare to the performance of other industry sectors within the economy?

Mr IAN MACFARLANE—I thank the member for Corangamite for his question. He is a very staunch proponent of the manufacturing sector, and not only in his electorate. He was a very staunch supporter of what we did for the automotive industry, which was to give them tariff certainty. I am sure that has been a major contributor in terms of where that industry is going.

Last month we saw unemployment figures reaching a new level in recent history: below six per cent. That is due in substantial part to the contribution of the manufacturing industry, and particularly the car industry. We saw in September the car industry reach a record sales level for September with a rise of 18 per cent on the 2002 figures for that month.

I met this morning with Peter Sturrock from the FCAI. While of course we were both being optimistic, it is not beyond chance that next year we will see the car industry actually exceed one million new vehicle sales in Australia, based on a projection this year of some 875,000 new vehicles. Not only does that encourage the motor industry to invest in infrastructure, and we are seeing Holden spend some $408 million; it also creates new jobs in the industry—some 1,000 new jobs in the Elizabeth plant in South Australia alone.

In terms of other manufacturers, Mitsubishi has announced confirmation of its expansion of some $1 billion, and we see Ford and
Toyota continue in their investment. What that means is more jobs in Australia, very much as a result of the package we put in place last year in the Automotive Competitiveness and Investment Scheme.

All this is happening at a time when the automotive industry is propelling itself onto the world stage, a world automotive stage which is suffering some poor global conditions. The automotive sector is not the only sector that is successful in Australia. If we look at some recent figures that were produced by the Australian Industry Group—the performance of manufacturing index—and the ACCI-Westpac survey, we see that these two surveys confirm continuing growth in the placement of new orders and a growth in expectations.

I am asked how the manufacturing sector compares with other sectors in terms of its performance. It is interesting to note that the service sector is continuing to improve as well and in fact has increased its growth to the highest level in the last eight months. A lot of that growth is coming from areas which have seen some difficulty as well, again reflecting the general confidence that is out there in the industry, particularly if we look at the hospitality and hotel sectors, which have been working hard to recover.

We are seeing that those industries are moving forward with confidence, have grown on the back of a strong economy and have increased the linkages between the service industry and the manufacturing industry. Not only does this mean that we as Australians have confidence in our economy; it also means that the businesses and industries associated with that growth are putting in place more jobs for more Australians.

Insurance: Medical Indemnity

Mr WINDSOR (3.21 p.m.)—My question is to the Prime Minister. Prime Minister, in a bid to preserve patient rights and provide long-term security for doctors, will the government undertake to examine taking over financial responsibility for the liability of medical indemnity claims notified after three years for adults and six years for children as a means of providing a lasting solution to the current situation?

Mr HOWARD—I am not a person who, out of hand, accepts or dismisses suggestions that are made. I will examine that proposal, but let me make this observation: the idea that for a class of procedures and a class of cases you totally remove any concept of insurance for professional negligence represents a very big step away from notions of personal responsibility. As the Treasurer rightly pointed out in the answer he gave earlier, doctors are not the only people in the community who must insure against professional negligence.

I think what has happened is that the verdicts that have been awarded have driven premiums too high—that really is the core of the problem. On top of that there have been issues in relation to UMP, which insures about 60 per cent of doctors around Australia. You have had very careless premium setting policies—in contrast, I might say, to the policies of other medical defence organisations. I have had a number of complaints from doctors in Tasmania and Victoria who said, ‘Our premium policies were different.’ But I think the House ought to bear in mind that there has been a significant problem with insurance generally around the world. Premiums for professional negligence have gone up. You must remember that HIH got into trouble largely because of the difficulties in its professional indemnity area rather than in other areas. As I always do with suggestions that are made in this House, I will examine it; but I would want the member for New England to bear those comments in mind because they will very heavily condition my attitude.
Mr Speaker, while I am on my feet, could I add to an answer given by the Minister for Health and Ageing?

The SPEAKER—It is customary to add to answers at the end of question time, Prime Minister.

Mr HOWARD—Thank you, Mr Speaker.

Environment: Salinity and Water Quality

Mr RANDALL (3.24 p.m.)—My question is addressed to the Minister for Agriculture, Fisheries and Forestry. Would the minister advise the House on the progress in Western Australia of the implementation of the National Action Plan for Salinity and Water Quality? This question comes on top of last Wednesday’s announcement by the environment minister of $1.8 million in funding in my electorate of Canning.

Mr TRUSS—I thank the honourable member for Canning for his question, and I also thank the members and senators from Western Australia for the way in which they have pursued the implementation of natural resource management policies in their state and particularly for their endeavours to secure appropriate levels of funding for Western Australia. I think everyone knows that many of the salinity problems in Western Australia are perhaps more extensive than in other states, although many land-holders have of their own initiative undertaken significant salt mitigation measures. It is important that there be comprehensive and overall planning to address salinity issues in Western Australia.

I am pleased to advise the House that, at long last, Western Australia has signed a bilateral agreement for the National Action Plan for Salinity and Water Quality. Some two years after the original agreement was reached, Western Australia has finally become the last of the states to sign up, so that money can start to flow to Western Australia to deliver outcomes under this very forward thinking program. Unfortunately the program in Western Australia, at least at this stage, will be only a shadow of what we had hoped. Western Australia has agreed to take up only $31 million of the $158 million that the Commonwealth was prepared to offer that state. Western Australia wanted credit to be given for past expenditure and funding for a whole range of projects which were not really developed under the concepts and philosophies of the national action plan.

The Commonwealth has given Western Australia until its next budget to come up with the additional $127 million over the life of the program so that the full amount provided for Western Australia can indeed be spent in that state. Of course, if WA is unwilling to make that sort of contribution then, as the Commonwealth is anxious to get some value for its money, the Commonwealth will have to talk about other ways in which the money can be spent in other states, but it is certainly the Commonwealth’s priority to have the funding flowing to Western Australia, where it can achieve obviously significant benefits.

For five regions in Western Australia—the south coast, the south-west, the Avon, the Ord and the northern agricultural areas, which are amongst the 21 selected catchments under the national action plan—this funding will enable some money to at last flow to Western Australia to get the national action plan operating in every Australian state, and we hope that WA will see the benefits of this program and commit the full allocation of funding very soon.

Trade: Live Animal Exports

Mr FITZGIBBON (3.27 p.m.)—My question is also addressed to the Minister for Agriculture, Fisheries and Forestry, and concerns the MV Cormo Express fiasco and the indication he gave in his earlier answer that bringing the sheep home remains an active
option. Can the minister confirm that he has received a letter from Australia’s peak wool industry body raising serious concerns about the disease threat to the wool industry if the sheep are returned to Australia? Is the minister also aware that his counterpart in the Northern Territory has already ruled out offloading the sheep in Darwin, due to a potential blue tongue disease threat? Can the minister confirm that Labor wrote to him over a week ago requesting that he make available the import risk analysis of the quarantine risk of the return of the sheep to Australia? Minister, what is the government trying to hide by not releasing the quarantine risk report?

Mr TRUSS—That question is as jumbled as has been the Labor Party’s total response to this issue over the last three to four weeks. Initially they criticised me for banning future exports to Saudi Arabia until these issues were resolved, and a day or two later they withdrew that objection and in fact commended me on having taken such an action. That is fairly typical of their responses: full of criticism but never any constructive suggestions. As I indicated in my earlier response, the government’s priority is to seek to find a destination for the sheep that is close to their current location. That is by far the best outcome from an animal welfare perspective and, indeed, from the point of view of dealing with all the other issues associated with this particular shipment.

However, it would be irresponsible—particularly after 20 countries have initially spurned our responses—if we did not also look at what the fallback options might be. There are essentially two. The first would involve slaughter, either at sea or at some other location, and the second would be to return the sheep to Australia, obviously under strict quarantine conditions. There are a range of quarantine risks associated with bringing the sheep back to Australia. I would remind the House that the independent veterinary report states that the sheep are currently in good condition and disease free. They are Australian sheep and would be returning to Australia. However, they have been in a location where there are some pests and diseases which are exotic to Australia, and those are issues which we would need to deal with. Biosecurity Australia are doing an assessment of the various issues and how we would need to respond to each of those disease issues if a decision is made that, at some stage, the sheep are to be brought back to Australia.

In relation to the Northern Territory’s indication that it would be inappropriate for the sheep to be unloaded at Darwin, because of blue tongue disease, it is true that, in Northern Australia—particularly at this time of year—the blue tongue virus is active and can be fatal for sheep. I have indicated that, because of the potential risk of blue tongue, it is unlikely that it would be practical to bring the sheep back to any location in Northern Australia. There are still plenty of other options which might be available, but our preference remains finding a destination for the sheep close to where they currently are.

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

QUESTIONS WITHOUT NOTICE:
ADDITIONAL ANSWERS

Insurance: Medical Indemnity

Mr ABBOTT (Warringah—Minister for Health and Ageing) (3.31 p.m.)—Mr Speaker, I seek the indulgence of the chair to add to an answer.

The SPEAKER—The Leader of the House may proceed.

Mr ABBOTT—In question time today, the member for Prospect asked me what I was going to do about the health care crisis in her electorate. Whatever else might be going on in her electorate, there is no bulk-
billing crisis. I can inform her that the latest figures for bulk-billing in the Prospect electorate are 96.9 per cent.

PERSONAL EXPLANATIONS

Mrs CROSIO (Prospect) (3.32 p.m.)—Mr Speaker, I wish to make a personal explanation.

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

Mrs CROSIO—Yes, I do.

The SPEAKER—Please proceed.

Mrs CROSIO—I have been misrepresented in the answer just given by the Minister for Health and Ageing. I have always known and acknowledged that 97 per cent of doctors in my electorate bulk-bill. What I asked the minister is what that 97 per cent are going to do if the doctors—

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

Mr McMULLAN (Fraser) (3.33 p.m.)—Mr Speaker, I wish to make a personal explanation.

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

Mr McMULLAN—Yes.

The SPEAKER—Please proceed.

Mr McMULLAN—I was also misrepresented by the Minister for Health and Ageing. He had a rather bad first day. The Minister for Health and Ageing accurately quoted me but misrepresented and misinterpreted my remarks that many more people would complain about the cuts we were making. He interpreted me as saying that I was calling for the abolition of the private health insurance rebate. That is the exact opposite of what I said on that occasion. I said that it would not be abolished; it was being reviewed. That remains my position. He totally misrepresented my position, as he did that of all the members who spoke—the member for Jagajaga and others.

Mr MURPHY (Lowe) (3.34 p.m.)—Mr Speaker, I wish to make a personal explanation.

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

Mr MURPHY—Yes. The Minister for Health and Ageing gave me an uppercut and a left hook in question time today.

The SPEAKER—The member for Lowe may discover that the Speaker will also take action. I ask him the question: does the member for Lowe claim to have been misrepresented?

Mr MURPHY—Most grievously.

The SPEAKER—Please proceed.

Mr MURPHY—The Minister for Health and Ageing, like the Prime Minister during the last sitting, drew attention to my letters to my constituents and Medicare petitions. I make the point again: that is not push polling. I also make the point that, under the Howard government’s Medicare policy, the government will be charging my constituents $20 more—

The SPEAKER—The member for Lowe will resume his seat.

QUESTIONS TO THE SPEAKER

Question Time

Mr KELVIN THOMSON (3.35 p.m.)—Mr Speaker, in question time on 18 September 2003, you said to the Leader of the Opposition:

I point out to the Leader of the Opposition that the style of answering questions by asking rhetorical questions is not outside the standing orders…

I would ask that you reconsider this statement on two grounds: firstly, there is no provision in the standing orders for ministers to ask questions. The purpose of question time
is for the parliament, on behalf of the nation, to hold the executive accountable; secondly, the asking of questions across the table incites responses which are, in turn, disorderly. This was raised as far back as 1914. The *House of Representatives Practice* says:

... the Chair has suggested that Members refrain from adopting an interrogatory method of speaking which provokes interjections.

Mr Speaker, I took this up with your predecessor, Speaker Halverson, back in May 1997. He acknowledged in his reply that members should refrain from adopting an interrogatory method of speaking which provokes interjections. It also offends standing order 59 in many cases. Given this, I would ask that you review your statement of 18 September.

The SPEAKER (3.36 p.m.)—As I recall the instance, it was a case—and I will stand corrected if I am wrong—of the Treasurer addressing questions to government members which were invoking a response, and it was in that context that I used the remark. If I am in error, I will come back to the member for Wills. I do, however, recognise the comments made by Speaker Halverson and I would uphold them. I thought the way in which I was involved in this was a case of the Treasurer asking questions of the government side of the House rather than questions directed to the opposition or the Leader of the Opposition, but I will check the transcript and come back to the member for Wills.

Addresses by the President of the United States and the President of the People’s Republic of China

Mr LATHAM (Werriwa—Manager of Opposition Business) (3.37 p.m.)—I have a question for you, Mr Speaker, and it concerns your role as one of the Presiding Officers. Are you able to provide information to the parliament about the proposed sittings on the 23rd and the 24th of this month for President Bush and President Hu, particularly to meet the desire of members on this side—and, I am sure, of the Australian public—that the parliament undertake a full day’s work and be a fully functioning parliament for the two days rather than just clocking on for half an hour on each day and then clocking off? What will be the arrangements on the 23rd and the 24th of October and will the Australian people get value for money out of the public cost of bringing the parliament back for two days—hopefully for more than half an hour on each day?

The SPEAKER—I will respond briefly before recognising the Leader of the House. Let me indicate that the Speaker’s role in this is to facilitate whatever is the House’s wish. The Speaker convenes the parliament on the resolution of the House, at its rising, at the point of adjournment. So whatever the Speaker does will be determined by the resolution of the House during its debate or at a point of adjournment.

Mr ABBOTT (Warringah—Leader of the House) (3.38 p.m.)—On indulgence, I would like to inform the member for Werriwa that it is the government’s intention to precisely follow the precedent established on 2 January 1992 by the then Keating government in respect of the visit by President George Bush Sr.

Mr Crean interjecting—

The SPEAKER—Order! The Leader of the Opposition does not have the call. The member for Sydney was seeking the call. I call the member for Sydney.

PERSONAL EXPLANATIONS

Ms PLIBERSEK (Sydney) (3.39 p.m.)—Mr Speaker, I wish to make a personal explanation.

The SPEAKER—Does the honourable member claim to have been misrepresented?
Ms PLIBERSEK—Yes.

The SPEAKER—Please proceed.

Ms PLIBERSEK—Today in question time the Minister for Health and Ageing suggested that I and others had been misleading in putting out petitions and pamphlets about Medicare. I deny that anything I have ever put into a petition or pamphlet has been anything other than the absolute truth—this government is attacking and destroying Medicare.

QUESTIONS TO THE SPEAKER
Questions on Notice
Ms JANN McFARLANE (3.40 p.m.)—Mr Speaker, under standing order 150, I ask that you write to the Treasurer and ask him the reason for the delay in answering question on notice No. 1363 of 5 February this year and question on notice No. 2014 of 5 June this year.

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

DEPARTMENT OF THE HOUSE OF REPRESENTATIVES
Annual Report
The SPEAKER—Pursuant to section 65 of the Parliamentary Services Act 1999, I present the annual report of the Department of the House of Representatives for 2002-03.

Ordered that the report be printed.

AUSTRALIAN NATIONAL AUDIT OFFICE
Annual Report
The SPEAKER—I present the annual report of the Australian National Audit Office for 2003-04.

Ordered that the report be printed.

AUDITOR-GENERAL’S REPORTS
Report No. 7 of 2003-04
The SPEAKER—I present the Auditor-General’s Audit Report No. 7 of 2003-04 entitled Business support process audit—Recordkeeping in large Commonwealth organisations.

Ordered that the report be printed.

PAPERS
Mr ABBOTT (Warringah—Leader of the House) (3.41 p.m.)—Papers are tabled as listed in the schedule circulated to honourable members. Details of the papers will be recorded in the Votes and Proceedings and I move:

That the House take note of the following papers:
Aged Care Act 1997—Report for 2002-03.
Crimes Act—Controlled operations—Report for 2002-03.

Debate (on motion by Mr Latham) adjourned.

MATTERS OF PUBLIC IMPORTANCE
Medicare Insurance: Medical Indemnity
The SPEAKER—I have received a letter from the honorable member for Lalor proposing that a definite matter of public importance be submitted to the House for discussion, namely:

The government’s plan to destroy Medicare and the government’s creation of the medical indemnity crisis

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 GILLARD (Lalor) (3.42 p.m.)—When the Prime Minister tells his favourite, Tony Abbott, the new Minister for Health and Ageing, to do whatever it takes to fix
Medicare we all know that he is speaking in code: the Liberal code for destroy. We know that he wants Tony Abbott to fix it good and proper; to fix it up once and for all—

**The SPEAKER**—Order! The member for Lalor will refer to the minister by his title.

**Ms GILLARD**—to fix it so that it can never be fixed again. The last order the Prime Minister gave to the current minister for health, Mr Tony Abbott, was to fix Pauline Hanson and One Nation and the order before was to fix the unions—and we all know what happened with that. Interestingly, the fix on the unions does not extend to the AMA, once described by his predecessor as a militant trade union. The fix does not extend to the AMA because on radio recently the new minister for health said:

... what we’re dealing with here are professional people, professional people who have traditionally approached these issues with a great sense of commitment, a strong sense of vocation, high ideals, and of course, they’re dealing with peoples’ lives.

Does this mean that his approach to industrial relations now depends on whether workers have a strong sense of vocation, high ideals and are dealing with people’s lives? If so, when the minister replies he might like to try and tell us what his attitude now is to industrial campaigns by nurses, ambulance officers, firefighters, teachers, police and general employees in our hospitals and aged care institutions. This is industrial relations and how you deal with constituencies Liberal style: you make sure that you extend the greatest largesse to the most privileged. So the former union buster now cowers before the AMA and tries on Melbourne radio to get a little bit of spin about where his position is now.

Now, we all know that the Howard government is on a mission to destroy Medicare, and no amount of cheap question time talk, picking up the member for Sydney, the member for Lowe, the member for Scullin and others, is going to cover up that central fact. They are campaigning in their constituencies on the government’s plan to destroy Medicare, and that is the truth. It has been the truth since Robert Menzies, the Prime Minister’s guru. It proceeded apace under Fraser—and the Prime Minister knew a bit about that government, even if he and Malcolm Fraser are no longer on talking terms. And now the Howard government is about finishing that agenda; it is about destroying Medicare once and for all.

To believe otherwise would require you to believe that the Prime Minister has somehow given up his lifelong ambition to destroy Medicare. To believe anything else is to believe that the Prime Minister is prepared to give up the history of the Liberal Party. To believe that this government supports Medicare would require you to believe that John Howard and the Minister for Health and Ageing, sitting at the table, are about to burn their tickets of membership of the Liberal Party, because they would have to do that to genuinely reposition themselves and pretend that they support a universal health system.

Let us not kid ourselves. In the past week, the Prime Minister and the minister for health have not experienced a conversion on the road to Damascus, and neither of them suddenly decided to become the good Samaritan either. What we have seen in the past week is a new diversion on the road to the destruction of Medicare. Liberal governments from Menzies on have travelled down the same road. It is not the road to Damascus; it is the road to destroying and dismantling the universal health system. Have a look at the history books. It was Labor under Chifley that introduced the first stages of a national health system; it was Menzies who wound it back. It was Labor under Whitlam that introduced Medibank; it was Fraser,
with Howard in tow, who destroyed it. It was Labor under Hawke that introduced Medicare; and it is Howard, with Wooldridge, Patterson and now the minister at the table, who is determined to finish the job.

We all know that John Howard throughout his political life has been Medicare’s greatest enemy. Time and time again, he has threatened to destroy it, including saying that Medicare raped the poor in this country. He went on to say he was going to pull Medicare right apart and get rid of the bulk-billing system which he said was an absolute rort. Nothing has changed since the 1980s, except the Prime Minister has got a bit cleverer about the tactics; he is trying to get to exactly the same place. The Prime Minister is no doubt proud of the progress he has made so far in destroying Medicare and even prouder of his intentions to finish the job.

I think the Prime Minister had a little lapse in the spin the other week on national television. He has been trying to portray himself as a bit of a champion of Medicare, asking us to forget all of the 1980s, but he led his guard down on national TV when he said:

I thought we had a very good system in the … early 1970s …

Let us remember what system he is referring to; he is referring to the system before Medibank. That might be the system that dominated the Prime Minister’s cultural reference point of the 1950s, but it was not a very good system. It was a system under which many Australian families faced the choice of getting no treatment at all or paying to go to the doctor—and, let us remember, you even had to pay to be treated in a public hospital then. Is this the system that the Prime Minister muses about as a very good system?

I am keen to hear the minister at the table tell us whether or not fees in public hospitals are on the agenda, because the Prime Minister is so fond of the health system of the 1970s. If he is going to be true to that statement—that it was ‘a very good system’—then that must be what is coming next: fees for public hospital admissions. Just like the Prime Minister wants us to forget all of Liberal history from Menzies on, and every statement he made in the 1980s, the minister at the table wants us to believe that the divisive whirling-dervish boxer is now gone and has been replaced by cute and cuddly Tony: Tony with Toffee the dog on the front page of the newspaper; Tony listening to doctors; Tony the softie.

Mr Martin Ferguson—Or is he just a worn-out old thug?

Ms GILLARD—Anyone who wants us to believe that would have us believe that Arnold Schwarzenegger is about to become a Catholic priest. You would have to believe that to believe that this minister has somehow been converted into Tony the softie—Tony the softie with Toffee the dog. The real point of all of this is that all of their intentions are wrapped up in doublespeak.

Is it any surprise that the minister at the table is an expert in spin? He is a former commentator, a former journalist. As a former journalist, he can write 800 words on anything you want him to write about. He is the sort of bloke who can write 800 words on paper should be made from marijuana—and in fact he has. He is the sort of bloke who can write 800 words on a Harry Potter book review—and in fact he has. He is good on spin but not on honesty. Saying it, writing it and believing it are different things. Let us not forget that the minister at the table is the minister who created an organisation called Australians for Honest Politics and then did not manage to tell the truth about it. He is good at spin, not so good at honesty.

In true doublespeak style, the government’s strategy for Medicare and its unfair
reforms has been called A Fairer Medicare. Now the minister is going to change it, and I am waiting breathlessly for what I bet is going to be called Even Fairer Medicare. When are you going to give that to us, Tony—Even Fairer Medicare? We are all waiting to hear about it. In designing Even Fairer Medicare, he thought he had better go and meet a GP—some time, as minister for health, he had better meet a GP. Does he walk down the street and see his local GP? Does he go out to the western suburbs of Sydney or Melbourne to see a GP? Does he go to a rural town to see a GP—if he can find one? No, he goes and visits a celebrity GP in the leafy suburb of Hawthorn.

And I understand the consultation was not so much about the state of the health system, or the minister’s health, but about the next phase of his strategy. Hold on for yet another tax-funded public advertising campaign with a bit of spin in it—except this time, instead of Dr Wright, it is going to be Dr Feelgood, telling us how we should be feeling good about the government’s Medicare reforms. But if Prime Minister Howard and the minister at the table get their way with Medicare, then no-one is going to be feeling good about it.

Can I go to the misrepresentations that the minister engaged in during question time today, particularly his misrepresentations of Neal Blewett. You might not understand Medicare, but we do, Minister, and what Medicare stands for is two promises. The first promise is that you will be able to access a bulk-billing GP—not that every GP will bulk-bill, not that there will not be choice, but that you will get reasonable access to a bulk-billing GP. That is what Neal Blewett believed in—and, if you are in any doubt, give him a ring this afternoon, because that is what he will tell you. And that promise of Medicare worked under Labor, when bulk-billing rates were around 80 per cent. It is that promise of Medicare that your government has corroded and now wants to destroy. The second promise of Medicare, of course, is that you will be able to get free treatment in public hospitals—and we already know what the Prime Minister thinks about that.

Medicare has been corroded, bulk-billing rates are plummeting and this government’s plan is to structure a scheme where, for ever and a day, the only people who will be bulk-billed will be concession card holders. That is the truth, and the members for Lowe and Sydney and others make claims about what people are going to have to pay under the government’s system because it follows logically that, if bulk-billing is going down, it is only concession card holders who are going to be bulk-billed. What does the minister think happens next? What happens next is that everybody else gets asked to pay. How hard is it to understand that? Everybody else gets asked to pay, and that is what members on this side have been campaigning about. That is not misrepresentation, Minister; that is the truth.

In the remaining minutes, I would like to turn to the medical indemnity crisis. With Medicare we have seen wilful neglect, followed by deliberate destruction. What we are seeing with the medical indemnity crisis falls into the first category of wilful neglect. You do not have to listen to me to believe that; you can listen to the words of the former Liberal minister for health, Michael Wooldridge. We on this side of the House remember him. There was the MRI scan scam and the $5 million to the Royal Australian College of General Practitioners for a new Canberra building immediately before the election, with the public never told that the money came out of asthma and rural health funding. After the election, he turned up there as a consultant. Then, when he got sacked in a scandal, he sued and got...
$300,000. This is the minister we are talking about. As recently as April he was proudly claiming in a public seminar that he did not do anything about the medical indemnity crisis. He said:

As minister I was accused of doing far too little on medical indemnity. That is completely unfair; I did absolutely nothing whatsoever.

The man had been misrepresented. He let this crisis build and build, and we are seeing today exactly the results of letting a crisis build: 200 doctors are expected to walk off the job this week. You cannot wash your hands of it, Minister, because it is where the record of the neglect of the Howard government has got us. You might have had Senator Patterson and Senator Coonan out trying to sell a failed package, but your task now is to keep those 200 doctors working. I am challenging you to take the first step today by publishing the calculations on which the IBNR levy is based. The doctors reckon the maths is dodgy, and the Treasurer might even think the maths is dodgy, given the answer he gave in question time today. If the maths is dodgy, then the levy is too high. If that is the problem, you could whack those calculations on the table today. We could all look at them, and we could work out a fairer arrangement. If you do not do that, people are entitled to say, ‘What are you hiding? A levy or a tax that is too high? Is that what this government is hiding?’

We know that in the run-up to the next election the fundamental divide in values about health will become starker and starker. There is nothing this minister can do. There is no political fix, no sweetening, no tinker and no plan to get you through the next election which will fix that problem for you. You might be a political fixer, but you cannot fix the fact that the values which the Prime Minister and you stand for in health, historically and always, are for a two-tiered system: one system where people pay and a concessional, residual system for everybody else.

I know that, whilst he is trying to be new cuddly Tony with Toffee the dog, what is coming now in this reply is an absolute spray about the private health insurance rebate, because the minister has already reverted to type in question time today. What he is going to do now is the next bit of the political fix he has been put in for, which is the scaremongering campaign. Before you start the scaremongering campaign, Tony—because we are not expecting you to talk about health policy—remember that the most important point from Labor is that we are entitled to review a public policy measure for effectiveness and efficiency. We are entitled to do that. If you were a responsible minister, you would be doing that too. But nothing Labor will do will increase the financial pressure on families, and nothing we will do will affect the capacity of families to take out private health insurance. On with the scaremongering campaign! (Time expired)

Mr ABBOTT (Warringah—Minister for Health and Ageing) (3.57 p.m.)—The shadow minister for health, the member for Lalor, has just given us a fine, scripted speech. I am sure she has been working on it, literally, for weeks. She may even have brought Bob Ellis in to help craft some of her lines. But there were two fundamental problems with what the member for Lalor has just said. First, she is playing politics with other people’s health, the health of ordinary Australians. Second, she is consistently spreading lies about what is actually happening to our health care system. The member for Lalor has just given us a fine, scripted speech. I am sure she has been working on it, literally, for weeks. She may even have brought Bob Ellis in to help craft some of her lines. But there were two fundamental problems with what the member for Lalor has just said. First, she is playing politics with other people’s health, the health of ordinary Australians. Second, she is consistently spreading lies about what is actually happening to our health care system. The member for Lalor will have no credibility at all until she withdraws the dodgy dodges and the bodgie petitions which her colleagues are now circulating to the Australian people, presumably with her encouragement. She knows that the factoids, the so-called facts in these dodgy dodges and spurious petitions,
simply are not true. She knows, because she told us in the Canberra Times on Friday, 19 September this year, when asked about the allegations that were being made by the member for Lowe and the member for Scullin that the government was going to charge people $20 to visit the doctor. The Canberra Times said:

A spokesman for Ms Gillard conceded that the claims were not true...

In other words, the shadow minister, the member for Lalor, knows that claims being made up hill and down dale right around the country by the member for Scullin, the member for Lowe, the member for Sydney, Senator Ludwig, the member for Banks and numerous others are not true. Now, if she is to have a shred of credibility as a health spokesman, she must forget about Bob Ellis and scripted speeches that she works on for weeks, repudiate this scare campaign and withdraw those dodgy documents which she and her colleagues have been using to con ordinary Australians about the state of our health care system.

There are some problems in our health care system—of course there are some problems in our health care system. This government cannot solve all of those problems overnight. At least some of those problems are fairly and squarely the responsibility of the states. But this government is determined to make a difference. This government is determined to do what it can to ensure that as far as is humanly possible all Australians have access to affordable high-quality health care.

One of the things that the member for Lalor has done consistently today is to resort to something known as the big lie technique. She has constantly talked about what she alleges is the government’s plan to destroy Medicare. Let me make it absolutely and perfectly clear: this government supports Medicare. This government will strengthen and extend Medicare. This government believes in Medicare. This government thinks that Medicare is an article of faith. How can there possibly be a plan to destroy Medicare when this government is spending $8 billion dollars plus on the medical benefits schedule? We are spending $31 billion on health.

The federal government’s spending on health has been increasing fast, much faster than the states’ spending on health. Health is now 18 per cent of the total federal government’s spending compared to just 14 per cent in 1996, when members opposite were in power. In 1996 the federal government’s total spend on health was 3.7 per cent of GDP; today the federal government’s total spend on health is 4.3 per cent of GDP—a sustained, consistent and significant increase in health spending under the Howard government. While federal spending as a percentage of GDP has gone from 3.7 per cent to 4.3 per cent in that same time, the states’ spending has gone from two per cent to just 2.1 per cent. Let me make it absolutely crystal clear: this government supports Medicare. This government is determined to deliver affordable high quality health care to all Australians. We will strengthen Medicare. If members opposite were serious about Medicare, they would at least talk constructively to the government about the Fairer Medicare package now before the Senate.

Let me make it very clear. Members opposite are trying to say that Medicare equals bulk-billing; Medicare does not just equal bulk-billing. Yes, bulk-billing is an important part of the Medicare system but it is not necessarily the heart of the Medicare system. The heart of Medicare is a universal insurance system—a system for all Australians to ensure they get reasonable access to affordable high quality health care and, in particular, that they get reasonable access to an affordable local GP. That is the heart of Medi-

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care. That is the system that Neal Blewett put in place. As I said today in question time, we support what the original architect of Medicare intended when in 1987 he said:

What we mostly have in this country is ... compassionate doctors using the bulk billing facility to treat pensioners, the disadvantaged and others who are not well off or who are in great need of medical services—

That is what Neal Blewett said the Medicare system was—

which was always the intention.

And today, as then, that is what the government supports: a system which has widely available access to bulk-billing but which does not necessarily pretend, as members opposite have, that bulk-billing must be universal, that Medicare equals universal access to bulk-billing. Again let us go back to the father of Medicare, Neal Blewett. At the beginning, back in 1983, he said:

Where the doctor agrees, direct billing will be available to everyone.

But Neal Blewett said this is a choice left to the doctors. It is interesting, isn't it, that in their determination to try to ensure that every person, every time he or she goes to the doctor, is bulk-billed, they are really threatening a campaign of medical price control. We know why members opposite are doing that—because deep down they do not like doctors. They think that doctors are the class enemy.

Ms Gillard interjecting—

Mr ABBOTT—Here she is, the former lawyer who ran all these 'no win, no fee' campaigns on medical indemnity and other issues. They do not like doctors, they have never liked doctors, and now they are trying to destroy the medical profession with their insistence that everyone should be bulk-billed. I am the Minister for Health and Ageing. I am the minister for the health of all Australians. I am not the minister for doctors, but let me say that I respect doctors and I think they do a good job. Doctors are highly qualified, highly committed professionals with a strong sense of vocation. The Australian Medical Association is an organisation which should always be given a fair hearing and it should nearly always be listened to with respect. As long as I am the minister for health I will continue to work with all reasonable and responsible people to try to ensure that we have the best possible health care system.

The other thing that the member for Lalor asserts as part of the big lie technique of which she is becoming so practised an exponent is that the government has somehow created the medical indemnity crisis. This government did not create any medical indemnity crisis. To the extent that there is a medical indemnity crisis, it has been created by our legal system. I am not in the business of criticising judges. Judges apply the law as they understand it, consistently and conscientiously, to the facts that come before them. Notwithstanding the conscientiousness of Australian judges, it is a fact that tort law—particularly where it deals with medical indemnity—has become a mess. Until recently, Sydney was developing the reputation of being the medical litigation capital of the world, but I do want to congratulate the New South Wales government on their recent efforts at tort law reform. I also want to congratulate my predecessor, Senator Patterson, and my distinguished friend and colleague the Assistant Treasurer on their efforts to work with the states to try to control the tort law liability issue—in particular, the medical indemnity issue.

Because the New South Wales government, unlike members opposite, have acted responsibly throughout this issue, we now have a much better system of tort law in New South Wales. The New South Wales tort law is now substantially under what is called the
Bolam principle, which is that, if you do something which professional colleagues would recognise as reasonable, it is not negligent. That is a perfectly reasonable principle. It is a principle which should never have been departed from in Australian law, and I congratulate the New South Wales government on re-establishing the Bolam principle in New South Wales law.

I note that, while many doctors are still understandably nervous about what will happen to medical negligence claims notwithstanding the tort law reforms, it is reported that new claims to United Medical Protection, the main medical indemnity insurer in New South Wales, have fallen from 60 to just 15 a month since July last year under the new tort law. I think there is every possibility that the so-called medical indemnity crisis will be defused in part by the work of the federal government but very substantially because of the good work of the New South Wales government.

What we cannot have is the courts using the tort law as a de facto compensation system. The tort law must be a system based on actual fault. I announced an 18-month moratorium on the IBNR levies over $1,000. In that time, the actuarial estimates will be redone. They will be recalculated on the basis of the practical experience of tort law outcomes under the reformed system. I am confident that over time, if these tort laws work as they are intended, medical indemnity costs will come down to the great benefit of not only the medical profession but also, ultimately, patients and all Australians.

I do not believe that people should be playing politics with people’s health. I do not believe that we should be playing politics in this very important area of deep concern to all Australians. The thing about health is that health is important to everyone. There are all sorts of issues that come before this House. Some of them are of great moment on any particular day, but the fact is that health is always important to everyone. It is particularly important to the families of those who need health care, and Medicare is safe with this government. This government will protect and extend Medicare. This government will do its best to ensure that, as far as is humanly possible, all Australians will have access to affordable, high-quality health care.

It is not just this government that will not play politics with health. I was very happy to stand beside the New South Wales acting health minister, Frank Sartor, last Friday as we tried to do our best to ensure that doctors do not leave the public hospitals in Western Sydney. Frank Sartor said:

There are times when federal and state ministers must stand shoulder to shoulder to find practical solutions in the public interest. This is one of those times.

I am quite happy to stand shoulder to shoulder with Frank Sartor and other responsible Labor people, but I do not believe there is any responsibility in the shadow minister for health, who is playing the grubbiest politics with this particular issue. (Time expired)

Ms PLIBERSEK (Sydney) (4.12 p.m.)—It warms my heart to see how worried the new Minister for Health and Ageing is about his opponent. He is so worried that he does not believe that our health spokesperson can come up with her own speeches. He imagines that if she says anything articulate or sensible she has got the speech writers in. We do not have such resources. We write our own speeches, and I am sure Julia Gillard wrote her own speech today. It is not hard to make the case that the government is out to destroy Medicare. It does not take a genius to make that case.

It is interesting that this Arnold Schwarzenegger of Australian politics, who is all punch and no policy, blames everyone but
himself for the crisis in Medicare today. He blames the doctors. He is saying that the doctors are careless in their insurance—that the doctors did not ring the insurer and ask, ‘Excuse me, are you charging me enough?’ So the doctors are careless, and patients are selfish because they want new and modern treatments as they come out. ‘Selfish’ patients should not expect too much from this government.

The minister blames the states. He never blames the Commonwealth; the only group that he never blames is the Commonwealth government. He is never prepared to take responsibility there. He says that our health spokesperson, Julia Gillard, is using the big lie. I say that this health minister patented the big lie. I think the Australian Competition and Consumer Commission is worried that this government has the patent on the big lie—that it has cornered the market and there is no room elsewhere for the big lie. This government has an article of faith, the health minister says, that it will protect and extend Medicare. I wonder if that article of faith is like the article of faith that the clergy remain celibate. I wonder if that is his definition of an article of faith.

This government’s plan to destroy Medicare and the government’s creation of the medical indemnity crisis is something that concerns every Australian. This government has long had a plan to destroy Medicare. The Prime Minister has made no secret of that desire. When he was Leader of the Opposition in the 1980s John Howard said that Medicare was a ‘miserable, cruel fraud’, a ‘scandal’, a ‘total and complete failure’, a ‘quagmire’, a ‘total disaster’, a ‘financial monster’ and a ‘human nightmare’. He promised he would ‘pull Medicare right apart’ and ‘get rid of the bulk-billing system’ which he called an ‘absolute rort’. His 1987 election commitment was that ‘bulk-billing will not be permitted for anyone exception pensioners and the disadvantaged’ and ‘doctors will be free to charge whatever fees they choose’. That is the only promise he has delivered on in all those years. Obviously it was the only core promise of that election campaign.

The facts speak for themselves. There were 10 million fewer bulk-billed visits to doctors this year compared with when John Howard came to office. In my own electorate the rate of bulk-billing has gone down 5.8 per cent and the cost of visiting a doctor has gone up 11.2 per cent. But this is nothing compared to other areas of this country where the drops have been even greater—much greater than this. The Australian Medical Association admits that GPs will have to charge non concession card holders more under the government’s plan, and the government has admitted that it will have no control over the fees that GPs charge. This is in stark contrast to Labor’s $1.9 billion plan to renew and restore Medicare by paying 95 per cent and then 100 per cent of the scheduled fee and by providing incentives to doctors who bulk-bill 80 per cent or more of their patients in metropolitan areas and 70 per cent or more in other areas, with bonuses of up to $22,500.

The government’s Orwellian doublespeak in alluding to A Fairer Medicare system is truly frightening. Australian families with two children will be denied access to bulk-billing once they start earning over $32,300. The system will encourage doctors to charge a gap fee and increase the cost of medicines by 30 per cent. The government has recently held a gun to the head of the states and insisted on their accepting a shortfall of about $1.5 billion by 2008 in their health agreements. Surely the $7.5 billion surplus that we have just heard announced could cover some of that $1.8 billion shortfall in hospital funding.
The government shirks its responsibilities both in a financial sense and in a policy sense. It shirks its responsibilities in the financial sense by not providing the funding that states need to provide decent hospital services, but it also shirks its policy responsibilities in that it is doing nothing to take pressure off emergency departments in major hospitals. The federal government could very easily follow the New South Wales government’s lead, where GPs have been co-located at hospital sites, and it will be extending this trial program soon. So people who formerly would have seen a bulk-billing GP but who instead turn up at hospital emergency departments are now able to visit a GP. People who could see a GP if one were available but instead turn up at casualty cost the health system about $400 million each year; if they went to GPs, it would cost about $115 million each year—a saving of nearly $300 million. That is the sort of positive policy leadership we would love to see from this government.

Another area crying out for reform is that of elderly patients who, instead of receiving the proper nursing home care they would benefit from and living in an environment they would benefit from, are in hospital beds. It is not that we begrudge them hospital treatment, as the government has tried to make out in the past, but they cannot be cared for as well in hospitals as they would be in nursing homes.

This government is presiding over a crisis in health care. We heard tales last week from Victoria, where children were being denied cancer treatment because of a $25 million shortfall in funding for that state’s hospitals. We have an expert committee recommending a new suite of immunisations for children, but the government will not fund them. This is unprecedented: an expert panel is recommending immunisations that the government will not pay for. So the children of the wealthy presumably will be immunised while the children of the poor will not receive the necessary immunisations that have been recommended by experts.

Like my colleagues, I am constantly contacted by both doctors and patients crying out for help because this Medicare system is in such crisis. Kylie, a constituent of mine, told me that she could not find a bulk-billing shared-care doctor to see her through her pregnancy—and her nearest doctor charged more for a half-hour visit than she and her husband spent in a week on groceries. Doctors at a Glebe family practice told me when I visited them a few weeks ago of some of the problems that they face. They face the usual problems with paperwork and the costs of running a practice, and people would assume that an area like Glebe would have no trouble in recruiting doctors, but that is not true. A great deal of difficulty is faced in finding GPs to practise even in inner city areas like Glebe.

We have known for a long time that we are facing a shortage of GPs, and it is truly incompetent that this government has not acted to do anything about it. The same is true for nursing. The government says that we need an extra 6,000 nurses. Last year alone, 2,500 applied to do nursing at Charles Sturt University but only 10 per cent got in. Contrast that with Labor’s policy to introduce another 3,000 nursing places to do something to begin to address the shortfall in this area.

This government has form. Every single time it ignores these emerging issues until they are crises, and then it blames the people who are affected worst by them. The Tito report six years ago, in 1997, warned this government that there was an emerging indemnity insurance crisis. It has known since 1997. It has not known about it just since Tony Abbott became health minister but for
seven years, and it has done nothing about it. Indeed, Michael Wooldridge boasted that nothing had been done about it.

The doctors believe that they are being asked to pay too much. We are not in a position to judge that because this minister will not release the calculations. The doctors say that the calculations are based on legal systems before tort law reforms were introduced and, if that is the case, there might be a very good argument that they are being charged too much. Surely the first step should be for the minister to release the calculations and let us know just how they are being made. He should reassure the doctors if he has a good case—although I think we are all very sceptical that he does.

The Prime Minister has said that he wants to do something about catastrophic injuries. He mentions it, and it sinks without a trace. This minister says that, if the doctors are resigning, they are not doing so because of the levy—but that is not what they say. This situation has reached crisis point now. The government cannot afford just to flick it off until after the next election and hope that the doctors will go away quietly for the next 18 months; they will not do that. This government has absolute responsibility to take this crisis in hand and provide a reasonable solution instead of just a moratorium. A moratorium is no solution.

Dr SOUTHCOTT (Boothby) (4.22 p.m.)—This MPI touches on issues which relate to Australian health and the issue of public hospitals. I want to talk a little about the private health insurance rebate, Medicare, bulk-billing and, lastly, the situation with medical indemnity. First of all I would like to restate very clearly the Liberal Party’s position on health. We have gone to three elections, and we will go to a fourth, committed to retaining Medicare, bulk-billing and community rating. That is the Liberal Party’s position. Last week we celebrated 20 years of Medicare, and 7½ years of Medicare were under a coalition government. There are really three aspects to Medicare. They are: access to the Pharmaceutical Benefits Scheme, and we have seen that scheme growing, which allows access to the newer generation of drugs; free access to public hospitals; and universal access to the Medicare rebate. We have heard both opposition speakers talk about the Orwellian nature of this—but let us get a bit more specific. I remember distinctly in Animal Farm the way the tenets on the back of the shed changed over time. This is what is happening with the opposition. They used to say that Medicare was a universal scheme in which everyone had access to the Medicare rebate. They are now saying that Medicare has always been about high rates of bulk-billing. It simply has not. That is restating and remaking history.

I would like to say a little about the health of the Australian people, because that often gets lost in these debates. In fact, I think Peter Baume did tell Michael Wooldridge when he became minister for health to not purely become the minister for health financing but to actually become the minister for health. Let us talk about Australia’s health. Australians have the third longest life expectancy of people in major developed countries after those in Japan and Switzerland. We have the fourth longest healthy life expectancy after people in Japan, Sweden and Switzerland. We have gone from spending about 8½ per cent of GDP on health for most of the last 10 years to 9.3 per cent of GDP now. That is the highest proportion of our economy we have ever spent on health. Our life expectancies are longer than they have ever been. Also, if you look at immunisation rates, you see that when the Howard government came in they were at 53 per cent. It was a disgrace. Vietnam and China had much higher immunisation rates. Now 91 per cent of 12- to 15-
month-olds are fully immunised. We have also seen tobacco use go down by 18 per cent. We have the third lowest rate of tobacco use in the OECD.

It has been a long time since I have heard any member of the opposition say anything on diabetes, obesity, immunisation or any preventative health measures. The group which has been led by government members like Judi Moylan and Senator Guy Barnett has been doing some really good things in the area of diabetes. On rural health the government spent $562 million more in the previous year’s budget. Indigenous health has increased by 51 per cent since 1996-97. Medical research spending doubled after the Wills review. We introduced the 30 per cent private health rebate. Anyone who was here that evening can remember the screaming of the member for Jagajaga as she was forced to realise that the private health rebate was going to come in. So we know where the Labor Party stands on that. General practices are computerised. Screening for cervical cancer is now much more common. Hospital funding has increased by 28 per cent since the previous Australian health care agreement. This government has led the debate on public health measures, such as the introduction of folic acid prior to pregnancy, on diabetes and on immunisation. The aggressive use of adjuvant therapy now sees that in some states, like South Australia, we have some of the best five-year survival rates for breast cancer anywhere in the world. The rates are comparable.

I want to say a little about public hospital funding, because we hear a lot of nonsense from the state premiers about it. Let us look at the report of the Australian Institute of Health and Welfare. The most recent report shows that over the last 10 years the state and territory share of public hospital funding has fallen. At the same time, the Commonwealth share has risen, from 42.7 per cent in 1991-92 to 47.9 per cent in 2000-01. Who is the major funder of state government public hospitals in Australia? It is the Commonwealth government. Whose share has been increasing at the faster rate—the Commonwealth’s or the states’? It is the Commonwealth government’s share. We hear a lot of rhetoric, but we never hear any figures to back it up. This is from the independent Australian Institute of Health and Welfare.

Over the last 10 years, the Commonwealth’s share has increased by 5.3 per cent per year while the states’ contribution has only grown by 3.8 per cent a year. Also, during the first four years of the last Australian health care agreement, the Howard government increased spending on public hospitals by 4.9 per cent a year compared with 2.6 per cent by the state governments. We have seen private hospital admissions increasing at something like six per cent compared with public hospital admissions increasing by two per cent. The amount that the Commonwealth government—the Australian government—is going to give to the state governments for their public hospitals has increased from $32 billion to $42 billion. That is a 17 per cent real increase. The state and territory governments need to pull their weight. They need to match the increase that the Commonwealth government is putting in. I do not care about the rhetoric of the opposition. We need to see them actually come up with something concrete, like a fact or a bit of evidence, instead of this phoney rhetoric which is constrained by ideology and a very skewed view of history.

With regard to the 30 per cent private health rebate, I am not sure but probably one of the first votes in this House by the member for Lalor was to oppose the 30 per cent private health insurance rebate in November 1998. I am sure that, just as the Hawke government removed the incentives for private health insurance in 1983 and then removed
all of the subsidies for private health insurance in 1986, we will see that that is Labor’s secret agenda. That is what we will see from the Labor Party—the withdrawal of the 30 per cent rebate. We know they are not committed to it.

The government believes that private health insurance plays a critical role in reducing the demand on public hospitals. As I said before, we have seen private hospital utilisation increase by six per cent while public hospital utilisation has increased by only two per cent. Some of the comments we have heard recently include the shadow Treasurer saying Labor was still working on its policy regarding the 30 per cent private health insurance rebate policy. He said:

We’re going to have a look at ways in which that rebate can improve. It’s quite an expensive policy and we want to ensure the Australian taxpayer is getting value for money …

I always get nervous when I hear that the member for Werriwa has notions of how to improve something. The shadow minister for finance talked about the opposition’s expenditure measures when he said:

Some of them will be tough … and there’ll be a lot of people complaining before we’re finished.

I now want to talk briefly, in the time that I have got, about Medicare. The previous speaker, the member for Sydney, talked about a bulk-billing crisis in the electorate of Sydney.

Ms Plibersek—I did not say that. I said it was worse in other electorates. Go back and read the Hansard.

The DEPUTY SPEAKER—Member for Sydney!

Dr SOUTHCOTT—Over 50 per cent of families in the electorate of Sydney are on weekly incomes of $1,500 and above.

Ms Plibersek—He is misrepresenting me!

The DEPUTY SPEAKER—The member for Sydney is warned!

Dr SOUTHCOTT—that is the No. 1 Labor seat; it is No. 8 out of all the 150 seats.

Ms Plibersek interjecting—

The DEPUTY SPEAKER—The member for Sydney is warned! The next move she makes will be out!

Dr SOUTHCOTT—There are only 16.9 per cent of families with a weekly income below $500. The focus on bulk-billing rates is a red herring. I raise that to show there is nothing fair about bulk-billing as it exists now. Bulk-billing is principally concentrated in inner metropolitan areas and very specifically in Sydney. I want to pose a couple of questions. At the moment, 67.2 per cent of total services are bulk-billed. In which year of the Labor government did they reach that figure? The answer is 1993-94. It took 10 years of Medicare to reach that figure. We hear sometimes that bulk-billing for GPs was over 80 per cent; it was not.

We also have in this MPI the claim that the government created the medical indemnity crisis. It is a bold claim that it all rests with the Commonwealth government. The shadow minister for health showed an intense interest in the previous occupations of the minister. If we are going to say that the Commonwealth government is responsible, we should at least say that contingency fees and uncapped liabilities did exacerbate the problem. (Time expired)
The DEPUTY SPEAKER—Order! The discussion is now concluded.

Mr HUNT (Flinders) (4.32 p.m.)—On indulgence, Mr Deputy Speaker, I seek to correct the Hansard record. In the House on 9 September 2003, I stated that the Defence land at Point Nepean will be retained in Commonwealth ownership. I wish to clarify that the land will be retained in Commonwealth hands under leasehold from the Department of Defence. I had previously thought and stated that the freehold would be with another Commonwealth agency, Parks Australia. This information was incorrect. The error was mine, and I wish to correct the record. The critical point is, and always has been, that the Defence land at Point Nepean will be held in perpetuity by the Commonwealth for community benefit and I have fought passionately to that end.

COMMITTEES
Privileges Committee

Mr SOMLYAY (Fairfax) (4.33 p.m.)—by leave—On behalf of the Standing Committee of Privileges, I present revised guidelines relating to the resolution of the House for the protection of persons referred to in the House, and a guidance to members in relation to the handling of their records and correspondence. I seek leave to make a statement in connection with these papers.

Leave granted.

Mr SOMLYAY—The two documents I have just presented on behalf of the Standing Committee of Privileges are for the information of the House and members. The first of these documents is revised guidelines relating to the resolution of the House for the protection of persons referred to in the House, commonly known as the right of reply procedure. Under paragraph 9 of the House’s resolution, the committee can agree to guidelines to apply to consideration by the Committee of Privileges of right of reply submissions. Guidelines were agreed upon and were presented by the committee in 1997, and they have not been revised since then. The experience of the right of reply procedure since 1997 is that 11 submissions have been made and none has so far been recommended by the committee.

The committee recently reviewed the right of reply procedure and considered that the guidelines may have led to unreasonable restrictions on the committee’s consideration of submissions. The major change in the revised guidelines I have presented is to relax the focus on the capability of persons to be able to respond to comments made about them in the House. While the committee will continue to have regard to the existence of other remedies that those who make submissions may have, it will also consider whether those remedies have been exercised. Media personnel will no longer be specifically excluded from consideration.

The committee will have regard to the purpose of the right of reply procedure to give persons the opportunity to respond to remarks made about them in the same forum as the original remarks were made. The revised guidelines will operate in relation to submissions received by the committee after today. There will be no retrospective considerations of submissions.

The second document I have presented is guidance to members in relation to the handling of their records and correspondence. The guidance is in the form of responses to commonly asked questions about how members should handle their records and correspondence. The committee has previously produced a report on records and correspondence of members and has developed comprehensive guidelines for members on handling their records and correspondence. The purpose of the information I have just presented is to provide members with, in a sim-
ple form, the major issues they need to think about in relation to their records. I believe the information will be of value to members, and I will circulate a copy to all members. It is also intended to hold a seminar on the issue of members’ records and correspondence for the staff of members. I thank the House.

BILLS REFERRED TO MAIN COMMITTEE

Mr LLOYD (Robertson) (4.36 p.m.)—I move:

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

Petroleum (Submerged Lands) Amendment Bill 2003
Offshore Petroleum (Safety Levies) Bill 2003
Farm Household Support Amendment Bill 2003
Telecommunications Interception and Other Legislation Amendment Bill 2003
Aboriginal Land Grant (Jervis Bay Territory) Amendment Bill 2003

Question agreed to.

ASSENT

Messages from the Governor-General reported informing the House of assent to the following bills:

Australian Heritage Council Bill 2003
Australian Heritage Council (Consequential and Transitional Provisions) Bill 2003
Education Services for Overseas Students (Registration Charges) Amendment Bill 2003
Migration Amendment (Duration of Detention) Bill 2003
Higher Education Legislation Amendment Bill 2003
Environment and Heritage Legislation Amendment Bill (No. 1) 2003
Health Legislation Amendment Bill (No. 1) 2003
Quarantine Amendment (Health) Bill 2003

FAMILY AND COMMUNITY SERVICES AND VETERANS’ AFFAIRS LEGISLATION AMENDMENT (2003 BUDGET AND OTHER MEASURES) BILL 2003

Second Reading

Debate resumed from 18 September, on motion by Mr Anthony:

That this bill be now read a second time.

Mr SWAN (Lilley) (4.38 p.m.)—I would like to commence my discussion of the Family and Community Services and Veterans’ Affairs Legislation Amendment (2003 Budget and Other Measures) Bill 2003 by talking for a few moments about the ministerial reshuffle that was announced last week, which saw the appointment of a new Minister for Family and Community Services who was sworn in today. Two years ago the Prime Minister gave a speech setting out his third term priorities. He said he did not aspire to an Australia where our growing wealth was built at the expense of families and communities. He said welfare reform was a central platform for this third term. Just a month before the 2001 election, the Prime Minister told those attending an ACOS conference:

I know the welfare sector is particularly anxious about the effect of welfare reform on the most vulnerable in our community. In response to that very natural concern, I want to re-state the assurances I have previously given...nobody’s benefit will be cut as a result of changes to the social security system.

Another ironclad guarantee. Today it is plain to see that the Prime Minister has failed to deliver on this promise.

His former Minister for Family and Community Services, Senator Vanstone, failed to reform the government’s flawed family payments rules which have seen almost one million families hit with more than $1 billion of debt over just two years—an enormous clawback from that compensation.
package that the government produced when it put forward the new taxation system, which it brags about in this House. That is about half of the $2 billion the government claimed as an increase in family payments. The government has failed to deliver on paid maternity leave for Australian families—something it promised before the election and something which it talked about constantly after the election. The Prime Minister says the issue of work and families is a ‘barbecue stopper’. We get talk, talk and talk and no action.

The Prime Minister and the former Minister for Family and Community Services failed to address the punishing effective marginal tax rates that are hitting families who work overtime and those trying to move from welfare to work. We have seen the Prime Minister’s department confirm the figures that the opposition has been putting forward in this House for the past 12 months; that is, that there are nearly one million families, many of them earning between $30,000 and $60,000 a year, that are paying effective marginal tax rates of 60c in every additional dollar they earn when they work overtime or when they work intermittently. And that is before you come to the punishing effective marginal tax rates that are flogging people trying to move from welfare to work, where people are losing as much as 80c and 90c in every additional dollar that they earn from working casually—working an extra hour or so.

How is it that the government can construct a system such as this which punishes those who work hard? I thought the objective of everyone in this House was to ensure that people who work hard get fairly rewarded for that work. The government has created a debt trap in the family payments system and a punishing tax trap in the interaction of the welfare system and the income tax system. The government has not lived up to its promise before the election. It has failed to protect the social safety net.

We have seen additional measures come in which have become more readily apparent in the last six months, where the government has cut huge holes in the social security system. Perhaps the nastiest of these is the removal of the carer’s payment from 30,000 families caring for disabled children or children who have chronic illnesses. The minister tried to create the impression that the government had backtracked after there was public outrage at this, but the truth is that the plans to remove that payment from the 30,000 families are proceeding and those families out there are suffering. So we have seen those attempts to cut holes in the social safety net as well as the problems in the family payments system and the tax system. What we have had is an attack on the living standards and the adequacy of payments of many people in the system, and we have seen the mess that is the family payments system.

The person the Prime Minister today swore in, supposedly to fix the system, is the person who has just plundered the Medicare system. This is the person who has presided over dramatic drops in the rates of bulk-billing, which have put the same families I was talking about before under tremendous financial pressure. Senator Patterson, who was regarded by many in the community, including groups like the Private Hospitals Association, as being inept and whose policy failures were exposed in this House today in the previous debate, has been elevated to a portfolio which is responsible for the expenditure of one-third of the national budget—$60 billion—for stuffing up the health portfolio. What could be more perverse than that?

How are we supposed to have any confidence that someone whose principal task has been to put the wrecking ball through Medi-
care is going to come into the Family and Community Services portfolio and do something about a family payments system that delivers debt to one in three families in the country? How is anyone supposed to have any faith in that? The notion that this is some form of promotion only exposes the outrageous arrogance of this government—the arrogance of this government to think that it could spin Senator Patterson’s appointment to Family and Community Services as some sideways move or promotion. So now we have Senator Patterson let loose on the Family and Community Services portfolio.

I hope that the Prime Minister’s claim that Senator Patterson will have greater sensitivity in the families job is true—I really do. These matters that I have spoken about do need to be fixed. It is certainly true that it would not be hard to have greater sensitivity than Senator Vanstone. Senator Vanstone is someone who went on A Current Affair and said she was prepared to sell the homes of pensioners who had been overpaid through no fault of their own over a period of time when the reason they were overpaid was that Senator Vanstone had not been checking the accuracy of their payments. This is a person who went on television and said she would be prepared to sell their homes. It will not be hard for Senator Patterson to show more compassion than Senator Vanstone. But what is needed is some lateral thought. What is needed is a root and branch reform of many aspects of Family and Community Services.

I am sure that we all have grave fears that Senator Patterson will not be up to this task, particularly when you look at one of the last decisions that she took when she was in the health portfolio. Her last decision was to introduce the user-pays principle to child immunisation. Families with young kids will now have to fork out $500 to immunise their children against chicken pox. That is on top of the massive decline in bulk-billing, which is slugging families every time their kids are sick. In my view, putting Senator Patterson into families is a bit like putting a doctor who has just lost a patient through negligence in charge of the grieving family. Nevertheless, we will be keeping her accountable and we will be continuing to push for vital reform.

This bill, like most others put forward by this government, has few beneficial or sensible changes. But as always there is something nasty. In this instance, it is in the form of a proposal to halve the portability provisions in the Social Security Act which enable pensioners to undertake short overseas trips to visit sick or dying relatives. And there are also plenty of missed opportunities in this bill. I first of all want to talk about one of those real missed opportunities, which is the subject of our second reading amendment. I will go through that amendment before I continue. It reads:

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, the House condemns:

(1) the Government’s attempt to reduce the generosity of portability rules that assist people on social security benefits to attend to family commitments overseas; and

(2) the Government’s failure to strengthen debt recovery rules to prevent Centrelink pressuring the aged and disabled to mortgage or sell their homes or use credit cards to recover debts that have arisen because of administrative errors rather than a deliberate attempt to defraud the Commonwealth.

I want to deal with the second one of those, because it is in this area of debt recovery that Senator Patterson really does need to act.

In the debt recovery measures contained in this bill today there is nothing to address the government’s increasingly unscrupulous and aggressive debt collection practices at the expense of aged and disabled Australians.
The existing legislation does not afford pensioners who have incurred a debt as a result of a genuine mistake or bureaucratic bungling sufficient protection against aggressive debt collection by government agencies. This was not more obvious than when just one month ago aged and disabled pensioners began phoning and writing to parliamentarians because they were receiving bills ranging from a few hundred dollars to $50,000 from Centrelink. Many of these pensioners have told stories of bullying and threats from government debt collector teams. The debts have come about because of a new government budget program to review the past financial records of 43,000 pensioners each year to search for discrepancies. The government hopes to collect $100 million from aged and infirm Australians. This is part of a larger program that will see around 344,000 aged and disabled pensioners and students targeted with debts for inaccurate payments made during the last seven years which have never been cross-checked by the government. They have arisen because the government has not had checks in place. And because the government has not had checks in place most of these people were unaware that the debt was accumulating. In the case of pensioners, there have been no checks in place. This is stunning when it is measured against the rhetoric of the government about how tough it is on compliance. It has not been tough on compliance and because it has not been tough on compliance overpayments have been occurring. Now the government is seeking to recover much of this money in a brutal way.

What we now have is a triffecta. Not only have the government been out there getting stuck into parents of disabled and chronically ill children, they have been out there getting stuck into pensioners. And the latest area in which they have been moving is in the area of youth allowance, where they are going back four years because they have not been checking. We have a hit list triffecta of students, parents and pensioners out there at the moment. That is certainly going to require some attention from the new minister.

These people are not welfare fraudsters. They are generally people who have in most cases dutifully provided Centrelink with a constant diet of payslips and other paperwork. They are trying to do the right thing but they have been tripped up in most cases because Centrelink has failed to properly advise them or record their information. It may not have occurred if this government was actually doing what it claimed it was doing in relation to social security compliance.

In every case my office has examined, any of the pensioners who have had additional earnings have lodged those earnings each and every year. But this government has not been running the checks between the tax system on the one hand and the social security system on the other to pick up discrepancies before they get out of hand. And that is what has happened: the discrepancies have got right out of hand. That is why we have ended up in the situation where so many pensioners have been caught in this government’s pretty brutal attempt to recoup these moneys. That is when Senator Vanstone really let the public face of this government show—when she said she would be prepared to sell their homes.

If Senator Patterson is genuine about changing the way her debt collectors go about their work she will support amendments in the Senate to ensure the life savings and the homes of pensioners who have played by the rules are not stripped away and that where the overpayment is due to an error by Centrelink and payments were received in good faith the law requires that it be waived—no ifs or buts. Where an overpay-
ment has been made due to an unintended lapse by a pension recipient the government ought to adopt a far fairer approach to recovering the debt.

It is simply irresponsible that aged pensioners should be asked to mortgage their homes or use credit cards, with the interest rates that are attached, to settle their debts. Just another extraordinary thing that the government is up to is advising people who are caught in the family payments debt trap or who are caught in these arrangements that they pay debts off on their credit cards. No responsible financial counsellor in the country would be prepared to advise people to do that, but that is what this government is doing. You can see that advice on Senator Patterson’s web site—or maybe it has been deleted in the last six hours; let us hope it has. These people, particularly the pensioners, deserve to live out their retirement years with respect and dignity and to not be regarded as criminals and treated as such and to suffer the brutal, thuggish approach that has been occurring with debt recovery.

I now move to the specific provisions of this bill relating to portability. The measure within this legislation that concerns the opposition is the plan to limit the generosity of the portability provisions relating to work force age social security payments. In particular, this bill seeks to reduce the allowable period of temporary overseas absence for portable social security payments from 26 weeks to 13 weeks. This new portability period will also apply to a range of payments, including the disability support pension and family tax benefit. Labor is particularly concerned about the impact of this measure on some of our larger communities that have a heritage overseas. This includes former UK citizens and also the Greek community.

There are good reasons why the portability provisions should be 26 weeks and not 13. Many families who have parents or siblings living overseas are called upon to go to their aid when they get sick or are dying. In some cases this may involve finalising a person’s estate. Often there is a need for a person to spend considerable time overseas. There has never been any evidence presented that shows the current rules have been abused. In fact, the net savings the government is claiming for this provision amount to $4.1 million, and I think they confirm the fact that the government also does not believe that the rules have been abused. These are mean changes that will have a direct impact on people who have loved ones in other countries and they are changes which we will be urging Senator Patterson to join with us in rejecting when this bill reaches the Senate.

There are a range of other measures contained in this bill which by and large are either beneficial or represent improvements to the way the social security system and the child support scheme are administered. The extension of income exclusion rules that currently relate to German and Austrian compensation payments for persecution is particularly welcome. Enabling the Child Support Agency access to AUSTRAC data—a privilege that was removed when the organisation moved out of the Treasury portfolio—is also positive. We also will be supporting the proposed changes to the administration of the assurance of support scheme.

This legislation provides further evidence, if any were needed, that the Howard government has run out of steam. There is some housekeeping and there are savings, and there is some meanness, but most of all there is nothing that indicates that the government has a vision of a better social security system or a better life for people who currently rely on social security payments. Some people have questioned why the Labor Party would want to conduct an inquiry into poverty and financial disadvantage at a time of seemingly
unparalleled economic prosperity. This sort of complacency I think has affected the Howard government and its ministers. The fact is that, as a nation, we are on the verge of undoing the sense of a fair go that has underpinned our social security system for nearly 100 years. It is true that we have become a far wealthier community in the last decade. In fact, I think wealth in this community has increased by over 100 per cent in that time. The fact is that we are not sharing it as fairly as we used to and there is a growing gap between those at the top, who are doing very well, those in the middle, who are being squeezed, and the poor, who are falling further behind.

Many in our community feel in their bones the approaching chill of their country slowly—bit by bit—being turned into a place they do not recognise and certainly not the place they were born in. They do not want to wake up one day and find themselves strangers in their own country with a huge chasm between a few at the top, many struggling in the middle and many more left behind. That is why over the course of the past 12 months and through the hearings that have crisscrossed the country the Labor Party, through Senator Steve Hutchins, and members of the Senate Community Affairs References Committee have been collecting evidence and ideas in an effort to make sure that inequality and prejudice do not overtake opportunity and fairness as core Australian values.

The experience of their inquiries to date is a sobering one. The stories of the new poor in Australia and the working poor, the stories of kids going to school hungry or not at all, the stories of families forgoing visits to the GP for want of money—these are stories that lie behind the bald figures: 2.4 million Australians impoverished and around a million of those with some form of work but not necessarily a fair day’s pay. The message on the street is that battling Australians face multiple barriers to opportunity. We need a range of responses that enable them to move forward. That is why it is disappointing to come into this House and find yet another piece of legislation devoid of any longer term social policy solutions.

Early in this term the government claimed they were compassionate conservatives. What we have seen in practice are not compassionate conservatives but cold-hearted conservatives. When you look at the measures that have been taken against parents of disabled or chronically ill children, when you look at the approach to aged pensioners and when you look at what is happening to students on youth allowance you see that fact time and again. This whole practice of trying to paint themselves as putting forward a social coalition of compassionate conservatives has simply been stripped bare by the actions of this government and the Family and Community Services portfolio over the last couple of years. All of that rhetoric is just about putting the ‘con’ back into conservatism. That is what it has been all about and it has been laid bare by the practices of Minister Vanstone, which is why Minister Patterson now has such substantial challenges before her.

Where are the promised welfare reforms which would reward work over welfare? Where are the incentives to help people move from welfare to work? It is just a travesty that through this most recent period of strong economic growth the number of people on long-term benefits has increased in the last seven years. It is a damming figure, as are the figures on the number of children living in jobless households and as indeed are the figures on people living in poverty. As we near the International Day for the Eradication of Poverty there is absolutely no indication that the Howard government views social policy in any terms other than as a vehicle for making savings. It does not see it as
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essential to the heart of this country, to its soul and to that ethos of a fair go that it claims to believe in.

I believe that probably the most urgent task in our community is to conduct a crusade against growing poverty in our community and to create the conditions for growing opportunity in our community. To do that, we must concentrate on preserving and expanding the core universal institutions in our community that deliver opportunities. What are they? They are access to affordable health care, they are access to educational opportunities, they are access to housing opportunities and they are access to a decent social safety net. So we must fight to preserve the social safety net to serve those who are out of work, sick or disabled. We need to give them a helping hand. We need to recognise the hard work of the great bulk of these people in the community, people who have created that 100 per cent increase in wealth in our community in the last decade, and give them a fairer share.

The bill we are debating today is part of portfolio budget cuts totalling more than $600 million. It gives a little, and it tries to take a lot more. We can support the small improvements while lamenting the absence of real reforms, but we will not support further mutilation of the social safety net. That is why 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, the House condemns:
(1) the Government’s attempt to reduce the generosity of portability rules that assist people on social security benefits to attend to family commitments overseas; and
(2) the Government’s failure to strengthen debt recovery rules to prevent Centrelink pressuring the aged and disabled to mortgage or sell their homes or use credit cards to recover debts that have arisen because of administrative errors rather than a deliberate attempt to defraud the Commonwealth.

The DEPUTY SPEAKER (Hon. I.R. Causley)—Is the amendment seconded?

Mr Fitzgibbon—I second the amendment.

The DEPUTY SPEAKER—Does the member for Hunter wish to reserve his right to speak?

Mr Fitzgibbon—I am simply seconding the amendment.

Mr LINDSAY (Herbert) (5.01 p.m.)—Mr Deputy Speaker, if I may, I would like to congratulate Senator Kay Patterson on her assumption of new duties as Minister for Family and Community Services. I might also congratulate the Minister for Citizenship and Multicultural Affairs and Minister assisting the Prime Minister, who is at the table, on the assumption of his new duties. He will discharge them very well. Senator Patterson is a person with a very strong social conscience. I have known her for some years now, and I know that she will bring to this portfolio the compassion, understanding and policy foresight needed in a portfolio that has such a large budgetary expenditure.

Something many people in Australia do not realise is that this particular portfolio spends, in pensions and income supports, more than $1,000 million a week, which is an awful lot of money, in looking after those who are least able to look after themselves. I heard comments in the parliament this afternoon that the government does not look after these sorts of people—well, $1,000 million a week is not a bad expenditure in this portfolio area. It is money that is increasing week after week and year after year, and the government is determined to always support people who cannot look after themselves and who need assistance from the government.

I was intrigued by the member for Lilley’s comments about ‘Where are the incentives to
move from welfare to work?’ I would like to report to the parliament that, in this portfolio, last week I took the trouble to go and visit all of the Job Network agencies in my electorate in Townsville and Thuringowa.

Mr Fitzgibbon—How many have you got?

Mr LINDSAY—I have got six. We have got job placement agencies as well. The interest was the number of jobs that are out there and available. In relation to the incentives to move from welfare to work, the Job Network and Centrelink have been asking job seekers to come in and update their vocational profiles, and something like half of them have not been going in. When you talk to the Job Network members, you find that they are desperate. They say, ‘If these people would only come in, we’ve got jobs for them.’ They took me and they showed me their job boards, and there was job after job after job, ranging from the most menial, unskilled work right through to management, senior management, team leader type work. It is such a pity that the government has these incentives where we will pay job seekers to come in and have their vocational profiles updated, where we will give them whatever assistance they need to find a job—and, these days, things are very flexible for Job Network providers—but they will not come in the first place.

Mr Deputy Speaker, do you know which group of people are the most unlikely to attend? It is the 16- to 18-year-olds. Why is it that their parents do not say to these kids, ‘Get off your backside. Get in there. We’ll get you a job. We don’t want you to be welfare dependent for the rest of your life’? I appeal to parents: if you have got a job seeker in that age group, get them into the local Job Network provider, and they will get a job.

I now want to address a number of matters in relation to the Family and Community Services and Veterans’ Affairs Legislation Amendment (2003 Budget and Other Measures) Bill 2003. I utterly reject the claims from the opposition that this is somehow a brutal and thuggish approach. It is nothing of the sort. It is sensible legislation that in fact protects not only those in receipt of government welfare support but also the Australian taxpayer. After all, it is the taxpayer who foots the bill. The government has got to be careful about how it spends taxpayers’ money. It has got to make sure that those who are entitled to receive assistance receive proper and adequate assistance, but it has also got to ensure that money that should not be spent is not spent. Some of the amendments contained in this legislation before us this afternoon do exactly that. There are some technical amendments. There are some amendments that are very specific. They are designed to make sure that we spend taxpayers’ money wisely and well.

Labor continue to say that we should not be putting through these amendments, that we should be spending the extra money. They then accuse this government of being the highest-taxing government ever, which is not the case.

Mr Fitzgibbon—It’s not? It’s a fact, an incontestable fact.

Mr LINDSAY—Labor say that we should be spending more, and they also say that the government has to be careful of taxpayers’ money.

The DEPUTY SPEAKER—If the member for Hunter wished to speak, he should have reserved his right.

Mr LINDSAY—The mixed messages that float around when this occurs are just amazing, and they should not be floating around. I will now just add a personal view on a matter. The particular matter is contained in an
amendment to this bill where it talks about recovering debts that have arisen because of administrative errors. I have a personal view on this and I have some sympathy in relation to this particular matter. If a private business makes a mistake with a customer, it does not go back to the customer years later and say, ‘Gosh, we made a mistake; we want our money back.’ It is the last thing that it would do. If a business makes a mistake, it wears the mistake. I know that legislation has gone through the parliament that deals with administrative errors and the question of whether organisations, such as Centrelink, are able to write off particular mistakes or whether they have to seek to recover them.

I came across an issue in Townsville last week which I thought was most unfair. For something like six years a carer had been clearly caring for their mum and dad and also their disabled brother. They all lived in the one house on the one piece of land, but they all had individual units in this one house and there were no connecting doors. Under the rules of Centrelink, you are not a carer in the sense of receiving a carer’s pension, or having the ability to receive one, unless you live on the premises. The problem was that, in truth, the carer did live on the premises but there were no connecting doors. The carer fully disclosed this situation to Centrelink at the time of asking for a carer’s payment, and the carer’s payment was approved. Several years later Centrelink came back and said to that particular carer: ‘You weren’t entitled to that payment. We’ve made an overpayment; we would like you to pay back $8,000, please.’ I reckon that is very unfortunate. I know it is the rules and I know that Centrelink made a mistake in the first place, but, equally so, I believe that Centrelink have a responsibility not to seek the recovery of that particular debt, that style of debt, when they made the mistake in the first place.

Ms Hall—You passed the legislation.

The DEPUTY SPEAKER—The member for Shortland will have an opportunity in a second.

Mr LINDSAY—Turning to the bill itself and not the amendment, I do not think there is any argument in relation to the point about compensation payments made by Germany and Austria being excluded from the social security and veterans’ entitlement income test. I think that that is perfectly reasonable, and this bill will exclude any such payment from the income test, regardless of the country making it. Ex gratia payments are being made now in anticipation of the legislation being passed, so I hope that it does in fact go through the parliament. This measure is just to update the current policy on income treatment of Holocaust payments.

Another matter that the bill deals with is in relation to targeting social security fraud, particularly where people use the cash economy and false identities to evade detection. I do not think anybody could argue with that. I think the government have a responsibility and a right to make sure that we detect fraud in any way that we can lawfully do so, and this particular measure gives us the legal teeth to do that. It will allow limited access to newly available sources of data on taxation and financial transaction activities to combat this fraud. These sorts of data-matching operations are now getting quite sophisticated and they are working very well.

I think the taxpayer will applaud the government for making sure that we are catching any person who attempts to use the cash economy or a false identity to evade detection. I can say—and I checked this when I was reviewing the legislation—that this legislation has been drafted in consultation with the Privacy Commissioner. The Information Law Branch of the Attorney-General’s Department has been involved and so has AUSTRAC, the privacy advisory group. I also understand that the Child Support
Agency will resume access to financial transaction information from AUSTRAC as well.

I said that I would speak for only 10 minutes, so I would just like to conclude—and allow the member for Shortland to speak—by paying tribute to the men and women in Centrelink in Townsville and Thuringowa. We have three offices in Townsville and Thuringowa. They are all staffed by the most wonderful people. They really look after my office. They really look after our customers and theirs, and they do everything they can to update the way they give exceptional customer service. I want to thank the men and women in Centrelink in Townsville and Thuringowa for the very great work they do on behalf of the Australian government and for their customers.

Ms HALL (Shortland) (5.13 p.m.)—I will start where the member for Herbert ended by acknowledging the fine work that the Centrelink staff do within my electorate. They work under appalling conditions. They have had enormous staff reductions, and they are being asked to do more and more with fewer resources. I recognise how difficult it is for the staff of Centrelink, and I call on the government to also recognise the difficult task that Centrelink have and ensure that they have an adequate number of staff working for them and adequate resources and training. The member for Herbert was right when he acknowledged the fine work done by Centrelink staff. The member for Herbert spoke about a constituent who has incurred quite a debt—I think he said that it was $8,000—and how that should not be and that it was an administrative error. I would like to remind the member for Herbert that it was Howard government legislation that implemented that power to recoup debts that were caused by administrative errors of Centrelink staff. If he feels so strongly about it, he should be bringing it up within the party room and seeing if he can do something to remedy the situation, because I, like him, have many constituents who have had that problem, and I will detail that a little bit later in my speech.

The Howard government is a harsh and mean-spirited government, and nowhere is that more apparent than in the areas of Family and Community Services and Veterans’ Affairs. This government has a philosophy of demonising and attacking those people who look to their government for support and a little extra assistance and understanding when they need it most. These departments are supposed to deliver that support to these people. Rather than assisting Australians, the Howard government is forcing them to jump through hoops and is enforcing a harsh debt recovery regime, just like the one the member for Herbert was talking about.

The Family and Community Services and Veterans’ Affairs Legislation Amendment (2003 Budget and Other Measures) Bill 2003 is an omnibus bill which gives effect to most of the 2003 budget measures in the areas of Family and Community Services and Veterans’ Affairs. Some of the changes and some parts of this bill are quite uncontroversial; others will cause a lot more problems for people in Australia. One of the non-controversial areas is that payments made for persecution by the National Socialists—that is, payments made under the laws of Germany and Austria—are going to be excluded from the definition of income under the social security and veterans’ income tests. This is a good change which we on this side of the House believe is worthy of support.

Another change is the single point of contact for people migrating to Australia. Once again, this is quite a good reform, or change, but it is interesting that the government’s purpose with this change is to save money, not to provide a better service. I think it is
good because it will provide more information to people and make that information easier to access, but the government is doing it because it will save some money.

I am a bit worried about the amendment to strengthen the arrangements for ceasing payments to people who travel overseas and forget to notify of their departure before they go. I think it is beholden on people to notify the department if they are going overseas but I think we must be careful how that is implemented.

I would now like to turn to and concentrate on access to information by Centrelink, deal with what the member for Herbert referred to as an overpayment, and talk about how social security fraud is something that we in this parliament should absolutely oppose. None of us on this side of the House would in any way condone fraud, but what concerns me is what the member for Herbert was talking about: the data-matching arrangements that have come into place, how effective they are, how the technology has improved and will ensure that the right information is processed and received, and how this is a way of ensuring that fraud does not occur. What I would say to the member for Herbert was talking about: the data-matching arrangements that have come into place, how effective they are, how the technology has improved and will ensure that the right information is processed and received, and how this is a way of ensuring that fraud does not occur. What I would say to the member for Herbert, and to the government, is that this can have some very adverse effects; it is not quite as foolproof as he would like us to believe.

As recently as last Friday, a constituent from Caves Beach in my electorate came to visit me on behalf of her son who works in Sydney five days a week in a full-time position. He did work at BHP, but when BHP closed he had difficulty securing a new job. Initially he was working with labour hire firms within the Hunter area but was unable to secure a full-time job. All the time he worked with the labour hire companies, he provided information to Centrelink that was absolutely accurate. I have never seen anyone record their information to the extent this gentleman did. He had an exercise book in which he recorded every payment he had received while doing his casual or contract work—the kind of work that is available in the Hunter since this government moved to deregulate the labour market and increase the casualisation of the work force.

When this gentleman went to Sydney and started doing more regular casual work, once again he was at all times informing Centrelink of his employment details and the income he received. He informed Centrelink on 23 October 2000 that he had obtained full-time work, and he received no more payments from Centrelink. But on 10 July this year he received a bill for nearly $3,000. I had to put my arms around his mother on Friday as she stood in my office crying and telling me that her son was one of those people who were meticulous about always doing the right thing. She said: ‘I have brought him up to do the right thing, and he would never mislead Centrelink. He would always tell the truth.’

My office investigated this a bit more. We found that there has been some data matching—data has been matched with the tax office. They looked at his yearly income and said that, based on that yearly income, he has not declared all the money he has earned. What they have failed to recognise is that he was unemployed for part of the year and employed for part of the year. Centrelink were quite free in admitting to my office today that there has probably just been a mistake with the data matching—they have some problems with it and it is not accurate at this particular time. What I would say to the government is: if they are going to implement a system which is inaccurate and causes constituents to come to my office and cry because they are so upset and frightened to go to Centrelink to put forward their case, I think there is something wrong. There is
something very wrong with a system that is causing so much distress to so many people. That lady is not the only person who has been to my office. I will touch on that a little more as I go along.

A number of people have come to my office and talked about the problems they have had with debts. It is interesting to know that the 2003-04 budget contained more than $6 million in funding cuts to the Family and Community Services portfolio. On the one hand, Centrelink are being asked undertake these tasks—to go through data with their debt recovery teams and pursue pensioners, the unemployed and people who are really disadvantaged and to undertake this data-matching procedure which, as I have demonstrated here, is not always accurate and needs some finetuning. On the other hand, this government is ripping all that money out of Centrelink’s budget. That is going to affect their ability to deliver the services that Australians need when they go to their Centrelink office.

I thought it would probably be an appropriate time to go through the problems of a few more people who have come to visit me. One of them is a gentleman who lives in Windale, which is quite a disadvantaged area. He is a veteran on a TPI pension and his wife is on a veterans partner allowance. That is absolutely the only income they have received. Yet, earlier this year, they received a letter from Centrelink telling them that they had a $1,300 debt resulting from an overpayment. We followed it up with Centrelink and it appears that this occurred because there had been an administrative error. Now this man and his wife, who live from one pay to the other, are going to be asked to try and find the money to repay a debt that was caused through no fault of their own. They did nothing wrong, yet now they are being penalised.

This really concerns me. If you are a person with very limited finances—if you live from one pay period to another—you cannot afford to have a debt like this. You cannot afford to be asked to repay something when you already have very little to live on. Another constituent, who lives in Belmont North—another area within the Shortland electorate—received a letter about a debt of $700. There were problems transferring from the parenting payment to Newstart and, once again, an administrative error was made. Now they are being asked to repay $10 a week. This couple are really struggling. They have other debts that they are trying to repay. Yet, out of their limited budget, they are being asked to find that money. It means that their children are unable to go on school excursions, which stigmatises them. It really does create enormous pressure.

Another couple in my electorate very recently received a letter about two debts, one going back to 2001 and one in 2003. Out of the blue, they received a letter telling them that they owe $3,136 to Centrelink. When you look into it—guess what—you find it was another administrative error. Once, this would not have been a problem. Once, these people, just like the constituents of the member for Herbert, would not have been saddled with these enormous debts—years after they have occurred, in some cases. It is because of this government and this government’s legislation that they are now suffering.

Another bill I have before me belongs to another constituent—it is for $2,600. She is another single parent, and it is a very sad case. She is receiving Abstudy. Her son had a serious head injury and she had to suspend her studies. She was immediately asked to repay all her Abstudy. This is a lady who is having trouble just surviving and coping with her very ill son. Another couple received a bill for $22,000, going back 10 years. What do these people do? They come
and see their local members, and they expect us to be able to help them. We try very hard, but, unfortunately, this very mean-spirited government has made it extremely difficult for us to give them the kind of assistance that we would like to be able to give them.

This is a government that thrives on division, one that has refined and made an art of blaming the victims in our society, the people who rely on the government to provide them with assistance and security. It thrives on developing a culture of envy, a society of haves and have-nots. It is interesting to look at recent figures. The Sydney Morning Herald had an article earlier this year, on 2 June, entitled ‘Generation $ stretching the poverty gap’. This article identified that, while 20 per cent of wealthy Australians control more than 50 per cent of Australia’s wealth, the poorest 20 per cent of Australians control only one per cent of Australia’s wealth. That means that 20 per cent of Australians are living in abject poverty.

In a country like Australia I really do not think we can accept that, and I do not think that this government has ever tried to address that. Australia has become a society where Australians are ostracised for being disadvantaged, and the number of Australians that are disadvantaged is increasing. I have many other figures that I could quote that show that the number of people that are extremely disadvantaged in our society has increased enormously under this government. But, whilst the government is making it harder for people that look to it for support when things are not going well for them, the government rewards its friends in big business. The government sits on its hands and allows CEOs’ salaries to skyrocket whilst it pursues pensioners and families and people that are unemployed to repay debts which, in a significant number of cases—as I have demonstrated—have occurred through administrative errors.

This is a government that is prepared to allow Ziggy Switkowski to be paid a $7 million salary based on financial performance—not even based on service performance—whilst trying to force pensioners, people that are unemployed and families to mortgage their houses, take out personal loans or use credit cards to pay Centrelink debts. This is possibly the harshest government in Australia’s history. It creates hardship; it attacks those Australians who are struggling to survive. It takes from the poor and it gives to the rich. The Howard government is mean spirited and its mean spiritedness is reflected in this legislation. This government stands condemned for its attack on ordinary and disadvantaged Australians.

Mr BRENDAN O’CONNOR (Burke) (5.32 p.m.)—This is one of the most important debates we could be having in this parliamentary term. From the fact that you have participated in this debate, Mr Deputy Speaker Lindsay, I think you would be well aware of how important it is. I certainly would not agree with your sentiments in some of the areas that you raised, but the fact that you were one of the very few members of the government willing to enter into this debate illustrates how important you believe it is. It is a very important debate because it is about the way in which government takes care of people in need. It is about the way in which the government derives a system that is fair and balanced and effective, both in terms of—as you have said—the responsibilities the government has to the taxpayers of this country and the responsibility that all governments have towards those people in need of care and assistance.

Getting that balance right is not necessarily easy; however, I think the government has fundamentally got it wrong in many areas, and I would like to draw the House’s attention to those deficiencies within government policy and implementation. The
Family and Community Services and Veterans’ Affairs Legislation Amendment (2003 Budget and Other Measures) Bill 2003 is an omnibus bill and it goes to many areas. I have no problem with some of the areas to which it refers, and neither does the opposition in general. There are some issues which are non-controversial and are supported by the opposition. Amongst those—and it was referred to by the member for Shortland—is the issue of payments made under the laws of Germany or Austria for those persecuted under what is now referred to as National Socialist persecution from income. Another non-controversial issue is the assurances of support provision—that is, where the bill seeks to make amendments to improve the operation of the assurance of support scheme and simplify arrangements for people who provide an assurance of support. Again, I do not think that is an area of great controversy and I think it can be supported.

There is also of course the stopping of payment to people absent from Australia without notice, and comparable foreign payment debt recovery. This bill seeks to make amendments to strengthen the arrangements for ceasing payments to people travelling overseas who do not notify of their departure. Under the new rules, as I understand it, there would be the capacity to suspend payment where a person leaves Australia without notifying of their departure and where the secretary of FaCS finds out about the departure before the end of the person’s portability period. Again, this is an area which should actually reap some savings and it is not something that I would rise to oppose.

Another area which is not controversial but which is very important is where the bill seeks to restore access by the Child Support Agency to financial transaction information held by the AUSTRAC database. It bewilders me that the agency could have lost this access, as it did in 1998 when it ceased to be part of the Australian Taxation Office and therefore ceased to be part of the administrative arrangements of the Taxation Office. That has meant that the Child Support Agency has been doing without information that is absolutely vital to it undertaking its responsibilities. It is a deficiency that has resulted from decisions by this government. The government is now seeking to make amends belatedly. I support those late amendments to the system with respect to Child Support Agency information access, and I think all members on this side would.

The issue of where the Child Support Agency links up with the family tax benefit is a very important one. There have certainly been concerns in my electorate about the way in which people are asked to repay debts that they have accumulated based on calculations of their income where it has been assumed that child support payments have been made to them when they have made it very clear to the department that no payments have been made. I draw the attention of the House to an example from my electorate: a constituent of mine who at the moment is a single mother and custodian of her child. The father of the child is no longer residing with them; he is no longer a custodial parent. He is obliged under the law to pay child support, as he should, and to help with the care of the child. For over two years he has not paid child support, and the agencies have not been able to have him comply. However, what is most concerning to me in relation to this debate and the broader debate about the way in which the family tax benefit operates is that the mother has made it very clear to the department that, whilst the father owes that amount, she has not been in receipt of it, but the department determines her income on the assumption that she has been in receipt of that payment.
I find that an absolutely unconscionable approach by a department to seek arrears from a woman who is doing it tough as a single parent, looking after her child and not being provided with moneys that are legally owed to her. The department is well aware that the moneys have not been paid to her, but it still calculates the family tax benefit payment as though it were part of her income. I cannot believe that any government would support the outcome that I have outlined, so I am hoping it is a glitch or a deficiency in the implementation of the process. The government and the department should seek to rectify that anomaly if it is occurring throughout the country—and, from discussions with other members, I believe it is. It is certainly something that I am seeking to resolve for my constituent who is now loaded up with a debt based on a figure of income that she is not in receipt of because the child-care payments are not being paid to her.

The fact that the Child Support Agency is gaining access to information is good. It rectifies what has been a deficiency of this government for five years in allowing it to break in the first place. I commend that provision of this omnibus bill. However, there has to be a further correction in relation to the relationship between the Child Support Agency and the department whereby income is being calculated including a child support amount when it is not being paid to the recipient—the custodial parent. That is something that should be addressed by this government and the department. I draw this House’s attention to that and I hope the government listens to my concerns in relation to that.

Apart from the major problem I have with the way in which this woman—this single parent—has been treated, in the issues I have raised there are some things that we can support, but there are some critical problems about the way in which this government would like to set about recovering payment. This is a very difficult issue too. I do not for a moment think that it is easy to resolve these issues, but the assumption should not be that you seek to remove or go after people’s assets in the first instance, particularly when there has been no intent by the recipient of a benefit to in any way defraud the department—and therefore the public—nor should there be an immediate attack upon or threat to sequester the assets of people who have been overpaid if indeed the errors or overpayments have been due to miscalculations by the department or the fact that there are some deficiencies in the information that the department has.

It appears to me that it is almost assumed that when there has been an overpayment it is the result of an intention of the recipient to defraud the Commonwealth. Therefore not only does the money have to be sought and recovered but there has to be some almost punitive dimension to the recovery. There has to be a greater effort made by this government to work out ways that can mitigate the adverse social impacts of having to pay back or return moneys where there has been a genuine overpayment by the Commonwealth.

I take the point you made when speaking on this matter, Mr Deputy Speaker Lindsay, about trying to find a balance between the responsibilities to the taxpayer and to the recipients of family tax benefit payments, but we should not be trying to insert a punitive dimension to recovering money from people who are innocent of any bad faith or motive in terms of an overpayment. This is a system that has some serious deficiencies. I do not think blaming the recipients of family tax benefit overpayments is the way to rectify any problems in the system. There has to be a greater balance. There has to be a capacity to mitigate the problems that will arise from repaying moneys, particularly for people on very low incomes or people who have very
small asset bases—which, of course, would include many of the people that are in receipt of family tax benefit.

This government has not demonstrated any sense of fairness or any concern for those people. I think it really is a shame because it could do a lot better. The concern I have is with the way this bill would go about correcting social security overpayments and failures to disclose incomes. The way the Centrelink debt recovery teams have been seeking to recover new large debts aggressively by threatening people with the re-mortgage of their homes, I think it was, and with the use of their credit cards to offset the debt are examples of people being forced into further debt. In other words, the debt that people may have with the government is being shifted to a credit card or to a bank, and that is not something that it is going to be very easy for them to recover from. It could in fact create further poverty traps within our community, and I think it has to be avoided wherever possible.

They are some of the concerns I have with this legislation. I have already commented upon those matters in this compendium of bills which I agree with. However, I think there is a more comprehensive matter in the whole area of the family tax benefit that really has not been properly addressed by this government, although it has been touched on by a number of people. I do not think that Senator Patterson has really been given any favours. She was sacked as the Minister for Health because she was not able to sell what was clearly a very bad health policy, and now she has been given the hospital pass of the day, or of the week, to try and fix up the problems in the family tax benefit area. In being given this area, she certainly will not think she is the favoured colleague of the Prime Minister’s office, because clearly there are major problems with the system.

In effect, this government supports a family tax benefit system, as it stands, where parents on middle incomes pay an effective marginal tax rate of between 60 per cent and 77 per cent, and where, because of the allowances income test, an individual claiming Newstart who earns more than $62 in a fortnight pays an effective marginal tax rate of 67 per cent. In no way is this going to encourage people to re-enter the work force or provide any proper incentive for people to work. This government supports a system—again, due to the same allowances income test—whereby an individual claiming Newstart who earns more than $150 in a fortnight would be paying a marginal tax rate of 87 per cent. These figures are absolutely startling to anyone who was not aware of them. Effectively, people who are on the lowest rungs of our society, who are trying to get back into the work force, are paying more income tax than people on a quarter of a million dollars a year. That is a ludicrous situation if we are trying to assist people back into work.

I do recall the then Minister for Employment and Workplace Relations, now the Minister for Health, about a year ago actually commenting on the problems with providing any incentives in the system and with the unfairness that arises as a result of these sorts of marginal tax rates. But he was effectively gagged by the Prime Minister and the Treasurer, and we have not heard any further comment from him nor from any of the frontbench members of the government in relation to this area. There are major problems in this area, and there are major inequities. The government is slugging the people who can least afford it and preventing them from having any incentive to get off parts of welfare where they can. It is something that has to be fundamentally tackled by this government, but to date we have seen very little
energy or thought go into finding a system that is fair.

In effect, week after week in this House we get family tax benefit legislation that tinkers around the edges. We had some a number of weeks ago which effectively improved the lot of people who had overcalculated their income, so that they can now take two years rather than one year to actually seek a return of their income. It was a minor improvement and it is certainly better than it was, but it still stands as very unfair when you compare it with the opposite situation—that is, the person who actually has to repay moneys and who has no two-year limit if the government wants to recover moneys from them. As we can see, there are things that the government is doing, but it is tinkering around the edges and looking to make tiny improvements. I have acknowledged in this debate, as I did in the debate on that bill, the extent of the doubling of the time. I did say that, while it is a small step in the right direction, the problem is that that is not the fundamental problem with the family tax benefit system. The problem with the family tax benefit system, fundamentally, if the government were to look at it seriously, is that it is inequitable in terms of who it hits the most. It provides no capacity and no genuine incentive for people to try to find a way out of poverty traps for themselves. This is a real problem that has to be addressed.

I have mentioned those quite extraordinarily high marginal tax rates, and I can mention a number of others. For example, due to the Youth Allowance with a combination of other tests, there are about 40,000 families that face effective marginal tax rates of over 100 per cent.

Mr Sidebottom—It is 102 per cent.

Mr BRENDAN O’CONNOR—I think that is about right. So you have the situation where, if you go out to work, you had better bring 2c for each dollar you are looking to make. That is quite extraordinary. If you are making $5, you had better bring 10c because that is how much you will have to pay for the privilege of notionally earning $5. That is an extraordinary anomaly that has to be fixed, you would think, but it has not been fixed. It is something that really boggles the mind. I do not know how people can actually stand up and defend the family tax benefit system without laughing because it is so ludicrous. I suppose the one thing that should stop them from laughing is the effect of it—

Mr Sidebottom—It is cruel.

Mr BRENDAN O’CONNOR—It is not funny, because it is a cruel system, as the member for Braddon suggests. It is a cruel system to expect people to actually go out and lose money because they are actually working. They are the fundamental issues that this government has to focus its mind on. I have acknowledged that there are some benefits in this bill, but there are some real deficiencies in the system as a whole. I have some real concerns. One thing about this area of policy is that all members in this House know about the problems, because we hear all the time at the electorate office about concerns about payment and recovery and the way in which they are implemented. So there are fundamental problems. At the heart of it there is the problem with the inequitable marginal tax rates and the inability of the government to find a policy that provides incentives for people to work, to get out of the poverty trap and get out of the system. That is something that the government should turn its mind to now to deliver a decent, fair and effective system. (Time expired)

Mr HATTON (Blaxland) (5.53 p.m.)—I am happy to debate with my colleagues here, along broadly the same lines, our support for the general provisions of the Family and
Community Services and Veterans’ Affairs Legislation Amendment (2003 Budget and Other Measures) Bill 2003. But, as indicated by the shadow minister, particular areas of this bill are subject to Labor amendment here and, as has been foreshadowed, in the Senate. They are areas where we think the government provisions are unfair and would be imposed in a way which would cause significant harm and difficulty for those people who are least able to pay. This legislation is a conglomerate, a collection of a series of different proposals in the family and community services area and also in veterans’ affairs. It covers a very wide range of matters. Much of it is non-controversial, and it is to the non-controversial parts of this bill that I want to go in the first instance.

Almost all of these measures relate to measures foreshadowed in the 2003 budget. There is also a measure that harks back to 2001. There is a very small measure in the legislation, which we are supporting action on, with regard to the Child Support Agency—which originally had information available to it and has not had that information available for some time. This bill proposes that information from the AUSTRAC database, which takes account of tracking sums of money of more than $10,000 that are taken out of Australia in cash, be made available to the Child Support Agency. Because that database is controlled by the Australian Taxation Office—it is their responsibility; they have carriage of it—previously there was an absolute fit, because the information was available to the Child Support Agency as part of that department. However, in 1998 purely administrative changes were made. Since then there has been an uncoupling of that information.

Labor say that the government is quite right in determining in this legislation that information about child support liabilities so that those individuals who have since 1998 sought to avoid their responsibilities can be brought to account through this mechanism. The indications from the government are that probably a fairly small amount of money is involved. But the question of principle is very important here. Closing an avenue where people might not have to sign up to their responsibilities is important. It is a clear and simple administrative measure to take, and we are supporting it.

The fundamental basis for that support goes back to the fact that the Child Support Agency was set up under Labor. Previously, many people were in a position where they chose not to continue to support their children after a marriage breakdown, even though they were capable of it. When Labor brought legislation into place to support their children after a marriage breakdown, even though they were capable of it. When Labor brought legislation into place to set up the Child Support Agency it was on the fundamental basis that once two people have children it is their responsibility as parents to look to the care and the future of those children and that, if a marriage dissolves, one or either of the partners should not be in a position to forgo the financial responsibility that was occasioned when they were a couple. Ensuring that the system works properly and well is fundamentally important. Making sure that there is no easy way for people to get out of their responsibility is necessary and important, and we support that.

Assurance of support is another relatively minor matter. It is a question of where it is best sought administratively. In my electorate office, over the years the bulk of our work has been with immigration cases and social security. We know those matters extremely well and understand the problems that people often have in dealing with assurances of support and in dealing with the Department of Immigration and Multicultural and Indigenous Affairs, and Centrelink. This bill properly proposes that the administration...
should be in one place: Centrelink. The opposition agrees that that is a reasonable and sensible thing to do. For people who have signed up for assurances of support, having the one agency to monitor all of that not only is sensible but also will help those people who have signed up in the first place. Dealing with different government departments can be difficult. In the city of Bankstown it has become more difficult now than it was in the past because this government closed down our immigration office—as they closed down our Taxation Office. In having to deal with two different departments, people have to travel to Parramatta or the city or other places in Sydney in order to transact their business with the department of immigration. It would therefore be a direct help to them to deal with Centrelink, because they can deal with them directly in Bankstown.

In terms of providing consistent advice and getting the right outcome for people, this is an indication of where, in the two measures mentioned so far, doing things better administratively is important. It is usually very difficult to attain, but we want greater simplicity both for the agencies who are providing the services and for the people who are seeking to avail themselves of those services. We want it to be as simple and straightforward as possible. This is particularly the case, of course, where people have difficulty with English, where they have come to English as a second language, and where they have difficulty in dealing with the intricacies of bureaucratic procedures and approaches. Often in the countries that people have originally come from, the bureaucratic standards and approaches are not what we have in Australia—they are a great deal more lax, more casual and more open to misinterpretation. It comes hard for some people to deal directly with agencies, even though there are translation capacities available to people working in departments. Having one source of advice will be a boon in regard to the manner in which this proceeds.

Another relatively non-controversial matter is the question of people who go overseas for a short period of time. They build up a debt, which accrues whilst they are overseas. This bill attempts to change the social security debt recovery provisions to allow for the full recovery of overpayments that arise when a foreign pension payment is made as a lump sum in arrears. The amendments seek to enable the recovery from that person or the person’s partner, and it is expected that all up, while the previous provision was expected to save about $11.2 million, the government expects to save about $14.8 million here. That is a question of tidying up the arrangements that were made and signifying that those sorts of things should be done.

The very first matter, dealt with at the beginning of this bill in schedule 1, is the question of excluding payments for national socialist persecution from income. Currently, the Social Security Act provides that, in terms of moneys provided to people under the laws of both Germany and Austria, people who have been subjected to persecution by national socialism or sectors of that do not have the income they get as compensation payments taken into account. I will talk about what the changes here propose to do—and it is an almost strange set of arrangements, in that the existing law pretty well has the whole situation covered, and those changes were made some years ago. The explanatory memorandum says that it is covered off, but what is being provided for is a series of potential possibilities that may not be completely provided for, and, if that income could possibly be taken into account as income for social security purposes, there is a series of ways in which that will not be taken into account. I have no great problem with it except that it is interesting that it has arisen in this way when the law itself, as it
stands, has proven over a number of years to be successful.

I am fully supportive of the regime that we currently have, given that, when I worked for the then Treasurer when he was the member for Blaxland, on his behalf I initiated the basic work which went into ensuring that people who received compensation payments because they had been persecuted by the Nazis—either because of the time they had spent in concentration camps such as Dachau or because they had been forced into slave labour in concentration camps or in factories—would be in a position where they would not lose out because the German and Austrian governments had finally determined to make restitution. It was the case that people used to have those amounts taken into account for both social security and taxation purposes. I argued with the then social security minister, as I put the case to the then Treasurer, that these cases were of such gravity and importance that, despite the restrictive nature and the bureaucratic cast of mind of our law makers, people who had suffered enormously—some to the point of almost having their own lives extinguished, as well as seeing the lives of members of their family, in some cases their parents and grandparents, extinguished—should not suffer further. They should not have to suffer the situation where, when finally some recompense—although not enough, because it never could be enough—was made to them to cover part of the damage that was done to them, there was an Australian set of bureaucratic arrangements which said, ‘You’re getting income from overseas, therefore we’ll take that income into account and we will knock down your pension,’ or ‘We’ll take this into account for taxable purposes.’ It took quite a while because the bureaucratic cast of mind with this can be very strong. The argument was put that there were other people in similar circumstances who received compensation payments for this, that or whatever else and that you could not really extend the whole thing. Luckily the argument was finally won with the people who were responsible for this.

The second set of arrangements needed to be made later. The first set of arrangements was for people who had spent their time in concentration camps. The second set of arrangements where changes needed to be made and put into regulations was for people who had worked in labour camps or labour factories and had suffered. Some of them, at 15 years of age, had virtually served an apprenticeship, giving all their work from the age of 15 to 20 or so for national socialism rather than for themselves or for their country, and they had had taken away from them their future prospects of training in trades or professions and so on—that had been whipped away.

I understand that the particular changes that are being argued for here are being put in terms of what may happen. The payments are not only from Germany and Austria now; as the explanatory memorandum indicates, France, the Netherlands and Belgium have signed up to this as well. Given that they were occupied countries, there is some culpability there because people were taken from those countries to Germany or Poland and so on and made to work against their will.

This seems to be a set of provisions that covers whatever circumstances—for example, payments made by a national government or equivalent of any country or by the government or equivalent of any part of a country, such as a state or province, which is covered—if it is the law of a country or part of a country or it is the law applying in a country. My guess is that where a legalistic cast of mind is taken in the future, as there used to be in the past before I was able to
assist in these changes being made, that should be covered off and we should ensure that that will not happen. For all of those people who suffered such degradation and were robbed of their youth and the joy of their lives, any legislation which does this is to be profoundly welcomed and I support it entirely.

As you, Mr Deputy Speaker Lindsay, would no doubt appreciate, I have found things in this bill that I cannot support in full. In fact, the shadow minister has covered those well in his presentation, as have my other colleagues. But I want to go to some of the particular problems. This is a question of a cast of mind where we do have controversial items—where Labor have said that, in particular cases, it is a question of how you go about things and the attitude that you have that can make all the difference.

People in difficult circumstances—and no matter how well some people might think people on pensions or benefits do get on, I know from the people in my electorate that they are in difficult circumstances—as well as those people who are in low-paid jobs are in situations where they cannot save all that much. We know that there has been case after case where people have been overpaid but where there has been no fraud or no intention of fraud on their part. Where you have a scheme of arrangement where people are allowed to pay back an overpayment over a period of time, attitude and approach are enormously important.

The opposition think that the provisions for how the government intends to pursue them—effectively putting the frighteners on people by putting very heavy-handed debt recovery teams into action—are inappropriate. Through the whole of our period in government and indeed the period up to now where people have had overpayments, questions need to be asked about not just the overpayments but how they arose in the first place.

One of the key problems of this set of specifications in this bill is the question of retrospective payments. Those retrospective payments go back about seven years. If the data matching between the Commonwealth and its agencies was inappropriate seven years ago and if seven years later someone is tagged and told, ‘You got too much then. Now we’re going to make you pay it back with interest. You might have gone through that dough and it may be difficult but we want it back now,’ and if it is in the hands of the debt collectors and there are demands that people either refinance, remortgage or sell their house or otherwise put themselves into real difficulty with credit card debt and so on, you have to ask just how viable and sensible that is as an approach.

Labor thinks you will actually do better out of people if you give them a reasonable run. We are not dealing here with people who have committed any intentional fraud whatsoever. It may be that they may have had income that was not taken into account because the data matching was not sufficient or not good enough or the government has changed the way it looks at how income comes to be. But it is also a question of how the approach can simply drive people further down and make their lives far too difficult.

In terms of our approach to this, we have said both here in this House and also in the Senate that given the nature of poverty in Australia, given the nature of circumstances of people and given the fact that the burden in a credit open and credit free society is growing—where the demands to do as others do and consume greatly is ever present and when virtually all the forces in society drive people towards that—belting people over the back of the hand if administrative errors are made by the departments is not the best way
to go about things. If you make a reasonable and sensible set of arrangements with people for them to pay back within their capacity, that is a sensible and proper way to do it. You will probably get a lot better cooperation than driving people to the wall.

In the second part of our amendment, we condemn:

the Government’s failure to strengthen debt recovery rules to prevent Centrelink pressuring the aged and disabled to mortgage or sell their homes or use credit cards to recover debts that have arisen because of administrative errors rather than a deliberate attempt to defraud the Commonwealth.

We know that recovering debt is something that has to be done by the departments, but the whole general approach and attitude should be as human as it is in the first schedule, directed towards taking into full account people’s circumstances, whether they are victims of National Socialist persecution or just ordinary Australians. (Time expired)

Mr MOSSFIELD (Greenway) (6.13 p.m.)—I rise to speak on the Family and Community Services and Veterans’ Affairs Legislation Amendment (2003 Budget and Other Measures) Bill 2003 and to support the amendment moved by the member for Lilley. This is an omnibus bill that makes a number of technical amendments on issues ranging from Nazi holocaust payments to the child support agencies and data retrieval. As members would be aware, compensation payments to holocaust survivors from Germany and Austria are exempt when determining the social security and veterans entitlements income test. This bill seeks to change that to include all such payments regardless of the country of origin.

The change is largely symbolic because the estimate of the cost of this proposal is only a little over half a million dollars over the next four years. I note that there is a disallowable instrument before the Senate that exempts the pensions of mercy given by the Chilean government to survivors of the murderous regime of Augusto Pinochet from the social security income test, finally treating these payments the same way as the holocaust payments. Both the agreement with Chile and this bill that now covers all holocaust payments are a positive move and are changes that should be supported.

The bill also seeks to make amendments to improve the operation of the assurance of support scheme and simplify arrangements for people who provide assurances of support. An assurance of support is a bond paid by a person here in Australia—usually but not always the sponsor—that covers any social security payments made during the exclusion period for new migrants. Depending on the type of visa, both the assurance of support and the exclusion period can differ. For example, a skilled migrant will face a two-year exclusion period and his or her sponsor will have to put $3,500 into the assurance of support bond. An aged parent is facing a 10-year exclusion period and a $10,000 bond.

Under the new arrangements proposed in this legislation, the Department of Immigration and Multicultural and Indigenous Affairs will continue to determine which new migrants are subject to an assurance of support. However, once this determination is made, the assurance of support will be issued under the social security law and Centrelink will administer the scheme. Centrelink will become the single point of contact and will be able to provide much more comprehensive advice regarding all aspects of the scheme, including both rights and responsibilities. If a new migrant does receive a social security payment during their exclusion period, having the scheme administered by Centrelink will also mean the recovery of their debt will be easier.
This measure will to some extent streamline the scheme, cut down on overlap and make things easier for the government and the assurees and migrants who use the system—that, at least, is the theory, and we will be watching the practical application of the scheme to see how it works in the real world. We will also be watching to see if it does indeed save the $11.2 million over four years that the government anticipates it will.

Another amendment contained in this bill seeks to strengthen the arrangements for ceasing payments to people travelling overseas who do not notify Centrelink of their departure. The measures will allow Centrelink to suspend payment if they become aware that a person has left the country without informing them first. Again, we will watch with interest to see if the projected $14.8 million over the next four years is indeed saved. We will also be watching closely to see how many people have their payments suspended when they have not in fact left the country at all.

When the Child Support Agency was moved from the Australian Taxation Office to the Department of Family and Community Services it lost access to information stored on the AUSTRAC database. This bill seeks to restore that access and allow the Child Support Agency to carry out its functions efficiently and effectively. Quite frankly, the access should never have been denied to the Child Support Agency but, in their maneuverings back in 1998, the government forgot about the need for the CSA to have access to this information. It only took five years for them to work out that they had made a mistake and to seek to rectify it.

The bill before the House today seeks to partially address the problems of Centrelink debt. It seeks to do so by amending the data-matching programs available to Centrelink. If this bill is passed, Centrelink will have limited access to newly available data sources relating to taxation and financial transaction activities, but only for the purpose of the administration of the social security law. In its last two budgets, the government has put in place measures to pursue debts for incorrect payments dating back some seven years. Many of these retrospective debts have arisen because data matching of Centrelink records and tax records has not taken place regularly with the pensioner population, including the aged, parenting, disability support and carer categories of pensioners.

In many cases, these debts have arisen because Centrelink has made administrative errors and it has not been the fault of the client at all. Centrelink debt recovery teams have swung into action and are pursuing these debts to the full force of the penalties and punishments available to them. The previous minister suggested on the Sunday program on Channel 9 that pensioners should put the debt on their credit card at 18 per cent interest or even consider selling their house in order to pay back the debt. Certainly, people’s tax returns have been garnished and the baby bonus has been stripped from some people. This is totally unacceptable. It is no wonder that the Prime Minister was forced to move the minister to another portfolio.

Almost three-quarters of a million families have been caught in a government designed debt trap called the family tax benefit. Senate estimates figures put the number of families with Centrelink debts at 728,458. Over 230,000 of these families have had their tax returns stripped to pay for the debt, in direct violation of the government’s own pre-election commitment. In my electorate of Greenway, it is estimated that as many as 4,000 families have accrued debts at an average of $850 and that around 1,000 have had all or part of their tax cheque stripped as a
The question of Centrelink debt is really a major issue in the electorate of Greenway, and I am sure that is the case in many other electorates. In many cases, of course, the people are providing what they believe to be the correct information and are acting quite honestly although they are incurring these debts. I am sure that most of us are confronted with raising with the government a number of examples that apply in our own electorates.

I have spoken on this before, in a speech that I made on 5 March in response to a bill called the Family and Community Services Legislation Amendment Bill 2002. I refer to a constituent, Mrs Racquel Sheeyh, who had notified Centrelink of a change in her circumstances immediately it happened and in fact tripled her estimated income in order to overcompensate. Unfortunately, she still incurred a debt. This is the hard part: as she had incurred the debt, Centrelink then took her entire tax return as well as her baby bonus and the low-income rebate in order to recover the debt. Instead of getting what she expected—a return on her taxation, her baby bonus and her low-income rebate—it was taken from her by Centrelink, still leaving her with a small debt.

It went to the tribunal, which accepted that Mrs Sheeyh phoned Centrelink on 4 February 2002 to advise of her return to work and to provide a new estimate, that she was advised that she may have a small debt of a family tax benefit and that she should overestimate her income for the remainder of the year in order to receive only the minimum rate of family tax benefit. As I have said, she did overestimate her income, I believe by some three times, but still finished up with a debt. This is a case where the lady did everything possible. I think that her case also probably falls under the recommendations of the Ombudsman, who says that those sorts of debts should be waived. In this case I do not believe it was.

What the government should understand is that low-income people—the people we are talking about—spend all their Centrelink payments on the necessary essentials of life. In most cases, they are already living close to the breadline. When they are hit with a debt of $4,000 or, in many cases, a lot higher, it defeats the purpose of the whole legislation. The people concerned would have been better off if they had not received Centrelink payments in the first place. People are being hit with a double whammy. The legislation that is supposed to improve their quality of life is, in effect, having the reverse impact. Worse still, they would be better off if they did not take the part-time, casual or short-term jobs that would have given them the experience and training that could lead them off welfare and back into the work force. These debts create great hardship and, in many cases, a great deal of stress.

This is a flawed system that expects casual workers to estimate their income 12 months in advance. That is simply impossible. Even if families continue to notify Centrelink of their changing circumstances, as I have indicated they will still rack up a debt at an alarming rate. The government’s incompetence has also led to thousand of students being overpaid youth allowance because nobody at Centrelink bothered to check the figures for four years.

The amendments in this bill relating to data matching have come too late for these families now facing high debts to the Commonwealth. Household debt is already at the highest point in Australia’s history, and the government’s flawed scheme that creates unavoidable debt to Centrelink is only adding to the financial burdens of families. The government Ombudsman and the opposition and welfare groups around the country have
called for wholesale reform of the system but the government so far has ignored everyone and continues to allow debts to accrue at an alarming rate.

Finally, this bill reduces the portability period for people travelling overseas from 26 weeks to 13 weeks. The new portability period will also apply to disability support pension recipients. Labor has consistently opposed the government’s attempts to reduce portability provisions in the social security system. Portability provisions are extremely important to all Australians, but particularly to those who were born overseas. In my electorate, that figure at the last census was some 41,811 people or 31 per cent of the total population in the Greenway electorate. The reason it is particularly important to this group is that many still have family and friends in their country of origin. When a parent or other family member is sick or dying it is only natural that they would wish to travel back and spend time with them. Thirteen weeks is an awfully short period of time to spend with someone in those circumstances.

As I said at the beginning of my contribution to the debate, these are largely technical amendments covering a wide cross-section of issues. Most will be supported by Labor, as they represent some streamlining of administrative functions and redress some earlier mistakes made by this government. It will be interesting to see if the proposed savings really are there in four years time or if the implementation of the changes ends up costing more than the government estimates. With those few words, I support the amendment moved by the member for Lilley.

Mr RIPOLL (Oxley) (6.26 p.m.)—I am pleased to speak on the Family and Community Services and Veterans’ Affairs Legislation Amendment (2003 Budget and Other Measures) Bill 2003. It is one of those bills that more closely represents the true position of many of the constituents in the seat of Oxley and the pain and suffering they go through because of the policies of this government. Most bills that come through this place have an attached doublespeak or nastiness—a more appropriate word to use—contained within the policies put forward by the government, and this bill is no different. This bill wraps up in a sort of fancy wrapping a few good measures, including some administrative changes, that the government needs to implement, and we would support those changes. But it hides within it a whole range of very mean-spirited and nasty measures that should not be supported and are not supported and which are the subject of a second reading amendment by the shadow minister, the member for Lilley.

This bill gives effect to most of the family and community services and veterans affairs budget measures that require legislative changes. This bill also gives effect to a 2001 budget measure upon which the 2003 measure relating to a recovery of overpayments arising from lump sum foreign pension payments depends. The introduction of this bill again demonstrates that the government is only interested in increasing revenue flows, without taking into account the vulnerabilities of those Australians that it will affect.

I will quickly go through what is contained in the bill. It includes the reduction of the portability period for social security from 26 weeks to 13 weeks. That will severely disadvantage many Australians, particularly those Australians who were born overseas and who need to travel abroad for short periods to visit sick or dying relatives or for whatever reason.

There is also data matching with pensions authorities in the Netherlands. That has enabled Centrelink to take huge amounts of money out of the pockets of those Dutch
pensioners who have been overpaid as a result of administrative errors and miscalculations over great number of years. This has caused great pain to the Dutch community not only in my electorate but also right across Australia. That has come about from a system that probably, right from the very beginning, was not coping with the type of information it needed when Australia signed a reciprocal social security agreement with the Netherlands. There is also the recovery action by Centrelink in relation to that particular case of the Dutch community, which I believe has severely traumatised many people in that community. Those people have lost trust, lost faith, in their government, in the government that is supposed to govern for all Australians and does not do that.

This bill before us also regulates the recovery of foreign pension payments made as a lump sum in arrears. This change will create heartache in the multicultural communities in my electorate and right across the country, because it is going to be applied retrospectively. The people who receive these foreign pensions were of the belief and understanding in agreements for some time that those payments would not be taken into consideration for recovery purposes at a later date, and now the government is travelling down this path.

What we have seen over the last two budgets is a government that has put in place measures to pursue debt at an incredibly ferocious rate. The ferocity of debt recovery from those who are most vulnerable in our society has been overwhelming. If only the government would apply the same rigour, the same enthusiasm, to those who are little bit tougher to get maybe but who are probably more important in the long run. Instead, what we see is a government that applies, as I said, this incredible rigour and enthusiasm to going down every burrow and every hole, pursuing the frail, the aged, the weak—those most unable to fend for themselves or defend themselves and most unable to cope with the changes that are being imposed on them.

What we have seen this week is some major changes in the Howard government’s frontbench ministry. We have seen the government make some big changes, particularly in the area of family and community services, where we have seen the minister, Amanda Vanstone, removed from her post and given another post. At the end of the day, Minister Vanstone was moved because she failed. She has failed as a minister. She has failed to reform. She has failed to do the things that this government promised it would do—govern for all Australians in terms of welfare reform, not welfare attacks—and hence we have seen this major change.

The government has failed to reform the flawed family payments rules and system. This is a system which has affected almost one million families across Australia, with debts over the last two years of around $1 billion. That is $1 billion that this government is ripping out of the pockets of around one million families. The government has failed to reform that system, a system which needs so much work to make it work for all Australians, to make it work effectively. The minister has been removed from her responsibilities because she has failed to deliver on paid maternity leave, which the government said it would deliver. This was going to be a scheme for all Australian families. The gov-
ernment has got some ideas on how this might work, but it never actually implemented it. It always does something but not what is required.

The minister has failed to address those punishing effective marginal tax rates that are hitting working families harder than anybody else in the community. I am not talking about the corporate high-flyers who earn huge six-figure sums; I am talking about ordinary Australian families, who today if they are earning the average income are struggling to survive. They are struggling to survive in a new world, a new economy, a Howard economy under a Howard government, a Howard world where those who work hard are punished, where those who work overtime are punished, where those who do the right thing are punished. You cannot meet the requirements put forward by this government. Nobody can. The reality that nobody can is evidenced by the number of families that it affects—all of them. How can everybody get it wrong? The reality is that they do not get it wrong. The reality is that the system just does not work. The reality is that the system that is put in place by this government is designed to not work. That is the belief I have. I think the belief that most Australian families have now is that they are part of a system that is designed against them. It is not designed to help, aid or make life easier. At the end of the day, that should be the charter of the government, the charter of the departments: to try to assist, to try to help. What is the point of having family tax benefit A or B if it is not there to assist people? If it is there to make them more frustrated, to incur debt for them, to make life hard for them, what is the point of having that system there? That is the reality of what is happening in Australia right now.

If you visit a Centrelink office, go and look at the queues, go and look at the frustration, go and talk to the people who have to stand there for two to three hours to be served—not because people at Centrelink are not doing their job but because the people at Centrelink cannot do their job, because they are not too sure what they are supposed to do. They are not sure what they are supposed to do, because the government changes the rules every fortnight. Every fortnight there is some policy change, there is some regulation change or there is some sort of new rule. It is so complex that if you asked three different people in any Centrelink agency, and in fact in the department, the same question exactly—a very simple one, correctly worded, but the same question—you would get three different answers. There would be stark differences—not just an interpretive difference but a complete difference at opposite ends of the spectrum. There is a dichotomy of information in organisations such as Centrelink. No-one is too sure what the rules are. They change often. They are very complicated. In fact, when I look at them I sometimes have trouble interpreting exactly what the government is driving at. What is that rule exactly? When you ask somebody in Centrelink to explain it to you, they have problems explaining it.

Take that concept and apply it to people in the community—people who may have literacy problems, who may be frustrated by the system, who have got better things to do, honestly, than spend two hours in a queue only to be told when they get to the front of it that they stood in the wrong queue and that they are actually supposed to talk to somebody in the other line. If Centrelink staff cannot themselves digest, interpret and apply consistently across the board the rules, the regulations, the mile-high stacks of volumes of government legislation, the policy, the attitude and the correction of the way it is meant to be implemented, how are ordinary people walking into those places—who have got much better things to do, like looking for
employment, if that is what they are doing—meant to do it? How are they meant to fill out those super-complex forms?

I have a copy of the package in my office, which I have had a brief look at. It is about the new system—again, another new system—the filling out of forms, the reporting of income and how it is supposed to be all made simple. Just from a cursory look, just flicking through it, I thought: ‘My God, I’m going to need an accountancy degree to fill this out 100 per cent. It’s going to take me hours.’ It would literally take me hours to do this. I looked at it and thought, ‘How frustrating it must be to have to do that.’ And not only do you do it once—it is not like tax where you do it once a year—you have to do it every fortnight. Every fortnight you have to subject yourself to this process that annoys you, makes you angry and causes you to have all sorts of rage. At the end of the day, it just frustrates people.

This is what the government and the minister, who has now been removed and gone off unfortunately to another area where she will probably do the same thing, do. They are punishing Australians. The real question you need to ask is: what are the government punishing these people for? That is the question you need to ask the government. They are punishing them for working overtime. They are punishing them for reporting what they estimate they are earning. The evidence is there that, no matter how hard you try—there are even those who deliberately now overestimate by two or three times to try to get out of this problem—you are punished. You do not want a debt at the end of the year; nobody wants a debt. Do government ministers want a debt at end of the year? No. People just want to get their payment, keep life simple and do things honestly. That is what the majority of Australians do; they are honest and want to do the right thing. In all the discussions we have, in all the policies we make, it is not about catching criminals or people who are dishonest; it is about the mistakes that are made—and they are usually made because the system itself does not work.

We are also going to see that the 30,000 parents who are caring for children with disabilities are just weeks away from having their care allowance payments removed and reviewed. These people do not have enough on their plates—that is what the government must think. They must think that parents caring for children with disabilities have a really easy life. It is a smooth, easy life, where they get up and just do whatever they want to do on a daily basis. The reality is so different. The reality is that these people have so much care to give, so much love to give and so much work to do to give their children a good shot at life and to do the best they can. All they ask of the government is to be on their side—that is all. They do not ask for a lot. The money they get is not a lot, so it cannot be that. All they ask for is somebody to be on their side, for somebody to care as they care.

But this government does not care, as evidenced by this bill, which is going to take away the little support that people have. And where it does not take it away, it makes new, very hard and complicated rules and introduces more forms to fill out. It gets to the point where people decide, ‘Maybe we don’t need these payments that badly.’ Of course, only a few have that choice where they may not need it that badly and do not want to participate any more. Most do not have a choice; they are forced to participate. Not only do they have all the caring responsibilities, all the angst and anguish that must go with parents caring for children with disabilities, they also have to deal with a government that makes life difficult for them. They must ask themselves: ‘Why is the government doing this to me? Why does this gov-
ernment hate me so much? Why does it hate my family so much? Why does it? What is it about this government, about the agenda, and about the ideological persuasion of these ministers and this Prime Minister that make them want to make life so hard for people? I cannot understand it and I am sure they cannot either.

There must be a way that this government can come up with some simpler methods—methods which are rigorous but simple. We all want people to be accountable. People want to be accountable. But you have to make it at least possible for them to be accountable and possible for them to do the job that you require of them. When this government talks about mutual responsibility, it is not talking about a level playing field and a fair trade. It is not talking about that at all; it is talking about a continual change, about continually making life harder and more complex, and about continually shifting the goal posts. That is what it does, no matter what it says. When it talks about other bills—for instance, the 'fairer work, more pay' bill—it is the complete opposite. This is what I started with: the Orwellian double-speak of this government that, by merely saying something is so, it is. We all know that it is not, because it is contained in the detail of the bill, not in the title.

I cannot go on without mentioning one of the interesting things about Minister Vanstone’s removal from this portfolio by the Prime Minister, and it is his version of why. The Prime Minister claimed that Senator Patterson, the minister moving into the families portfolio, would have greater sensitivity in the way she deals with the families job than Senator Vanstone had. What does the prime minister mean by that? Does he mean that the new minister will have greater sensitivity than the old minister? That is pretty obvious; it is something that we have known for a long time. The old minister did not have any at all; there was no sensitivity. The old minister did everything that she could to make life hard. There is a litany of comments and views by the minister of her attitude towards people who are struggling. One of the most recent ones that comes to mind is when the minister was being questioned about what would happen to age pensioners if they could not afford to repay to the government the debts that they had incurred through no fault of their own. Her response was simple and one that probably you or I or normal people would never dream of saying. The interviewer asked:

What if they don’t have the cash?
Vanstone: Well, we would look at their assets.
Interviewer: So you would be prepared to sell up their family homes?
Vanstone: Well, I would be.

I think that speaks volumes for this government and this minister. Simplicity where it counts for the government is in what you do to rip out the debt from those who cannot afford to pay. What are you going to do with them? Just sell out their homes. If you cannot pay, do not worry, because the government is now looking at a credit card system where, if you owe a debt to the Commonwealth, you will simply pay it back on your credit card. You are already in debt; you already have nothing; you already have no assets; you cannot afford to repay it. It will take it out of your measly, miserly payments every fortnight. And, on top of that, it will add to the woes of this country—already with the largest credit card debt in history—by promoting more debt and shoving people’s noses right into it. It is just incredible.

The debt recovery systems that this government is putting in place are beyond belief. It is like something out of a bad novel in which you read about a government that seeks people out and spends a fortune on technology, not to help people but to trawl
back through their affairs and find the minute detail, the tiny little errors. These were made through no-one’s fault, because the technology did not exist at the time. Nobody knew those debts were incurred. In fact, no-one worried about them, because they were part of the normal system—the mechanisms—of how payments are made. But now the government has the new technology, the newfound desire and the rigour and enthusiasm I was talking about to trawl through and find these small debts. They are small debts but they add up over long periods to a lot of money that people cannot afford. So it is not only happening in the Dutch community, with the Dutch-Australian pension and the guarantees they were given—people are getting letters for debts of $10,000 or $15,000. These people are in the traumatic situation where they want to pay it back but do not know how; they are given a deadline and they are considering how they are going to do it. We are talking about 85-year-olds who have trouble with the language. Does the government take that into consideration? No, it does not. This government is not interested.

Debt recovery is one of the biggest problems we have in terms of what this government is trying to do. If it was debt recovery in terms of trying to seek out businesses that have not paid superannuation for workers before the business goes under, I would be cheering the government and saying, ‘It is about time you did something positive for ordinary families and workers in this country who have lost everything because of a company that did not pay their superannuation for years and years.’ What all this means is quite simple: the government is prepared to put energy, money, effort and enthusiasm, like no-one has ever seen before, into hitting the weak, frail and aged—those least able to defend themselves—and at the same time it shows a blind eye and turns its back on those with the greatest wealth and assets. The government says: ‘Those people we will look at later—much, much later.’ What this government needs to do is make amends and do something that helps ordinary Australians.

(Time expired)

Debate (on motion by Fran Bailey) adjourned.

MIGRATION LEGISLATION AMENDMENT (MIGRATION AGENTS INTEGRITY MEASURES) BILL 2003
Cognate bill:
MIGRATION AGENTS REGISTRATION APPLICATION CHARGE AMENDMENT BILL 2003
Second Reading
Debate resumed from 17 September, on motion by Dr Kemp:
That this bill be now read a second time.

Mr LAURIE FERGUSON (Reid) (6.47 p.m.)—I rise to speak in the debate on the Migration Legislation Amendment (Migration Agents Integrity Measures) Bill 2003 and 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, the House:

(1) supports the continuation of a statutory form of regulation of migration agents, believing that complete voluntary self-regulation, as advocated by the Coalition in the past, would seriously endanger vulnerable clients and badly undermine the integrity of our migration system;

(2) expresses its dismay that the Government has allowed privileged access to Ministers, and Ministerial and Departmental staff, to a number of unregistered agents who are close associates of the Coalition;

(3) notes growing concern about the Ministerial intervention process, particularly in so far as it entails unequal access by certain groups
and individuals and arbitrary and non-transparent decision making by the Minister;

(4) requires the Department of Immigration & Multicultural & Indigenous Affairs to display a stronger resolve to investigate and prosecute individuals engaged in unregistered practice, people trafficking, migration fraud and other offences under the Act, including matters referred to the Department by the Migration Agents Registration Authority (MARA);

(5) urges MARA to address concerns about its visibility, efficiency, and accessibility and improve its means of communication with consumers, registered agents, ethnic community organisations and media outlets; and

(6) requests the Minister for Citizenship and Multicultural Affairs to give priority attention to the need to bring overseas agents into the regulatory system and to develop a mechanism to require agents to maintain adequate professional indemnity insurance as a condition of registration”.

The DEPUTY SPEAKER (Mr Wilkie)—Is the amendment seconded?

Mr Kelvin Thomson—I second the amendment.

Mr LAURIE FERGUSON—The amendment essentially goes to a number of issues. There is the failure of the government, at this stage, to deal with a number of considerations which the Spicer inquiry indicated action should be taken on, including the question of the current failure to police agents overseas. Realistically, that is probably where we have more problems than even on shore. The other matter is the question of indemnity insurance for the players in the industry. Again, this was highlighted by the Spicer inquiry. The point was made that it is not uncommon among professionals in this country to have such coverage. I note that on 25 September—which was quite some time ago—the minister indicated that he would act on these matters.

We understand, in going to this issue, that 10 per cent of the practitioners in the industry are not-for-profit and any scheme would of course have to take that into consideration. There has been a doubling of complaints, which is an indication of the problem. Certainly the request that Spicer made that DIMIA and MARA explore the feasibility of a scheme is a matter the government should act upon more swiftly. We do not need to reiterate at length the reality of this industry. We have people who are extremely desperate to live in this country. Some of them have very valid claims in relation to protection visas and others have less credible claims. But what they usually have in common is that they lack a fundamental knowledge of the legal system and processes.

People with this degree of desperation can be exploited greatly. I have enough practical experience to know that there is often a common conspiracy between the client and the agent or the lawyer involved. But realistically they do need protection and the question of what happens in the case of a crisis with an individual practitioner should be tackled by the government. The amendment goes to those issues and it also goes to MARA lifting its game. We have seen enough coverage from the Australian newspaper in recent weeks and its disquiet over that aspect of it. I do not believe the situation is quite as dire as the Australian makes out, but there is obviously a perception of a need for MARA to lift its game.

I will return later to the other aspect of the amendment: the question of the favoured relationship of the minister and a number of unregistered people in this marketplace. On the broader thrust of the current legislation, I want to say that Labor has a strong track record of wanting and seeking integrity in this industry. We have consistently questioned the ideologically driven perception of this government that MARA and the institute
were basically able to police themselves, that there was no need for the government to have a role and that essentially the industry was mature enough to look after itself.

The previous minister, who has moved onto the Attorney-General’s role, was a strong advocate of getting out of this marketplace. Whether it is because of the fairly shameful allegations and the series of donations that have been made to the Liberal Party, and the relationship with the grant of visas over recent months, or whether it is because the minister who handles this particular portfolio sees an opportunity to become a shining white knight—a Sir Galahad—against fraud and corruption in this field, there has certainly been a change of tune by the government. This government, which said that all was well and that within two years there could be total deregulation and total independence for the industry, is now coming to this House with legislation that really is going over the top in trying to cater for the problem. It is an absolute 360-degree change of position by the government.

As I said, we do not for one moment resile from recognising that there is a very fundamental problem in this industry. The figures that have been provided to the opposition—and I would have hoped that the government would be more forthcoming with what they hold—indicate that, of the 500 practitioners who launched cases over the last two years, 300 managed a 90 per cent failure rate and 50 managed not to win a case. That does indicate that some people might be launching questionable cases. It would be hard in many fields to get that kind of picture.

Yet the industry does attract a large number of applicants. To this date, I think estimates have been given of a 13 to 20 per cent growth rate in the number of people coming into this field. More and more people are coming in and many of the practitioners seem to have, on the surface, a very dubious track record of success. In these situations, clients often do not know the details. Many of these practitioners go to various gala events in ethnic communities, make donations to good causes in those communities, advertise in ethnic media and sometimes essentially have a monopoly practice in different ethnic markets. They might lose a few cases, but, for the ones they win, the clients tell the next person et cetera. So they actually have people out there in the marketplace seeking business for them. That situation, as the opposition has consistently said, is not satisfactory. Certainly, it is not helpful to the integrity of our immigration processes that people launch preposterous cases and seek to buy time or that clients and the people who advise them launch cases which, on any honest and objective analysis, have no validity based on the objective human rights situation in those countries.

We then have streams of cases. If you are in your electoral office often enough, you will see a stream of cases from Nigeria, because some states have introduced sharia law. We have a line of argument that says that every Nigerian Christian should move to Sydney rather than relocate within the country. Similarly, at one stage, we had a stream of Tongan women’s cases because Tonga is a patriarchal society. So it goes on. In more recent years, there has been a proclivity to argue that homosexuals and lesbians from the Middle East, if they were to return to their villages, would be persecuted greatly. We have agents out there manufacturing these cases, perhaps thinking they might beat the system—they might find the tribunal member who got out on the right side of the bed that day—or, more particularly, buy time within the system, hoping that other alternatives will emerge during the period in which they are fighting their way through the sys-
tem. Alternatively, in cases where applicants have children, they might be here long enough for those children to acquire rights of permanent residence and thereby change the families’ migration situation. I have had people walk into my office, having fought the system in some cases for eight, 13 or 14 years, and tell me that they will simply take another class action to get the required further year or two until the balance of the family have permanent rights in this country.

We do not for a moment think that all is well in this situation. However, there must be grave doubts about whether the government is tackling the issue in a sensible fashion. The government’s intention seems to be to start building up a profile of dubious agents, constructed through a requirement that the agent advise whenever they give assistance to a person. There are a number of concerns with this. Firstly, in the last week many lawyers have put to us the question of confidentiality of the client. Others have put it to us that it would feasibly allow the department to build up a list of people who were shopping around, possibly to launch claims—the fact that they have been to a person for advice would perhaps indicate that they have a few ideas. Personally, I am not as concerned about that complaint as some other people are. I think we can possibly work our way through options for confidentiality between client and agent.

However, I think we really do have to look at the broader picture. There are some grave difficulties in this legislation. It seems that the government is going to take a profile of four cases in a six-month period, from what I understand. If, in the case of protection visas, the agent fails in 90 per cent of cases and, in other classes of action, that agent fails in 75 per cent of cases, the agent would have to show cause as to why they should remain in the industry. For all my concern with the manipulation of the system, with people launching false claims and buying time and thereby, most importantly, hurting other people who have legitimate claims—and these people are forced to wait longer and longer and get more and more frustrated with the system—I think we have to be realistic about the possibility that many very genuine agents could launch four cases in a period of six months and lose all four.

All MPs in this House have seen cases which they thought were fairly strong and which were eventually rejected. You could have a situation where the Department of Foreign Affairs and Trade takes a particular position with regard to a country. I am cynical enough to think that the Foreign Affairs position is not always totally objective and altruistic—it relates to our national and international needs. For some nations, Australia takes a softer line on human rights abuses because our national requirements dictate it. A person could be launching most of their cases involving that particular country. Therefore, they could have a very low success rate without in any way intending dishonest practice.

It is also a reality that circumstances can change in a particular nation or region between the launch of a case and its finalisation. This is quite clearly what the government are saying in regard to the situation with temporary protection visas—that they will look at the situation of Hazara Shia or Uzbek speakers in northern Afghanistan, or perhaps now more the stronger claims of Pashtuns on the border with Pakistan. They are saying that the situation can change, so an agent could, as I say, launch a case and find that the rugs have totally moved during the consideration of that case. That could be taken as another cross against their name and lead to their exclusion from the field.

Similarly, there are issues as to what advice is. It has been put to the opposition that,
if you require people to indicate that they gave any advice whatsoever to a claimant, then a number of agents could be involved in a particular case as it goes through the system. A person could seek the interpretation of a variety of agents before they even launch their initial approach. Those agents could give varying analyses, varying advice, but they would all be part of that claim, it seems. We could have a series of agents affected by the one failed case, with each of those agents having a very different relationship with the launch of the case, its preparation and the fight for it. Agents who advised people not to launch a claim and that a claim lacked merit could be affected because they have still advised. So that is another issue that must cause concern.

There is also the issue that the department seemingly is going to be judge and jury in these matters, that MARA is essentially going to be sidelined, sent to Coventry, in regard to this area. Who would not be worried about that, particularly when the criteria are so low in a number of cases? It could feasibly be a situation where a particular agent has been associated with campaigns that the government—and even the department—do not particularly like. Those agents, those lawyers, would seem to have some grounds for concern that it is the department that is seemingly going to decide whether there is good cause for them to be thrown from the industry. I appreciate there can be appeals to the AAT but I still think that, when you look at the overall approach that the government has in this legislation, there must be a grave worry here.

Also—and this comes to the question that I and other speakers will refer to about the image of the previous minister over the last year or two in regard to ministerial discretion—seemingly another provision of this bill is that the minister or his department, having decided that someone has a track record so bad that they should be forced out of the industry and MARA should basically stamp that situation, can revoke that. The minister can turn around and decide, for whatever reason, that that was all wrong.

As I say, if you go through this you do have to say that there are indeed grave worries with the way in which this has been constructed. There are other parts of the legislation of course that we would fully endorse—the strengthening of sound knowledge, the move towards examinations, the strengthening of penalties against unregistered practice, the introduction of additional offences. All of those things are commendable. They have been advocated in the past and they have been supported by MARA, by practitioners, by activists and by Spicer. As I say, it is unfortunate that the department and the minister have chosen to deal with what is a very real problem in such a ham-fisted way that it might not be too easy for us to come to some kind of consensus about this legislation. I want to say very genuinely that, if there is a will, there is a way. I hope that we can come to some kind of understanding on these matters.

I now turn to the other aspect of the second reading amendment—that is, the question of the seemingly special treatment of some people in the immigration field. The past few months have seen tremendous focus on a number of individuals and the use of section 417—ministerial discretion. The main player, of course, has been Mr Karim Kisrwan, a travel agent from Western Sydney. We have moved on from the first event there—allegations in regard to Mr Bedweny Hbeiche, who the previous minister told the House was successful because he had a few sisters in Australia. Realistically, I think we know that that is not a very credible argument as to why that case was successful. I could go through the situation with a few other communities—Pacific Islanders, for
example. Many Pacific Islanders in my region have multiple siblings in this country, and the ones I have seen have cases as poor as Mr Hbeicle’s. They did not get any special treatment or recognition because of their family ties in this country. We have the allegation that donations were made and, despite the previous efforts of the member for Parramatta and the previous firm rejections by the RRT and our courts, suddenly Mr Hbeiche was judged to be a person meriting protection.

We have moved from there, of course, to Mr Kisrwani’s broader role in Australian immigration. It is interesting to note that the Senate inquiry is now seeking his appearance. One would have few reasons why he could perhaps be very helpful to an inquiry with regard to ministerial discretion, because he seems to have broadened his interest in the immigration field beyond the traditional pattern of a father figure in the Lebanese community who historically undertook a role of assistance to a wide number of recently arrived migrants to a pattern of facilitating people with more questionable antecedents. The first of these, of course, is the Filipino corporate fugitive, Mr Dante Tan. We know the claim of Mr Kisrwani that he certainly did not take money with regard to trying to influence the minister. This was all a business transaction—a loan to a company that Mr Kisrwani was involved in. It was so successful in water and, from recollection, leather exports that that loan was allegedly paid back in a few months.

In this process, Mr Tan developed some very close relationships with people in Australia. He saw a need to go to breakfast with Minister Abbott and Minister Reith; to go on harbour cruises with Minister Abbott and Minister Coonan; to attend Romeo’s Restaurant with the New South Wales member for the Hills, Minister Abbott and Minister Ruddock; and to attend Melbourne Cup lunch-eons. Minister Ruddock conceded at one stage that he had been out with him two or three times socially, but could not recall which events. We have a situation where, when you add up all the events, he was at a fundraiser every week or so during the campaign.

Then we had, of course, Mr Foo, who was escorted in handcuffs from a plane in Singapore. Returning to Mr Tan, we had a reversal of the department’s hostility to his claims to have been setting up legitimate businesses in this country. The department vacated the field because it was costing the Australian taxpayer too much money! If you look at what the department is doing in this country with regard to the cost to taxpayers, the argument that the reason they suddenly withdrew from Mr Kisrwani’s business partner’s case was because of cost is once again a preposterous argument. We all know that the department, sometimes quite rightly, fights many of these things to the nth degree. I am, quite frankly, totally unconvinced that that was the reason the department vacated the field in this case.

Then, of course, Mr Kisrwani—coincidentally a travel agent, not involved in immigration, just a ‘community leader’—got tangled up with Mr Foo, and they were gallivanting around town to fundraisers as well. And there has been an admission, not an allegation, that Mr Foo—I am not sure whether he is still in Changi prison or where he is—also seemed to think that Mr Kisrwani, this travel agent, was somehow the No. 1 honcho in Australian immigration, because he went into a $4,000 consultancy with him. He did not go down to some of the larger firms in Sydney or Melbourne to get his assistance. He thought that this little-known travel agent in Harris Park was the person to go to. I wonder why. Could it be because Minister Abbott described him as a close personal friend of the minister for immigra-
tion? I think that is perhaps the reason, because I cannot logically see why he would otherwise be regarded, unregistered as he is, as a person who could be helpful with regard to immigration advice.

As I have said on many occasions, I am also rather amazed that when this Filipino corporate fugitive, Mr Dante Tan, got off the plane, having used a speedboat to escape from the Philippines and divert legal authorities, he said: ‘I won’t look at the Financial Review or go down to the stock market to get a business partner. There’s a guy in Harris Park, Karim Kisrwani. He’s the person I should go into partnership with if I am going to establish a legitimate company in Australia and make enough money. He’s the one person in this whole country that I should go into partnership with.’ Once again, I wonder why. I think it is fairly clear that the reason that he at least perceived he should go into partnership with Mr Kisrwani was that Mr Kisrwani was perceived as having influence.

Then, of course, we had Mr Kisrwani, travel agent, again involving himself in an area of the immigration system when he became the middle man with regard to sale transactions of the Australian College of Technology. Once again unexplained was the great expertise and the great need for this man, but he was there again when Mr Nasr and Mr Yung, it seems, entered into some negotiations with regard to that college, which certainly had grave problems with the department. The other coincidence was that Mr Yung was walking around the Australian political system saying: ‘I’d like to participate. How can I participate in politics in this country? Why don’t I give a donation to the minister for immigration?’ There was no connection with him giving that money to the particular minister. There was no relevance in the relationship between Mr Kisrwani and Mr Yung and the fact that Mr Kisrwani was a close personal friend of the minister, but Mr Yung decided to give $2,000 and the person he was negotiating with, Mr Nasr, also had to give $1,000.

I want to say—and I think it is very unfortunate that I have to make this point—that I noticed that the former minister for immigration indicated that he thought his memory was somewhat better than Mr Kisrwani’s with regard to the timing of donations. He has refuted Mr Kisrwani’s claims that he and Mr Tan went to the campaign launch in Berowra and that a donation was made around 14 October. He claims that the donation was actually made by cheque in January the next year. I am slightly questioning of that, because Mr Yung also just happens to have signed a statement about his donation, and he just happened also to put 14 October. So we have these two people in this mire indicating that there were donations around that time. I have to say that the image of ministerial discretion has very much come under the spotlight. The whole problem was perhaps summarised in the current issues brief No. 3 2003-04. In relation to ministerial discretion, it stated:

While this provision was designed to act as an accountability mechanism, in reality these tabled statements read like a set of templates, containing three or four paragraphs which convey very little substance about the specific case.

We have a situation here where the Australian public and the Australian parliament know nothing whatsoever about why approximately 2,000 people have been allowed through the system under ministerial discretion. These are people who were rejected by the department, rejected by the tribunal and rejected often by the courts. Yet 2,000 of them have come through the door. We have people out there trying to increase ethnic tension in this country and to denigrate and stereotype people that arrive by boat. I for one am realistic enough to know that they are not all genuine claimants either. At the
same time as we have 2,000 people coming through the back door, we have a travel agent in Parramatta who has a 50 per cent success rate. That compares with Amnesty International’s 11 successes and 51 losses. That compares with the Fijian Australian Community Council’s zero successes and 36 losses. That compares with the Refugee Review Tribunal referring back to the minister many cases and having a 17 per cent success rate. It does not read as genuine. There is no way in the world that this travel agent knows more about immigration, knows more about these cases, knows more about the law of protection visas and has had this success rate by himself.

Quite clearly, he is only a small part of a bigger mess. We have Mr El Ashwah described by the Australian as ‘the poor man’s Karim Kisrwani’. We have his involvement in the case of Indograin. We have Gilda Ponzerrada, former officer of the department, sitting in Kisrwani’s office for many months, and it was allegedly put to the public that she was still working for the department long after she had left. We have Fahmi Mustapha Hussain, the former Liberal candidate for Auburn, who is debarred as a lawyer and debarred as a practitioner. He is also part of this peddling of influence that has basically characterised the operation in Western Sydney. The opposition has moved the second reading amendment that goes to those points. I would hope the government shows some sense about the way in which we can handle the broader bill. (Time expired)

Mr RANDALL (Canning) (7.18 p.m.)—I am pleased to speak to the two concurrent bills this evening: the Migration Legislation Amendment (Migration Agents Integrity Measures) Bill 2003 and the Agents Registration Application Charge Amendment Bill 2003. We know that this basically deals with recommendation No. 19 of the statutory self-regulation review—the Spicer review—which recommends the introduction of charges for those who wish to act as migration agents on a non-commercial basis. What has been happening is that people who quite rightly wish to involve themselves at a community level in charitable and community organisations and offer advice for free pay a much lesser fee. In paying this much lesser fee, they give advice where they can to people in need. What has happened is that a few sometimes unscrupulous registered agents that are non-commercial have suddenly decided they wish to become commercial agents. They then operate at giving commercial advice but on the much lower registration fee, which is quite wrong. I understand that people giving advice and then charging for it when they are not entitled to is an actual offence. This legislation introduces a pro rata fee, and it allows greater discretion for both MARA and the minister to investigate where offences have occurred to see that it does not happen
across a wider range. To put that into con-
text, there are some 3,800 registered agents
in this country and 10 per cent of those are
not-for-profit providers. Those 10 per cent
do a marvellous job, and naturally they are
not charging the exorbitant fees.

The bulk of the information this evening
goes to recommendations 3 and 16 of the
Spicer review—that is, education and sanc-
tions for large numbers of vexatious visa
applications. The purpose of this bill is to see
that those key recommendations are given
greater substance so that migration agents, or
people who wish to become migration
agents, go through a far tougher and far more
rigorous education process so that they can
become good migration agents for people
who need their services. It has always been a
concern in the community that a number of
people suddenly decide for whatever rea-
nson—and the member Reid mentioned some
of them, such as having an attachment to an
ethnic community or whatever—that they
would make good migration agents. They
have no background in the area of migration
law or in any migration processes. In fact,
one person said to me, ‘I don’t know. My
husband’s at work and I thought I wouldn’t
mind having something to do. I’ve often
thought I wouldn’t mind being a migration
agent.’ So off she trotted and got herself a
migration agent’s licence and she now dis-
penses advice as a migration agent. That is
one of the reasons why there needs to be
greater scrutiny and regulation in this bill.

As was found out from evidence given by
MARA to a Senate estimates committee,
there has been growth of between 13 and 20
per cent each year in the number of migra-
tion agents. In fact, last year the number of
new migration agents grew by 700. There
were 700 new migration agents registered
last year. That has to say something about the
industry. Either it is real cash cow and a lot
of people have suddenly said, ‘How long has
this been going on? I’d better get into this.
There’s a good earner here,’ or there is a
greater need. Given the fact that the very
honest Minister Ruddock has put so much
integrity back into the migration system—

Mr Kelvin Thomson—Did Hansard pick
that up?

Ms Roxon—Hansard can’t detect irony.

Mr RANDALL—We hear those opposite
cackling and guffawing. He has done some-
thing they could never do and that is to bring
integrity back to the migration system. There
is no real extra work in this industry other
than work that they suddenly decide to gen-
erate. There are some very interesting cases
in point. Here we are with a huge growth in
the number of registered agents, yet there are
a greater number of complaints. My under-
standing is that in the last few years the
number of complaints about migration agents
has doubled. As the member for Reid quite
rightly said, through his electorate office—
and mine and, I am sure, those of many other
members of this House—there are com-
plaints on a regular basis about migration
agents.

In Perth I sometimes recommend to peo-
ple a migration agent called Robert
O’Rourke. I have never had a complaint
from anybody when I have suggested him. I
hand out a number of cards of different
agents in Perth that I have had good dealings
with and that people have had help from.
People like Robert O’Rourke provide a mar-
vellous service to the industry. People from
non-English-speaking backgrounds, people
from overseas who come to this country for
the first time, do not have a working under-
standing of migration law and they need
help. They generally pay a fee for it. But I
have brought to the attention of this House a
number of migration agents who have caused
some problems. For example, a person about
whom I have had a number of complaints
through my electorate office is Rose Todd of Todd Holdings Pty Ltd, in Walter Road, Dianella. She is somebody that, under this new legislation, there might be some attention paid to.

It is no secret that I also brought to the attention of this House, the media and MARA—and I will go through that process shortly—the case of a former upper house member from Western Australia, Mr Sam Piantadosi. I wrote to the Migration Review Tribunal in August 2002 about his activities. I then wrote to MARA. In relation to Mr Piantadosi and his dealings with a Mr and Mrs Bruno, I wrote to Ms Laurette Chao of the Migration Agents Registration Authority on 14 March this year and laid a complaint which was canvassed. Mr Piantadosi had been providing services to the Brunos and a number of other people, including Amano Signorelli, whom I had been helping through my office. As I said on the record earlier in this House, Mr Piantadosi had taken their money and had not even lodged their applications. He disputes this, of course. But the fact is that Mr Signorelli was going to be deported because his application for a visa had not been lodged. Yet Mr Piantadosi had taken the money. These are the sorts of migration agents that this legislation is intended to address.

I am disappointed with MARA, because it is 7 October and I received a letter on 24 April from them saying that they were investigating this case and that I should contact Mr Irving if I needed any further information. I just wanted them to get on with the job of completing the investigation into Mr Piantadosi in particular. That letter was signed by Laurette Chao. I have rung them today and they have told me that it is now with the Conduct Advisory Panel and that the executive officer is David Mawson. They have not dealt at all with this application that they are supposed to be investigating. So here is someone you would possibly call a rogue migration agent who is still practising after I brought this to the attention of the authorities over 12 months ago, starting off with the Migration Review Tribunal.

So I am a bit worried about giving MARA extra abilities and sanctions in being able to address this issue if they cannot deal with something simple under the powers that they have now. I hope that the minister—and this is one of the reasons the minister is going to have a ministerial intervention capability enshrined in this legislation—will take a sterner view of the activities of MARA. I think they had better beef up their activities in looking at some of the many complaints they get. In fact, my understanding is that the last time an agent was drummed out of business was in 1999, so it is not a great success record on behalf of MARA.

I understand that there is bipartisan support for this legislation. I did not hear all the comments of the member for Reid, but he seems to agree that there are a number of concerns in this area and that they should be looked at in terms of the operation of migration agents. I also note that Senator Bartlett on 20 June 2002 also expressed concern about:

the very large number of people who rely on migration agents and the enormous consequences for them if those agents do not act appropriately when they are meant to be helping them.

He goes on to talk about there being a possible lack of confidence in the integrity of registered migration agents and says the Migration Agents Registration Authority has been tasked by the parliament to do its job, basically. The select committee is also looking at this area.

An interesting case, which is quite fortuitous—and again the member opposite raised this issue earlier—was described in last Saturday’s Weekend Australian. Both Rebecca
DiGirolamo and Natalie O’Brien raised the issue of Mark Clisby, an Adelaide solicitor who is at the centre of investigations into a migration scheme spanning three states and who has previously been found guilty of unprofessional conduct. His dubious activity has gone back to court cases as early as 1995. So Mr Clisby has been under scrutiny since 1995 about some of his activities. The article in the *Australian* goes on to say:

Clisby has had his registration as a migrant agent renewed annually by the Migration Agents Registration Authority since 1999, despite it having full knowledge of his guilty plea and the tribunal reprimand.

Now similar criticisms are being levelled against him—this time by a handful of Federal Court judges.

So when you have Federal Court judges talking about a rogue migration agent—Clisby, in this case—there needs to be some sort of action. Further, in the article, according to government lawyers:

... Clisby orchestrated a scheme designed to frustrate the court, doctored court documents and failed to advise clients he had abandoned their cases, leaving them open to deportation as illegal citizens.

Why would Clisby be doing this? Why would Clisby want to put in all these sorts of bogus claims? I understand he currently has 600 claims clogging up the courts. It is very simple. It is because Mr Clisby charges, on average, $2,200 for each case that he has before the courts. They tell me that he has great success in getting these to the High Court. On any reckoning—let us give him the benefit of the doubt—Mr Clisby is looking at a fee arrangement for these 600 cases of $1.2 million. That is a bit ordinary! Not only that, but the fact is that these concerns have not been dealt with. They also tell me that Clisby was actually a bit of a serial branch stacker and tried to run for parliament a couple of times in South Australia—

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Ms Roxon—For the Liberal Party!

Mr RANDALL—That is right, for the Liberal Party; we have rogues on both sides of the parliament. In this case, he has been mentioned in this article as having done the same. I believe it was John Olsen’s seat that he tried to run for in South Australia. You do not go ‘Hee’ for somebody who is misbehaving.

In this case, as I said, there are so many concerns that they could take these to the High Court. This is where I find the Labor Party so disingenuous on the whole subject. We could be stopping this huge range of legal entanglements from going through every court and every system in Australia if the Labor Party had supported our legislation on a number of occasions. We wanted to look at a smaller review process so that lawyers like Clisby could not use up not only the small amounts of money that many of these migrants and refugees have but the resources of the Australian courts.

People say, ‘Why don’t they stop these people going all the way to the High Court?’ There is one simple reason: the Labor Party, in conjunction with the Democrats and the Greens in the Senate, have stopped us trying to do something about this cascading succession of appeals through the courts. Yet today the member for Reid said that it is a problem. He outlined that there were people who prolong these things for up to 14 years, I think he said, so that they can get the balance of their family to Australia and then they have a better case for staying in Australia themselves. They are using the system to circumvent proper process when we as a government are trying to put in place legislation to do something about the problem. It is hugely expensive matter, and the time and the resources of our courts are being consumed in dealing with it.
But the Labor Party do not always tell it up front, because they have a political scalp to take here and a point to score there. Rather than trying to fix the system, they would rather bag Philip Ruddock, who should be beatified rather than criticised in the public's eyes. It is really funny in here. The Labor Party want to savage him and think they do well when they lay a glove on him, yet out in the community people think that Philip Ruddock is one of the greatest things that has ever walked. As I said, the general community thinks he should be beatified. For what he has done for the integrity of the migration process in this country, he should.

However, my last point about Clisby's case is that MARA's executive officer, David Mawson, says he cannot reveal whether Clisby's registration has been scrutinised by MARA because of privacy issues. That is fair enough, but you would think that after all that time—from 1995 to 1999; it has been reviewed ever since—that they would actually have a good look at him. As I said, this is what this legislation may well go to.

In the last few seconds I have I will just finish by saying that because of my concerns I have not just complained about it; I have written to the minister asking him to bring a term of reference before this parliament's Joint Standing Committee on Migration. That would be a good place to deal with this issue. The fact is that the minister responsible, the Hon. Gary Hardgrave, wrote back to me outlining the number of reviews that have taken place. As a result, bringing legislation to this House in the interim should deal with a great many concerns that we have with the migration agents and the control of them in this country. This is a bill that if supported by the opposition will bring back integrity to the process of migration agents, and also for the welfare of the people applying.—(Time expired)

Ms ROXON (Gellibrand) (7.38 p.m.)—I too would like to speak on the Migration Legislation Amendment (Migration Agents Integrity Measures) Bill 2003 and the Migration Agents Registration Application Charge Amendment Bill 2003. Labor welcome this overdue attempt to tighten up the standards of the migration advice industry. We do ask though why it is now that the government has suddenly decided to act. We know that there has been a debate in the community for a long time about the type of regulation that should cover migration agents and lawyers. In fact, it was the immediate past minister—if that is the correct terminology for former Immigration Minister Ruddock—who argued when he first took on this portfolio for getting rid of the regulatory controls that covered migration agents. We have not come full circle but we have come partway back around the circle because there has been a realisation that it is very important for us to properly regulate and control this industry in some way.

People in this House know that the migration advice industry, or the migration industry, is a seriously big industry in Australia now. I have no doubt that the vast majority of advisers and agents are good and capable, but we believe that there is still a serious and significant number who are dodgy in one way or another. We believe that the government has a clear responsibility to ensure that people who are using migration agents are protected from those who are the most shonky.

When I say that the advice industry or the migration industry is a big industry now, we are talking about serious amounts of money. The Senate inquiry that is currently looking at the use of ministerial discretion has had evidence from a number of agents who have put the costs of getting migration advice at various stages anywhere from $2,000 to $30,000 or even up to $50,000. Some issues
may take a very small amount of time; others involve cases that might go through many court processes, and perhaps some of those upper amounts might be expected in those cases. Nevertheless, it is seriously worrying to Labor that, when you have such large amounts of money, when you have people who are desperate and very determined to be able to stay in Australia and when you have a minimal amount of regulation, it is quite a dangerous cocktail for some people who are determined to do the wrong thing and who take advantage of people who are seeking to have their claims processed to stay in Australia.

We welcome the reforms and we welcome the fact that the government recognises that this is a big issue but we think that it is only partial recognition of what needs to be done. Clearly it is a major step back from the arguments that were proposed and the system that was set up by the previous minister, Mr Ruddock. It is proof that the system that he had hoped would work does not, and that there need to be more steps and protections built into the system.

There is a significant problem with the way MARA operates and with the interaction between MARA and DIMIA, because MARA does not have as many powers as people might think it does. As the registration agent, and as it has responsibility for self-regulation, it does not have the extensive powers that many in the community might want it to have. At the same time, DIMIA, which is the department responsible for a number of other areas and particularly the control of unregistered migration agents or people who are providing migration advice but are not registered to do so, does not use its powers to enforce or regulate appropriately the activities of community representatives. I will go into that more in the future.

We are a bit concerned that these bills give more power to the department even though we have some doubts about whether the department is properly or actively using the powers that it currently has. As the primary decision maker on most migration matters, there is also an issue of conflict of interest, and we need to look closely at how we deal with those sorts of allegations. Is it going to be appropriate for DIMIA to be able to give or not give a tick or an okay to people who are going to provide advice when it has an interest in making a decision on the cases that are before it?

There are growing numbers of complaints about the activities of migration agents and lawyers. It is vital for customers that these dodgy practices are stamped out. It is also vital for those very professional agents, and it is in their interests, that they do not have their standards and profession brought into disrepute. So looking to regulate more and introducing some new offences could have a positive impact.

It is a desirable and necessary aim for us to deal with this serious problem of many people providing poor migration advice and perhaps being serial offenders in bringing vexatious claims, and certainly for us to deal with the potential exploitation of people who are in vulnerable and desperate circumstances. So Labor support this purpose—we think the aims of the bill before the House are good—but Labor do have concerns that some of the methods and procedures that are being proposed in this bill will not necessarily achieve this aim.

The government is revealing some strange priorities by having a particular focus on agents who bring vexatious claims, when clearly DIMIA has an interest of its own in preventing those claims being made. The nation has an interest in preventing those claims being made. But the government does
not seem to have taken quite so an enthusias-
tic approach in the areas where Labor have
persistently revealed that there are serious
allegations of corruption in the process. I
would like to spend some time dealing with
that in my speech today.

My colleague the member for Reid is the
shadow minister who has carriage of this
bill. He has clearly set out Labor’s position
on the bill and the negotiations that we
would like to have before this bill is debated
in the other place. I support the comments
that he has made and hope that the negotia-
tions that will be held between the govern-
ment and the Labor Party will result in some
of the changes in the areas in which we have
concerns.

The second reading amendment that has
been moved by the member for Reid sets out
clearly some of the issues that we are con-
cerned about. In particular, I refer to para-
graphs (2) and (3), where we express dismay
that the government is not using this oppor-
tunity to address the questions that have been
raised around the exercise of ministerial dis-
cretion. Whilst we think that measures tight-
ening up the requirements for agents so that
they demonstrate sound knowledge of the
Migration Act and ensuring that they under-
take ongoing professional development are
very welcome, we are concerned that the
small numbers of claims that might be in-
volved in assessing whether people are actu-
ally displaying those professional standards
and the low success rates might be used as
indicators. We are particularly concerned
about that when we look at some of the suc-
cess rates that people have in other areas and
see quite disparate results that do not seem to
reflect in any way the sorts of standards that
people might have in this area.

I want to recap in particular the cash for
visas affair, because of the fact that the gov-
ernment has decided to implement this bill
now, after recommendations that deal with
some of these issues were made many years
ago. It is good that it is going to take these
steps, but it is just a little bit coincidental that
it is only now, when the issues that Labor
have been raising about the integrity of the
system have really got some public interest,
that the government wants to look like it is
clamping down on these procedures. When it
does that and then has a provision in the bill
which says that we will make an exemption
for unregistered agents or people who are not
migration agents putting forward a case to
the minister seeking his intervention and that
as long as they are not getting any fee or re-
ward they will not be covered by these new
provisions, it seems to us that the clamping
down is not actually occurring in the area
where some of the most serious allegations
of corruption have been made. So we do not
really believe that the government can be
given too much credit for deciding to pick up
some recommendations that have been
around for a long time which, whilst appro-
priate, do not necessarily deal with all of the
issues that we would like them to deal with.

I will quickly touch on a couple of those
issues. A new offence is going to be created
for an agent failing to inform DIMIA of their
involvement in a visa or review application.
There is going to be an increase in the crim-
nal penalty for giving immigration assistance
whilst unregistered. That might be something
that people feel would go to the sort of cir-
cumstance we have been dealing with with
Karim Kisrwani, but I need to draw the
House’s attention to the fact that DIMIA is
not currently prosecuting people under those
provisions. In fact, we know from the Senate
inquiry that many complaints have been
made over several years about Mr Kisrwani
and that the only thing DIMIA has done is
counselling Mr Kisrwani.

Supposedly an investigation has been
afoot, and we have found out through the
process of the inquiry that at the same time Mr Kisrwani has actually taken the head of the DIMIA Parramatta office out to lunch. This is not the sort of thing that gives people confidence in the system if DIMIA is to have more power and is supposed to be the keeper of the integrity of the system. We really do need to deal with the fact that there is a perception of influence and favouritism and that that perception does not just relate to the former minister; it relates to the department as well.

Debating a bill like this raises very serious questions about how a system can be regulated appropriately, the sorts of interests that a department might have as the administrator of a whole system and the interest that it might have in actually regulating the system or excluding people from using the system. We think there are some serious matters that have to be dealt with here. We are particularly concerned about revelations, again in the Senate inquiry, about the relationship that some community members have not just with the minister but with the minister’s office and the department. We think it is strange that the government wants to cloak this bill in the language of clamping down on dodgy practices but has got more than a bit of a blind spot when it comes to the role that some community members can play in accessing the minister, particularly on matters of ministerial intervention.

This is not a small issue. Paragraphs (2) and (3) of the second reading amendment moved by the member for Reid go to our concern that there are not actually sufficient checks and balances in place for the decision making process that the minister goes through. For the period that the minister was the minister for immigration he exercised his discretion nearly 2,000 times, which is at least once every single working day that he was the minister—Monday, Tuesday, Wednesday, Thursday, Friday; every one of those days the minister said yes to granting a visa to someone who otherwise did not fit through the immigration system. Through the Senate committee, the process of question time and the media, we have seen that Mr Kisrwani—but others as well—have undue influence on the process. They have access that others do not have. They make donations to the Liberal Party and they can speak to the minister’s office three or four times a week—and this is not regarded as an issue that the government want to regulate against in this bill. If they were taking seriously the complaints that were being made in the migration industry and the community, that would be one of the things that they would have addressed in this bill.

It is very important, because the minister’s power to exercise his discretion to grant a visa is not compellable, reviewable or delegable. Also, it is exercised in secret. The departmental officials have appeared before the Senate inquiry and said, ‘We do all this work, these are the steps we go through and this is how we advise whether we think a claim is worth while or not, but then it goes to the minister and out come the results. We can’t tell you anything; we’re sorry about that.’ The department says, ‘We can’t tell you anything about how that decision is made, because it is purely a decision for the minister.’

That would be okay if we were confident that the minister had to use some particular process of reasoning, that he had to measure the claims against some sort of check list. But there is no such check list. In fact, we find the person who has the highest success rate with the minister is a travel agent from Western Sydney. He is not a registered migration agent and is only involved, it seems, at the stage of ministerial intervention and thus would not be covered by any of the provisions in this bill that are supposed to be tightening up a system that the government
recognise does have some loopholes and some dodgy practices.

We have identified a major practice and put focus on it in a way which has moved the government to finally act in this area; but they have left out one of the most critical issues that they could have dealt with. We believe that this is a big issue and that the bill has missed an opportunity to bring some integrity into the system, particularly in the area of ministerial discretion. We are, as I say, talking about large numbers of people who are getting through the process. We are talking about no reasons being given. We have serious questions that have not been answered about whether or not influence is being brought to bear on the minister by friends, Liberal Party donors or other businesspeople.

It seems to us that the previous minister for immigration certainly liked to play God in this area. He certainly seemed happy to say to any individual applicant, ‘Yes, I’m going to grant yours; no, I’m not going to grant yours.’ He was very happy and comfortable with the idea that he was the ultimate decision maker and, perhaps like God, did not have to give any reasons for those decisions. But we are concerned that it went a step beyond that. He was not just interested in playing God; it was more like he was playing the Godfather, going by some of the characters that he surrounded himself with. It seems that every corporate criminal in the country is somehow or other involved in immigration issues. Illegal immigrants turn up. There is the Philippines corporate fraudster Dante Tan. Jim Foo pops up. He was sent off and has now been taken into custody in Singapore. It is not just limited to these cases and those that the member for Reid flagged.

Mr Bob Robertson, a Liberal Party candidate, got particular assistance from the minister in getting his Iraqi father to Australia in a process that no other person was able to access—which was the minister’s office personally telling the departmental post to ignore their normal check list. We have got this on email; it is not a wild allegation that I am making. This has been reported before and is publicly available information. Mr Robertson gets his father here, ahead of everybody else who has to wait in the queue. Then the expected happens. As the departmental post advise, an application was made for Mr Bob Robertson’s father to stay here. He is here permanently. Since that time, Mr Robertson has been convicted of defrauding the Commonwealth of several million dollars—bizarrely enough, related to ethanol. Some of these things in the world connect to each other.

But it seems to us that there is more than a whiff of corruption in this immigration area. There are some very serious allegations. Some of the most serious allegations have come to light this week—the minister being aware of departmental officials being involved in passport fraud and in encouraging detainees to obtain and travel on false documents. We see the minister now happily scuttle off into another portfolio where he will have responsibility for making the decision about whether or not the Federal Police should investigate these matters. It just goes on and on. It is a web that gets very complicated, and it is one that we will pursue using every avenue. It does not matter to us what portfolio the minister is in. If something dodgy has happened that he has been involved in, that has come about as a result of donations to the Liberal Party, that has come about as a result of his negligence in pursuing matters when they have been raised with him or that has come about as a result of favouritism or friendships, we are going to pursue it.
We are very concerned that this legislation does not do a single thing to help deal with those sorts of allegations. If, as some of the members on the other side of the House who spoke previously said, this bill was really about putting integrity back into the system, we would see some of those matters being addressed in either of these two bills. We do not. And that is why we have moved a second reading amendment to flag our concern that these matters have not been properly pursued and followed up.

As I say, the measures that were presented here today in the two bills go some way towards tightening up parts of the industry. The member for Reid has flagged the areas of agreement and the areas where we hope to have further discussions with the government. But there is a big gap where some of the most serious allegations have been made. They relate to personal favours, to personal influence, to personal fundraising and to the minister’s personal discretion and decisions to grant visas to nearly 2,000 people. Every working day that the minister was in power—be it Monday, Tuesday, Wednesday, Thursday or Friday—he granted a visa to someone. We want to make sure that he granted visas to people who deserved them, not to people who just donated money to the Liberal Party or who were in some way friends and favourites of the minister.

This is a system of deregulation that the minister himself was involved in when the government came to power in 1996. We are not going to give the government too much credit or praise for now fixing up something that they clearly broke to start with. We want to help clamp down on those dodgy or shonky agents that are taking advantage of people in vulnerable circumstances, but we want to make sure that the balance is right. We want to make sure that there are checks on the department and on the minister in appropriate circumstances. We want to give MARA enough power to do its job properly.

(Time expired)

Debate (on motion by Mrs Gallus) adjourned.

FAMILY AND COMMUNITY SERVICES AND VETERANS’ AFFAIRS LEGISLATION AMENDMENT (2003 BUDGET AND OTHER MEASURES) BILL 2003

Second Reading

Debate resumed.

Mr ANTHONY (Richmond—Minister for Children and Youth Affairs) (7.59 p.m.)—I thank members for their contributions to this debate. Before I give the government’s response in the debate on the Family and Community Services and Veterans’ Affairs Legislation Amendment (2003 Budget and Other Measures) Bill 2003, I would like to particularly thank the member for Herbert for his contribution, which was a most lucid and meaningful contribution to the debate. I certainly thank him for that. The member for Lilley could have taken this opportunity to make a real contribution to this debate in the chamber but, regrettably, the standard response from the member for Lilley was grandstanding and beating up on the former Minister for Family and Community Services—blame the person rather than the policy. This has become such a pastime of his that I believe he will sorely miss Senator Vanstone when she moves to her new portfolio.

I acknowledge the contributions made by the members for Shortland, Burke, Greenway and Oxley and also the contribution by the member for Blaxland, who I know has had a very keen interest, particularly in the issue of pensioner entitlements et cetera for people from the Republic of Germany. I acknowledge the work that he has done in the past on this issue. Before I give reasons for the government’s follow-through on this bill,
I would like to also note that we will be opposing the opposition’s amendment to this bill. Mr Deputy Speaker Barresi, whilst I am on my feet I would like to compliment you on the fine rugby skills that you displayed on behalf of the national parliament over the last few days.

On a more serious note, this bill makes amendments to support several 2003 budget measures. It also makes a small number of non-budget, minor policy or technical changes. Currently, payments made under the laws of Germany or Austria by way of compensation to victims of the National Socialist persecution are excluded from income under the social security and veterans’ entitlements income test. More countries are now making such payments—for example, France, the Netherlands and Belgium. This bill will extend the current income exclusion to any such payments, regardless of the country making them, so that this beneficial treatment under the income test will be available to all receiving the payments.

The main cause of incorrect social security payments is failure to disclose income and assets, including cases of serious fraud. Most undisclosed earnings are detected by the comprehensive data-matching arrangements that are currently in place. Concerns about the impact of the cash economy and increasing identity fraud require an enhanced capability to detect fraudulent payments. Centrelink’s fraud detection and compliance activities will be enhanced by the amendments in this bill. These amendments will also allow Centrelink limited access to newly available data sources relating to taxation and financial transaction activities for the purpose of the administration of the social security law.

The administration of the child support legislation will benefit from amendments enabling the Child Support Agency to resume access to financial transaction information held in the AUSTRAC database. The agency, which is part of the Department of Family and Community Services, lost this access when it ceased to be part of the Australian Taxation Office in 1988.

On 1 July 2004, responsibility for the operation of the Assurance of Support Scheme will be transferred from the Department of Immigration and Multicultural and Indigenous Affairs to the Department of Family and Community Services. The scheme will be established under the social security legislation and will be administered by FaCS through Centrelink.

Currently, the responsibility for, and administration of, the scheme is split between DIMIA and FaCS. The new arrangements will improve the administration of the scheme and strengthen recovery of assurance of support debts. Under the new arrangements, DIMIA will continue to decide when an assurance is needed. However, the administration of the scheme—including the assessment of the proposed assurances, their acceptance or rejection, and debt recovery—will be done by Centrelink.

Centrelink will become a single point of contact for assurers. Centrelink’s extensive customer service network will provide assurers with easy access to comprehensive information, in their preferred language, about their financial commitments. No assurance will be accepted without an assurer having the nature of the commitment explained in a face-to-face interview. This will enhance awareness on the part of assurers, resulting in fewer migrants claiming income support. The fact that Centrelink will have direct control over all relevant data related to assurers and the migrants covered by the assurers will result in improved recovery from the assurers of the supported debts.
Overseas absences can affect a person’s entitlement to, or rate of, social security payment. It is therefore important, Mr Deputy Speaker Barresi—I know you are interested in this area—that customers departing Australia notify Centrelink. Customers leaving Australia without telling Centrelink may incur a debt. To avoid this, amendments have been made so that from 1 July 2004 Centrelink can suspend payments where a person leaves Australia without notifying Centrelink of their departure and where entitlement to the payments while the person is overseas needs to be reviewed. Depending on the outcome of the review, payments will be restored or cancelled.

Also, the social security debt recovery provisions will now allow for full recovery of overpayments that arise when a foreign pension payment is made as a lump sum in arrears, covering the period during which the customer also received a social security payment. The amount by which a person’s social security payment would have been reduced if the arrears had been paid as a periodic payments will be a debt. The effect will be similar for partners of customers who receive these arrears payments, because half a person’s arrears payment is counted as a partner’s income.

On 1 July 2004, the allowable period of temporary overseas absence for the most portable income support payments and family tax benefit will be reduced from 26 weeks to 13 weeks. This change will not apply to age, wife or widow B pensions, which currently have unlimited portability. The new 13-week portability rule will apply to disability support pensioners, including those who are severely disabled. DSP for the severely disabled currently has unlimited portability.

However, severely disabled customers will be able to receive unlimited portability in defined circumstances. The first is where the pensioner is terminally ill and leaves Australia permanently to be with family or to go to his or her country of origin. The second is where the pensioner is overseas on 1 July 2004 and returns to Australia for a short stay. Also, the existing capacity to extend the portability period where a person is unable to return to Australia will be kept. Some of the reasons may include serious illness of the person or family member or a natural disaster in the country where the person is located. Customers who are overseas on 1 July 2004 will not be affected until they return to Australia. This measure is in line with the government’s overall welfare reform strategy, which aims to engage people of work force age in activities in Australia that will lead to greater levels of economic and social participation. I commend the bill to the House.

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

Question put:

That the words proposed to be omitted (Mr Swan’s amendment) stand part of the question.

The House divided. [8.11 p.m.]

(The Deputy Speaker—Mr Barresi)

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

AYES

Anderson, J.D. Andrews, K.J.
Anthony, L.J. Bailey, F.E.
Baird, B.G. Baldwin, R.C.
Bartlett, K.J. Billson, B.F.
Tuesday, 7 October 2003

HOUSE OF REPRESENTATIVES

Bishop, B.K.
Brough, M.T.
Cameron, R.A.
Charles, R.E.
Cobb, J.K.
Dutton, P.C.
Entsch, W.G.
Forrest, J.A.*
Gambare, T.
Haase, B.W.
Hartseyker, L.*
Hockey, J.B.
Hunt, G.A.
Jull, D.F.
Kelly, D.M.
King, P.E.
Lindsay, P.J.
McFarlane, I.E.
McArthur, S.*
Moylan, J.E.
Panopoulos, S.
Prosser, G.D.
Randall, D.J.
Schultz, A.
Secker, P.D.
Smith, A.D.H.
Southcott, A.J.
Tichhurst, K.V.
Truss, W.E.
Vaile, M.A.J.
Wakelin, B.H.
Williams, D.R.
Worth, P.M.

NOES

Adams, D.G.H.
Beazley, K.C.
Braehen, L.J.
Byrne, A.M.
Cox, D.A.
Danby, M.*
Ellis, A.L.
Evans, M.J.
Ferguson, M.J.
George, J.
Gillard, J.E.
Griffin, A.P.
Hatton, M.J.
Irwin, J.*
Jenkins, H.A.
King, C.F.
Livermore, K.F.
McClelland, R.B.
McLeay, L.B.
Melham, D.
Murphy, J.P.
O’Connor, G.M.
Price, L.R.S.
Ripoll, B.F.
Sawford, R.W.
Sercombe, R.C.G.*
Smith, S.F.
Tanner, L.
Wilkie, K.

* denotes teller

Question agreed to.

Original question agreed to.

Bill read a second time.

Message from the Governor-General recommending appropriation announced.

Third Reading

Mr Anthony (Richmond—Minister for Children and Youth Affairs) (8.16 p.m.)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

MIGRATION LEGISLATION AMENDMENT (MIGRATION AGENTS INTEGRITY MEASURES) BILL 2003

Cognate bill:

MIGRATION AGENTS REGISTRATION APPLICATION CHARGE AMENDMENT BILL 2003

Second Reading

Debate resumed.

Mrs Hull (Riverina) (8.17 p.m.)—I rise to speak in support of the Migration Legislation Amendment (Migration Agents Integrity Measures) Bill 2003. As I am sure many members of the House are aware, I represent a very diverse electorate which boasts the multicultural communities of Griffith, Leeton and other areas and takes in the Murrumbidgee Irrigation Area. The city of Griffith
alone is home to people of 140 nationalities. The MIA was developed by migrants, and the region is recognised as one of this nation’s greatest success stories. These migrants and their families, mainly of Italian descent, worked to establish the food bowl of the nation. Immigration is an extremely important issue for my electorate, particularly for the communities of Griffith and Leeton. Because it is so important, I run a second office in Griffith that deals primarily with immigration inquiries. The Riverina is also home to a Charles Sturt University campus that attracts large numbers of students from Asia. It is for all these reasons that I have become deeply involved in immigration issues and that I constantly seek ways to assist the Riverina’s multicultural communities.

Making application for a visa or for permanent residency, for an individual or for members of their families living in an overseas country, can be an extremely daunting process. Having limited English skills and little or basic knowledge of the system of government and the immigration process can make the task even more difficult. In many instances, applicants enlist the assistance of a migration agent to help them fill out forms, answer questions and generally steer them through this process. Just as a solicitor or an accountant steers clients through the legal and financial systems, the expert migration agents understand their specialty as well. Like solicitors and accountants, migration agents charge for the service they provide.

However, difficulties arise with some of the unscrupulous agents that, unfortunately, we have in this country. There was a review of the statutory self-regulation of the migration advice industry which concluded that the migration advice industry was not yet ready to move towards full self-regulation. The review also made a number of recommendations that will strengthen this industry. The amendments will ensure that the Migration Agents Registration Authority, MARA, has adequate powers to protect consumers and that migration agents operate ethically, professionally and competently when assisting people who want to visit or migrate to Australia.

The issue of immigration can be very emotional and very distressing for some people. Unfortunately, there are some unscrupulous operators who abuse the desperation of applicants, and of those seeking to reunite with their loved ones, to take advantage of people, many of whom speak limited English. In my electorate, people coming through my door indicate that they have paid an enormous amount of money to a migration agent and that the agent can no longer be found, has not provided them with a service, or that papers were sent to an address that was certainly not the residence of the person who was seeking to migrate to Australia. The complaints are long and varied but they all revolve around money—and copious quantities of it. Too many times I have seen such people come through my office door, particularly in Griffith where, as I said, I run a second office. I would say that 98 per cent of the matters dealt with by that office are to do with migration. Too many times, people who come in have lost so much money through dealing with an unscrupulous migration agent.

I recognise that there are agents who do run a very good and commendable service. But there are those who really illustrate the reasons why migration agents still need to come under some regulation. These agents illustrate the need for amendments to clarify and strengthen the requirements for registration as a migration agent; strengthen the offence provisions against providing unregistered immigration assistance; clarify and strengthen the powers of the Migration Agents Registration Authority and DIMIA to investigate complaints against registered
agents and allegations of unregistered practice; provide MARA with new powers to sanction migration agents, particularly those who lodge a high number of vexatious, unfounded or incomplete applications; clarify and strengthen requirements for migration agents to produce documents and information to MARA; ensure that civil proceedings cannot be taken against people who refer information about unregistered or registered agents to DIMIA or MARA; facilitate the investigation of complaints by allowing information to be disclosed between MARA, DIMIA, the Migration Review Tribunal and the Refugee Review Tribunal; and clarify when details about disciplinary action taken against a migration agent or former agent may be disclosed.

Australia's migration advice industry was largely unregulated, as we all know, until 1992, when the Migration Agents Registration Scheme was introduced. In 1998, statutory self-regulation was introduced with the aim of preparing the industry for full self-regulation whilst continuing to maintain the consumer protection elements of the previous scheme. MARA's role includes assessing, approving or refusing new registrations and reregistrations, monitoring the conduct of registered agents, investigating complaints against registered agents and applying sanctions where appropriate.

MARA's role, quite rightly, is to regulate the industry and protect those who rely on its services. It protects vulnerable people who have a different culture and language, and a different understanding of the way in which government works in Australia as opposed to the way in which government works in other countries. Some places typically have a very corrupt system of immigration. Fortunately, Australia does not have that system of corruption. However, when people come to Australia, having come from a country where the system of vice and corruption is very profound, they think that the Australian system is the same. That is where you find that migration agents who are not reputable and who do not act responsibly are able to take advantage of people who are extremely vulnerable. MARA can regulate the industry and protect those who rely on agents' services. Without these services, you would find that many applicants would not be able to complete the forms required by the government or complete all the requirements they need to complete before an application is approved. It is very important that we have migration agents, but they must be registered and they must be trustworthy.

The 2001-02 review was the second review of MARA's role since 1998. It concluded that regulatory intervention was still necessary to address a number of concerns. These concerns included the quality of service being provided by some agents, the level of professionalism within the industry and the continuing vulnerability of some client groups. By keeping the migration agent industry regulated for a longer period of time, the government is able to ensure that the industry remains committed to both its clients and its crucial role in communities throughout Australia. Whilst the government recognises that many migration agents are professional and committed to providing the best level of service and advice to their clients, there are those in the industry, as I have indicated, who will continue to abuse their position of trust and fail to assist their vulnerable clients. This only adds to discontent and mistrust in the industry. By maintaining an external body to regulate the industry, we can work at improving this industry, ensuring better outcomes for its consumers.

The Migration Agents Registration Application Charge Amendment Bill 2003 amends the Migration Agents Registration Application Charge Act 1997, firstly, to enable MARA to charge agents for changing from
non-commercial to commercial status. In the past, some migration agents have been able to avoid paying the higher commercial agent registration fee. By registering as a non-commercial agent but providing immigration assistance on a commercial basis during their 12-month registration period, agents can avoid the higher fee. To improve this situation, this bill will require these agents to pay a pro rata amount of the commercial application fee. It will also make provision for outlining when an agent starts to provide immigration assistance on a commercial basis.

At this stage, it is important that an external body can still keep a check on the actions and conduct of migration agents and provide an avenue of assistance to those with complaints about migration agents. Without regulation there will be no avenues for assistance for those who have not received an acceptable level of service. Regulation will continue to make the migration agent industry accountable to the consumer and the government. We need to ensure that the migration agent industry continues to provide the very best level of service to its customers.

Immigration continues to be an extremely important issue not only in my electorate of Riverina but also right across Australia. People will continue to apply for visas and such and they will continue to seek to reunite with their families here in Australia. So it is imperative that we have a migration agent industry that services its customers professionally and, indeed, ethically. It is crucial that migration agents have a valued reputation in assisting a range of applicants, many with complicated circumstances. Serious and complicated circumstances arise for families that need to be united or that, for some reason, need to leave their home country in order to obtain refuge. Enabling MARA to act against migration agents who lodge high numbers of unfounded or incomplete applications will only improve the integrity of our migration program.

The unethical practices of some agents have caused the government and the judicial review bodies substantial administrative and legal costs. These funds could certainly be better implemented in meeting the needs of and providing services for migrants. My electorate of Riverina and, I am sure, a great many others with a significant multicultural flavour will welcome this with open arms. They will be able to see that, in future, they will be able to trust the system. They will see that the government will ensure that, when they are dealing with an agent, they are dealing with somebody who is reputable and who is there to meet their needs and foster some really important initiatives for them in becoming an Australian citizen or, alternatively, in bringing somebody else here to become an Australian citizen. I commend the bills to the House.

Mr MURPHY (Lowe) (8.29 p.m.)—I rise to support the principle of the Migration Legislation Amendment (Migration Agents Integrity Measures) Bill 2003, which I will refer to as the integrity measures bill. This is a cognate debate on two bills—the integrity measures bill and the Migration Agents Registration Application Charge Amendment Bill 2003. I will only be speaking to the integrity measures bill. Further, I support the foreshadowed second reading amendment to be moved in the House by the shadow minister for citizenship and multicultural affairs, the member for Reid, Mr Laurie Ferguson. I note that the opposition plans to continue communicating with the government following the introduction of this bill in the House on 17 September 2003, and I encourage the Minister for Citizenship and Multicultural Affairs and the government to engage meaningfully with the opposition on this bill, so serious are its ramifications for good governance of the current migration system.
The bill has wide-reaching implications and there are three groups of public interest stakeholders. The first is all migration agents and legal practitioners who are affected by this legislation. The second is all persons who use migration agency services. This public interest group includes two broad groups of persons: (a) visa applicants and those relying upon migration assistance and migration representation from any person as defined in the Migration Act; and (b) other affected parties who have a statutory, financial, matrimonial, emotional or other interest in the success of the visa application. This public interest group includes spouses of immigrants, parents, children, business sponsors, remaining relatives, carers, professional bodies and prospective employers. This bill therefore affects every Australian, either directly or indirectly. That is the third group.

So what is the purpose of this bill? I refer to the draft Bills Digest at page 1, which says that the purpose of this bill is to implement two key recommendations contained in the 2001-02 report to government, Review of statutory self-regulation of the migration advice industry. The two key recommendations concerned (a) sound knowledge requirements for registration as a migration agent, and (b) sanctions for large numbers of vexatious visa applications. The migration agents and legal practitioners agree that there are a number of unscrupulous migration agents and legal practitioners who bring their professions into disrepute and harm client interests. The honest migration agents and legal practitioners support the need to take action against the relatively small number of unscrupulous agents and legal practitioners. However, this bill does not address the needs and aspirations of the greater number of honest, hardworking migration agents and legal practitioners.

This bill introduces new, wide-ranging, capricious and discretionary powers which are to be solely in the hands of the minister. This new power is yet another power in a long line of existing discretionary non-compellable powers. In other words, the minister has absolute powers for which she is not publicly accountable. We know the dangers of that, as we have witnessed in this House with the prosecution during question time of the previous minister in relation to the cash for visas scandal.

I know that migration agents and legal practitioners are outraged by this legislation because this legislation will do little to curtail the adverse practices of migration agents via so-called vexatious visa applications, nor further the cause of de jure migration agent certification. The bill is misguided for two reasons. First, unscrupulous migration agents will continue to act that way anyway. As with any other legislation that prescribes a policy of deterrence, unscrupulous migration agents will continue to make migration representations and offer migration assistance to advise their clients to lodge vexatious visa applications anyway. Second, if it is the purpose of this bill to sanction vexatious visa applications, it fails miserably in its attempt. This legislation further falsely assumes that a vexatious application is one which fails in its application. The latter does not follow necessarily. It is an arrogant presumption embedded within this legislation that says that, if a visa application fails in which you offered migration assistance or made migration representations, it is therefore a vexatious application.

The purpose of this bill is to give the minister and, ultimately, the department a discretionary power to strike off any agent they deem not fit to hold a practising certificate. The purpose of this legislation has nothing to do with the agent’s integrity. Again, this bill makes the bill’s very name a marketing tool in order to win public popularity, whilst the actual purpose of this bill is something very
different to that which the name says. You
cannot judge a book by its cover, so the say-
ing goes. You certainly cannot know this
government’s legislative intent by the names
of their bills either. I might cite the ‘proce-
dural fairness’ legislative amendments to the
Migration Act in 1998, which actually erased
natural justice rights of visa applicants, as a
moot point.

This power is based on the so-called re-
fusal rate of the migration agent’s case his-
tory. At once this is anathema to a long his-
tory of well-established legal principles. First
and foremost, it is a fundamental right of a
person to be represented by a legally compe-
tent person in any jurisdiction, even if their
case would otherwise be considered a hope-
less case. However, this legislation now
hangs a sword of Damocles over the head of
the migration agents, who will be in fear of
taking on a difficult migration case, on the
basis that it could be a losing case.

This raises another significant point re-
garding this bill: what is the ‘high visa re-
refusal rate’ anyway? It is proposed that a new
definition will be inserted into part 3 of the
act to accommodate this. There are a plethora
of variations in this matter. The definition
seems to mean that visa refusal or success
will determine the visa refusal rate. Does that
mean a visa refused at the primary decision
stage and subsequently successful on appeal
still counts as a high success rate?

A visa refusal can find its way to ultimate
success via a wide range of appeals struc-
tures: the Migration Review Tribunal, the
Refugee Review Tribunal, the Administrative
Appeals Tribunal, the Federal Magistrates
Court, the Federal Court of Australia, the
High Court and the minister under her wide
number of discretionary statutory powers.
That means that a visa refusal introduces a
statutory interest in the decision at the ap-
peals stage or at referral to the minister under
one of her non-compellable discretionary
powers. This is particularly so with respect to
section 501 of the Migration Act, a discre-
tionary power which prescribes the character
test at subsection 501(6). This power, if ex-
rercised, may cancel a visa after it is granted.
So I ask: does a visa cancellation under sec-
tion 501 count as a visa refusal for the pur-
pose of this draft bill?

Noted and merited legal practitioners de-
scribe this draft bill as unworkable. It is an
unworkable bill. We are told that the substan-
tive provisions of this bill will be found in
subsequent regulatory amendments. The
mind boggles as to what regulatory amend-
ments the legal profession can expect. These
disallowable instruments will not pass
through this House. They will go undetected
and, even if they are detected, any disallow-
ance motion will be defeated by the govern-
ment for the purpose of again ramming
through the intent of the legislation. It raises
the question of why the government is ram-
ming this legislation through. Is it to cull the
number of agents? Is it to ensure that only
the big end of town succeeds in mopping up
on the migration agency business and runs
the smaller operators out of the profession?
The intention cannot be to protect consumers
and public interest holders. The real solution
is to adopt the recommendations to be put by
the shadow minister for citizenship and mul-
ticultural affairs, the member for Reid, and to
defer the passage of the bill until real dia-
logue occurs between the government and
the opposition.

The proposed amendments violate an inal-
ienable right of a person to be represented
even if there is little prospect of success in a
case due to factors that may or may not be
the fault of the applicant. A person is allowed
to be adequately represented even if they
know their case is not a winner. It is a basic
right of any person in natural law that they
are allowed to advocate their case irrespec-
tive of the prospects of success. Yes, there are notable legal and procedural exceptions. However, this legislation creates a statutory incentive for the migration agent and a good many legal practitioners to say, ‘No, I will not take your instructions, on the basis that your case is too risky and I fear losing the application. For this reason, I refuse to represent you.’

In this new statutory regime, it is highly likely that the actual consequence of the legislation will be exactly the opposite of the effect intended. Like the dodgy brothers, only the desperate and disreputable migration agent or legal practitioner will take carriage of a matter that no other agent would dare shoulder. However, by then the damage from the legislative scheme will be done. The client will have the door slammed in their face by those agents who, but for the legislation, would have advocated their cause to the best of their professional skill and expertise. Put another way, the visa success or failure rate is not dependent upon the win or loss rate of agents. Such legislative schemes are legal reductionism—a point I have made in this House consistently over the last five years. By ‘legal reductionism’ I mean reducing law to a discrete and simple list of dos and don’ts or ins and outs. The success or failure of a migration agent or legal practitioner cannot be reduced to such a discrete list. What is 50 per cent supposed to mean in terms of success or failure? How will the agent or legal practitioner ever be able to challenge the veracity of such a statistic anyway? Under section 306A, at page 5 the Bills Digest notes:

... the Minister is empowered ... to refer a migration agent for disciplinary action by the Migration Agents Registration Authority if the agent has a high visa refusal rate ...

The provisions of new section 306A cannot work for the very reasons to which I have previously referred. The bill, its provisions and the manner in which it has been rammed through this House raise serious issues concerning fairness, democratic process and efficient parliamentary government. This bill introduces yet another non-compellable discretionary power in the hands of the Minister for Immigration and Multicultural and Indigenous Affairs. Yet again, this bill ensures that the line between the legislature and the executive is further blurred to the point where the executive is at once capable of commanding its will on the legislature to give itself unwieldy and unchallengeable power in the hands of one person.

Indeed, the ambit of discretionary powers is breathtaking in its arrogance of non-accountability. Perhaps the only passage of legislation that applies that surpasses this arrogance is that of the statutory amendments to the Migration Act which ensure that in many provisions of the act—again, for example, section 501—there is a statutory provision that the rules of natural justice do not apply to that provision. This incredible provision means that this government has seen itself fit to abrogate the application of the natural law to laws of its own making, thereby assuming a power that transcends reason. This is not an isolated example. There is now a long line of laws made by this government going back to the 38th parliament whereby it has systematically assumed power far and beyond its natural mandate. A point has been reached in jurisprudence where this government has usurped for itself an immediate right of power, altogether losing sight of the fact that the government is a body that has only mediate rights and is ultimately accountable to its elected constituencies. Government cannot make laws that defy the natural law. If a government does so, it does so arrogantly. Ultimately a law that defies the natural law is no law at all.
This government cannot draft a law that defies reason—as it systematically continues to do. In its drive for power, it will lose it. History is replete with examples of governments that applied tyranny and came crashing down. That is what will happen here if this law is passed. If it is the intention of this government to make laws to curb the unscrupulous agents then, in my view, this is not the way. There are other control devices that are reflected in the shadow minister’s foreshadowed amendments, which I support.

I also want to raise a most serious procedural matter directly relevant to the passage of this bill in this House tonight going to the constitutional conventions being applied—or, more accurately, routinely ignored—by the Minister for Citizenship and Multicultural Affairs and the Government Whip. I refer to the House of Representatives Practice, 4th edition, at page 79. Under the chapter entitled ‘House, government and opposition’ it states:

Fair, democratic and efficient parliamentary government calls for:

• the provision of reasonable parliamentary time for opposition purposes;
  … … … …
• the provision of information and resources (to reduce the wide gap in information availability between Government and Opposition); and
• the provision of procedural advice and drafting assistance when necessary.

During the last five years, I have kept copies of many of the draft daily programs issued by the Department of the House of Representatives. The published prospective draft daily program bears little, if any, resemblance—as a rule rather than an exception—to the actual order of business in this House. Changes in the government order of business are expected. It is a constitutional right of the government to be free to make changes so as to not hamstring the government in adjusting to the daily occurrence of business, and I accept that. However, there are limits. It is all too easy to say that changes were inevitable. It is long known that this government flagrantly uses this privilege to deny the opposition party in this House or the Senate, let alone any other public interest holder, reasonable time in which to marshal their case in response to the introduction of a bill into this House or the Senate.

The facts with respect to the passage of this bill are that on 17 September 2003 this bill was introduced into this House and on that same day the debate was adjourned. Today, 7 October 2003, this bill is being read for a second time. In my opinion, these bills are being ramrodded through. There is no legal or other binding duty on the government or opposition to abide by the provisions of the constitutional convention; nonetheless, it must be binding in spirit, otherwise the ordering of opposition business becomes impossible. Cynically, this appears to be the deliberate intention of government. In my view, it is the intention of this government to systematically refuse to give validity and due recognition to the constitutional conventions that are supposed to be honored by the government party in this House.

In House of Representatives Practice, Harris notes that the role of the opposition is ‘critical’ to the good management of the House and the parliament. He says:

A primary function of the whole House, through its role of scrutiny and criticism, is to exercise an oversight of the actions of the Government. In modern times, the Opposition has a critical role in this and, thus, the functions of the Opposition have become identified and linked with the role and more important functions of the House. These functions include ... scrutiny of, criticism of, and suggestion of improvements to legislation and financial proposals ...
I put it to the House that the timing of the introduction of this bill into the House on 17 September 2003 and the timetable of debate for the second reading speech tonight are unreasonable. I further put it to this House that the fact the Bills Digest is unavailable at this time is tantamount to show that the bill has caught everyone off guard by the shortness of time. I do not criticise the Department of the Parliamentary Library, the DPL, for this because they allocate their resources very efficiently and are expert in drafting the Bills Digest, which, as you know Mr Deputy Speaker, is the de jure policy advice for members of this House who seek to be briefed on the details of a bill.

The fact that this bill has literally caught the DPL off guard is testimony to the fact that this bill is being rushed through. Indeed, it is one of many examples of legislation that is rushed through deliberately whenever the government forms the view that any little public interest stakeholder may raise objection to an item of legislation. In short, this government’s flagrant abuse of parliamentary procedure is a deliberate gagging tactic to thwart meaningful debate on this most serious bill. The point has indeed been reached where a capricious, undemocratic and tyrannical mode of governance is driving the government order of business to a point of erasure of longstanding constitutional conventions.

In concluding, I commend the foreshadowed amendment by the member for Reid. I commend the continued dialogue between government and opposition parties and call upon the minister to open this debate to the public interest stakeholders, particularly the greater body of migration agents and the legal profession, so they can comment on the provisions of this bill. I think that is the least we can do, because they are the ones who are most affected by this legislation. It is totally inappropriate to have a bill rushed through the parliament without proper consideration and input from those who are to be most affected by the bill. I hope the minister at the table takes that back to the government on behalf of the opposition. It will serve our democracy better if we get more time to discuss the bill. (Time expired)

Mr GAVAN O’CONNOR (Corio) (8.50 p.m.)—I commend the member for Lowe for his contribution to this debate on the legislation before the House. He has canvassed some of the more philosophical issues associated with this particular bill, and also some of the practical administrative difficulties as far as the presentation of this legislation to the House is concerned. I rise to support the second reading amendment proposed by the shadow minister for citizenship and multicultural affairs, the member for Reid, in the debate on the two bills before the House: the Migration Legislation Amendment (Migration Agents Integrity Measures) Bill 2003 and the Migration Agents Registration Application Charge Amendment Bill 2003. That amendment has been tabled in the House, and I will comment on elements of the amendment later on in the debate. First, let me preface my remarks with some general comments on the need for legislation to strengthen this whole administrative area. Members like me who have a high proportion of residents from a non-English-speaking background—in the case of Corio it is over 20 per cent—know all too well how important integrity in the administration of the migration program is to our constituents. Given the way the advice system is structured at the moment, it is absolutely imperative that the business of providing migration advice and administrative support is conducted with honesty and with integrity by all who are registered to provide advice. There can be no place for uninformed, misleading or deliberately deceptive advice, especially where fees are charged to assist clients.
There is always a fair degree of personal emotional investment in migration applications as those who are Australian citizens seek to have family join them in Australia, to bring in a prospective spouse or to assist a friend who desires to come and settle in this great country. It is incumbent on governments to make sure that the processes of application and assessment have integrity and that the practitioners are qualified to give accurate and honest advice to consumers.

When Labor first introduced a compulsory registration system for migration agents, our purpose was to provide consumers with adequate protection against unscrupulous and dishonest agents. It is a cause of some regret that the former Minister for Immigration and Multicultural and Indigenous Affairs, Mr Ruddock, and the government pursued a policy of virtually dismantling that system and introduced a system aimed at voluntary self-regulation—admirable, you might say, but, as history has shown, not successful in maintaining the standards and protection required for consumers.

There are three main measures in this legislation which in themselves are an admission that the system which has grown up under the Howard government is seriously flawed and deficient and requires substantial further amendment. Firstly, the bill seeks to strengthen the sound knowledge requirement for new registrations as an agent. I would have thought it goes without saying that anybody who seeks to enter this industry and to provide advice on this rather complex area of law—and there were 772 people seeking to become migration agents in 2002-03 alone—should possess a sound knowledge of migration policy and procedures.

The second measure in this bill is aimed at strengthening existing penalties against unregistered practice and other offences. There can be no compromise on this matter as far as any government is concerned. Unregistered agents have no place in giving professional advice to consumers who wish to access the migration program for their relatives or friends. It should be a fundamental principle in this legislation that the full force of the law and the penalties in the legislation be brought to bear against those who seek to give advice as unregistered agents. We have seen that under a voluntary, self-regulating system there have been people who have been very free in giving advice—and in many cases bad advice—who have charged clients like wounded bulls for the privilege of giving them that bad advice. So it is extremely important that the penalties under this legislation are strengthened to make sure that those unregistered practitioners are weeded out of the industry.

The third measure contained in this legislation relates to the introduction of a system to profile agents in relation to success rates with visa and review applications and also to provide a mechanism to sanction agents that are responsible for the submission of vexatious applications. Given the law as it is structured today, and given current migration procedures, we know that it is an unseemly side of the industry that many practitioners giving migration advice have on occasions abused the system and made repeated vexatious claims that not only are costly to clients but also make it very difficult for the procedures under this legislation to be effectively administered. This is a very contentious area of the legislation. In the remaining time available to me tonight before the adjournment debate, I refer people who are interested in this matter to the speech given by the member for Lowe. He was very detailed and very thorough in canvassing some of the problems and complexities associated with this particular measure in the legislation.

I will turn to the second reading amendment that has been moved by the honourable member for Reid. I will not deal with all of
the six elements contained in that amendment. With the remaining time available to me, suffice it to say that I support the amendment. I think points 2 and 3 are worthy of some debate before the House. In point 2 of his second reading amendment the member for Reid expressed the opposition’s dismay. It says:

... that the Government has allowed privileged access to Ministers, and Ministerial and Departmental staff, to a number of unregistered agents who are close associates of the Coalition ...

Point 3 notes:

... growing concern about the Ministerial intervention process, particularly in so far as it entails unequal access by certain groups and individuals and arbitrary and non-transparent decision making by the Minister ...

You cannot have integrity among migration agents in the industry when you do not have integrity in government. We have seen that, over the past months of sittings of this parliament, the opposition have exposed the Howard government for what we consider to be unseemly practices totally lacking in integrity in this particular area. I am referring to the donations that have been made to the coalition for the purchase of visas.

Debate interrupted.

**ADJOURNMENT**

The DEPUTY SPEAKER (Hon. I.R. Causley)—Order! It being 9.00 p.m., I propose the question:

That the House do now adjourn.

**Shortland Electorate: Health**

Ms HALL (Shortland) (9.00 p.m.)—I have raised the issue of health on many occasions in this House and I have always been disappointed with the response from the government. On many occasions I have brought to the House my concern about the doctor shortage on the Central Coast. On many occasions I have begged ministers to act to assist the people on the Central Coast to get more doctors in their area and to increase their access to health services. I have also raised the issue relating to the people of Lake Macquarie.

It is very interesting to look at the demographics of the electorate I represent in this parliament. It is the 10th oldest in Australia. In addition to that, the Central Coast, as well as being an older area, has a very young population. It is a very transient population, with a big turnover. People move to the area from Sydney, find that they do not have the resources and do not have the access to health care that they need and then move back to Sydney.

The recently released bulk-billing figures have shown that the bulk-billing rate in Shortland is now down to 46.7 per cent. I find this absolutely appalling. It was well over 70 per cent back in 2000. When I started raising this issue, in September 2000, the government ignored what I had to say—they ignored the people of Shortland—and they have just refused to act. And what has happened? We have had this constant decline—fewer and fewer doctors; bulk-billing for fewer and fewer services—in an area where the majority of people are on some sort of Centrelink payment. The most disadvantaged area in my electorate, an area that is possibly the most disadvantaged in the whole of Australia, does not have a doctor who bulk-bills. One of the first acts of this government was to close the Medicare office at Belmont, which necessitates people traveling a long distance to be able to access a Medicare office. Many of those older people are unable even to drive. Therefore it is something like an hour’s trip on a bus to get to their nearest Medicare office.

This heartless, cruel, mean-spirited government has failed to act to address the health needs and the health issues within the Shortland electorate. I really believe that this
does not end with the Shortland electorate; it is the same throughout the whole of Australia. Instead of delivering services and access to doctors, this government has let its philosophical opposition to Medicare flavour its response to these health care needs.

I have a few surveys here that I have received from people in my electorate. One lady even indicated on the survey that she returned to my office that she has recently moved to the area from the eastern suburbs of Sydney—Rose Bay, to be exact—in the electorate of Wentworth, which is one of the wealthier electorates in Australia, and she travels from Shortland electorate to Rose Bay to see a doctor so that she can have a doctor that bulk-bills. It is cheaper for her to travel by train—I think it is $2.50 return—to Sydney so she can see a doctor that bulk-bills than to go to a doctor who charges $46. According to the surveys, doctors are charging a range of fees: $40; $46; $49; according to this response, for a pensioner it is an extra $12; for this person, $12.50; for another person, $12.50; $38; $37.50. These are the fees that doctors are charging pensioners within my electorate.

I think I would be very remiss if I did not just quickly link into the medical indemnity crisis. Eleven doctors have withdrawn their services from the Central Coast area health services. Local GPs have visited my office and told me what a crisis there is: the doctor shortage in those communities, communities without doctors, surgeries closing and an elderly population. What disturbs me more than anything is that there are Liberal members of this parliament who have done nothing. They have not joined with me in demanding that the government act to resolve these problems. I saw the member for Dobell sitting behind the minister today when he was speaking. It makes me so angry that his only contribution to trying to get more doctors to our area and to get more doctors to bulk-bill is to sit behind the minister when he makes a speech. It is not good enough. The people of the Central Coast expect better from their members, and I call on him to join with me in fighting for better resources for our area. (Time expired)

Indonesia: Terrorist Attacks

Mr BAIRD (Cook) (9.05 p.m.)—The events of 12 October 2002 changed Australia forever. Our view that Australia was protected from world terrorism, that it was something that happened in the Middle East and that we were safe in our remote destination was shattered on the night of 12 October. Terrorism was brought home to us with 202 people killed in Bali, on Australia’s doorstep, 88 of whom were Australians. They were killed in an appalling act of cowardly terrorism when a bomb exploded outside the Sari nightclub, shattering the lives of those attending that night. A very sad feature of the deaths of so many young Australians in Bali was that the blast took our best and our finest: fun-loving and sun-seeking vibrant young Australians, so full of life and looking forward to a promising future yet cut down by this senseless act of terrorism.

In the electorate of Cook we lost seven beautiful young women—Renae Anderson, Simone Jane Hanley, Michelle Dunlop, Charmaine Whiton, Jodie Wallace, Francoise Dahan and Jodie O’Shea. I attended the funerals of several of these young ladies. It was heart breaking; it was gut wrenching and immensely sad. We were left asking the question: why? Why such senseless killing of such wonderful young people? It was made even more devastating by the fact that two of the victims—Renae Anderson and Simone Jane Hanley—were sisters. Renae was killed instantly, while Simone survived initially and was transferred to the burns unit at Royal Perth Hospital. Simone fought valiantly for over 50 days but finally succumbed.
The reality of the Bali horror came home to me on the day after the bombing. At the airport I met the sister of Jodie Wallace, who was introduced to me by a Qantas staff member who lives in my electorate. Jodie’s sister advised that the family were desperately trying to find Jodie and asked for my help. With the assistance of the Australian consulate in Bali and the Department of Foreign Affairs and Trade, a thorough search was made of hospitals and morgues. Attention switched to hospitals in Australia and we all remained tense until there was the final realisation that Jodie was never coming home. I will never forget Damon Snape, the partner of Francoise Dahan, when he spoke of his love of Francoise. There was not a dry eye in the church by the time he had finished his eulogy.

A week ago on Sunday the community in the Sutherland shire came together to unveil the memorial for the seven victims of the Bali bombing in our area. It was a very moving ceremony held at the beachside in Cronulla, which was enjoyed so much by the seven girls. It was attended by all the families and was particularly moving. Particularly poignant was the moment when seven white doves were released by members of the families. The last was released by Noah, who is the four-year-old son of Renae Anderson and who was at the service with his father, Jason Anderson.

It was a time for us to remember the seven wonderful Australians who lived in the Sutherland shire—wonderful young girls whose lives were so mercilessly cut short by these brutal acts of terrorism. It was a time to stand with the families and loved ones of the victims and let them know how much we care and how much we grieve with them. Sutherland shire will never forget this tragedy and the memorial will be a perpetual reminder to us of these seven lives which meant so much to so many people in our area.

Six weeks after the Bali bombing I went to the Christian memorial service, which was attended by some 8,000 Balinese and Indonesians. The service was particularly significant and at the end of the service I had the opportunity to meet the parents and partners of the victims of Bali. Of course, a number of those were involved themselves in the blast. During my visit, it was clear that there were other victims of the bombing. Shops, hotels and restaurants were empty and 160,000 Balinese were left unemployed. The theme of the memorial service was ‘love conquers fear’. At this time, when we remember this very difficult time in our history and the lives lost as a result, it is also important that we reach out to our nearest neighbour, Indonesia, and show that we care and are concerned not only for ourselves but for their welfare and pray that healing will take place in their land.

Melbourne Ports Electorate: Issues

Mr DANBY (Melbourne Ports) (9.10 p.m.)—It has been a busy time in Melbourne Ports in the last couple of weeks when parliament has not been sitting. I was fortunate enough to have my colleague the shadow minister for the environment, Kelvin Thomson, speak to a very large group of people at the St Kilda Sports Club about Labor’s plans for the environment. There is particular interest even in inner city Melbourne in the prospects of reviving the Murray-Darling river system and in Labor’s Riverbank idea of inserting 150 gigalitres of water a year into the Murray if a Labor government were to be in office here in Canberra. This fits in very well with the Victorian government’s increased concern about water conservation. Despite the fact it is the second most southern state, Victoria’s reservoirs are at an all-time low. This is something that all Australians have to be increasingly concerned about, whether we live in a city or in the country.
We have also had a presidential forum for the candidates for president of the Labor Party. It is the first time we have directly elected the position. This is an example of democracy in the Labor Party, and it is a new idea.

Mr Brough interjecting—

Mr DANBY—At least four of the candidates—Mr Samaras, Mr Warren Mundine, Mary Easson and Duncan Kerr—openly encouraged people to participate and all four candidates were very impressed with the audience which was, it will alarm the Liberal Party and its spokesman across on the other side of the House, overwhelmingly young and enthusiastic and anxious to get rid of the current government.

I want to focus my remarks on an event I attended last weekend, which was the 10th annual blessing of animals at St James the Great to celebrate St Francis of Assisi, the patron saint of animals, and the festival that is being held by Father Roger Kelly, Lorraine Hawkes, Michael Knopf and my friends at St James the Great. Dr Hugh Wirth, who is the National President and Victorian President of the RSPCA, led a procession of people with their animals, led by the great Melbourne Cup winner, Subzero.

I do not think it is trivial at all to say that, practically to a person, the people in the audience disagreed with the Jesuit quoted in the Sunday Age as saying that animals do not have a soul. The people in the procession were very thoughtful and considerate of their animals. Dr Wirth explained that a society that is considerate of other species will be concerned about humans and human rights as well. That is why a very large number of people at St James the Great, including myself, are very concerned about the 58,000 sheep on the MV Cormo Express and the extraordinary way they are going from port to port. This is a real animal welfare crisis. I think that Labor’s spokesman on agriculture, Senator Kerry O’Brien, has expressed it very well by explaining how it is a quarantine risk and explaining that this live sheep fiasco is threatening the carcass trade. He quoted the Western Australian Meat Marketing Cooperative representative, Mr Dawson Bradford, who told ABC radio that the image that is being portrayed or the illusion that is being created is the fact that Australians do not care how they handle their livestock. The opposition has suggested that these sheep be immediately offloaded, if possible in Iraq, and that the Australian government, given our relationship with the new Iraqi administration, should press very hard for them to be perhaps given to the people of Iraq.

The treatment of these animals on this ship is a matter of concern not only to my constituents but to people all around Australia and it is a real fiasco. It is not good enough for the minister to stand up here in question time and give no time line as to when this matter will be dealt with. I think that the options facing Australia—either bringing them back here with the risk of disease or mulching 57,000 sheep if they have to be destroyed on that ship—are all terrible options and should have been foreseen by this government when it set up the live sheep trade with countries in that part of the world. (Time expired)

Education: Partnership Outreach Education Model

Mr LLOYD (Robertson) (9.15 p.m.)—On 25 September this year I had the privilege and pleasure of attending the graduation service for 44 graduates in the literacy and numeracy program and eight POEM students. This is an example of some of the work that the federal government is doing in ensuring that many of our young people who may never have the opportunity to go to university do have the opportunity to fulfil their
ambitions, improve their literacy and numeracy and progress through education, although not in the mainstream and not in a way that traditionally may have suited them.

In particular, the Partnership Outreach Education Model, or POEM, has been an outstanding success. The Commonwealth government has made available more than $4 million over 2002 and 2003 to fund 21 of these partnership outreach models. They target young people aged 13 to 19 who are disconnected from mainstream schooling and possibly from their families and community. Obviously, in many ways once they have dropped out of education these young people would find it very difficult to get back into society and get a job and fulfil many of their ambitions. In certain circumstances, the POEM projects might also provide assistance to these young people who have had a tenuous connection to school.

It was a great celebration of these graduates and not only those in the literacy and numeracy program but, as I said, the students from the POEM graduation. I was certainly greatly impressed by two of the speeches made by the graduates. As all honourable members and people in the community would know, public speaking is one of the most difficult things for people to do, particularly young people. I was so impressed with the two speeches that these young people gave that I would like to read them into Hansard this evening. The first speech was by Hannah. She said:

Ladies and Gentlemen, I have been enrolled in P.O.E.M since the beginning of the course and I have recently completed my Year 10 Certificate, though I don’t think I would be here now if I had not received the endless support and encouragement that Renay, Sean, Linda and Melanie showered me with. Every time I felt down, or had even the slightest problem they were always by my side, comforting and counselling me until I felt better. On behalf of myself and the students enrolled at P.O.E.M I would like to thank the staff for all the tight spots they’ve pulled us out of and for the countless times they have put up with the many unexpected problems that arise. Renay, Sean, Melanie and Linda are more than just our teachers, but have also become our close friends, who we know are always there to listen and guide us as best they can. To leave Workwise and go out into the world will be difficult after all this time, but we will always have our memories to keep us going. A memorable time was when we decided to write and record a group song. The laughs and arguments we shared just made the time more enjoyable and there is no way we could ever have had this much fun in a learning environment at school. There needs to be more P.O.E.M programs that provide the same support that we received here at P.O.E.M at Ettalong. I again would like to thank the staff and congratulate all the students that have achieved this magnificent outcome. Thank you Renay, Sean, Linda and Melanie.

The second speech was by Jessica. She said:

Good Morning Ladies, Gentlemen, Boys and Girls. My name is Jessica and I have been involved as a P.O.E.M student since the start of this year. I initially started studying to attain my CGEA level II. Though after a short time of studying, my teachers became aware of my independent study routine and enthusiasm to work. They also noticed that my academic levels were of a very high standard, which enabled them to see I was capable to attain my CGEA level III. When Renay informed me of the good news, I was ecstatic. Me being 15 at the time and being able to attain my CGEA level III was overwhelming. Finally now after 3 terms of hard work and many late nights, I have achieved what I came here to do. Knowing that I have worked to achieve such a high goal for myself and actually completing it makes me proud, and glad to say so. The reason why I attended P.O.E.M was because I couldn’t make it through mainstream education for many reasons. Many of the other P.O.E.M students had many problems as well. In the time that I have been attending P.O.E.M, there have been a few people come and go. Each of those students that I had the great pleasure to meet, have been such a great, happy and cheerful
bunch. They are very understanding and supportive...
Time prevents me completing that speech, but it really does show that this is a great program the government has initiated. (Time expired)

Sport: NRL Grand Final

Mr PRICE (Chifley) (9.20 p.m.)—I want to talk about a certain event that occurred on Sunday evening at Telstra Stadium, but I almost feel as though I need to make a personal explanation to say that I am a dyed-in-the-wool Parramatta supporter and always have been. But my electorate is in the Penrith Panthers draw area and I have to say that the majority of my electorate are wildly enthusiastic Panthers supporters. I like to think of the Panthers as my No. 2 team.

Mr Brough—Particularly now! You opportunist!

Mr PRICE—I am sure the honourable member will agree with me that it was an epic grand final of the greatest game in the world. It was billed as the cafe latte set versus the fibro homes—principally, I think, because in 2001 the Panthers had got the wooden spoon and in 2002 they came third last in the competition. It was only this year that they became minor premiers. Even though they were minor premiers, I have to say that everyone—I guess me included—felt that the Roosters were going to be the favourites to win the competition. But it was a terrific game, played in atrocious conditions, and it was a credit to both sides. Although the Roosters lost, it cannot be said that they did not play their very best. They can stand up with pride at their effort and determination.

I have asked a number of people who also watched the game and, like me, they were very nervous in that first 20 minutes, and I do not quite know why. I thought the commentary from Channel 9 was a little biased. I have the greatest regard for them. I thought that after 20 minutes, when it was still nil-nil, the Panthers had done exceedingly well to be in that position. It was only in the last 15 minutes that Channel 9 conceded that the Panthers were going to win. I thought the magnificent tackle by Scott Sattler—an adornment to the game, who was playing his last game with the Panthers—when he cut down the Roosters’ winger was a turning point in the game. If the Roosters had scored a try, the momentum may have shifted very much the other way. I would like to congratulate the Panthers club, particularly the coach, John Lang, who is a very modest man.

Mr Brough—A great Queenslander!

Mr PRICE—In spite of that, he is a great coach and a wonderful bloke. He paid tribute to his predecessor, Royce Simmons, and to captain Craig Gower and all the Penrith players. I will borrow from Jack Gibson and say, on behalf of all the people in my electorate—and I suspect all the people in the western suburbs and all those who tuned in and who were really caught up supporting the underdog—to the Panthers: you played hard, done good and done us all proud. The big winner was not only the Panthers but also the game of rugby league.

Textile, Clothing and Footwear Industry: Tariffs

Mr McARTHUR (Corangamite) (9.24 p.m.)—I wish to acknowledge the visit to Canberra by a delegation for the TCF industry in Geelong. The delegation has come here—and you, Mr Speaker, will be surprised to hear this—to argue the case for the retention of tariffs. The member for Corio and I are hosting this delegation. The members of the delegation were in the gallery, looking at the action here in the House of Representatives. The member for Corio and I are representing their interests, which are,
surprisingly enough, in maintaining the tariff levels.

The members of the delegation are the Mayor of Geelong, Councillor Barbara Abley; Mr Ian Trezise, MLA for Geelong; Mr Peter Loney, MLA for North Geelong; Mr John Kranz, representative for the Geelong and Regional Trades and Labour Council; Beth McPherson, the Textile, Clothing and Footwear Union representative; Mr Peter Howard, the proprietor of the Australian Bluey company; Mr Darren Gray, the Industrial Development Officer for the City of Great Geelong; and Mr Lawrie Miller for the Chamber of Commerce. They have been putting their case to members of parliament and to the Minister for Industry, Tourism and Resources. I acknowledge that Minister Macfarlane, on this occasion and on previous occasions, has heard their case in arguing for the retention of tariffs in the TCF industry, which are now at about 25 per cent.

My position on this matter is well known in Geelong and in this parliament. I just note that my advocacy for lower tariff barriers in the car industry has meant that the car industry is now very profitable. It has had record sales in this calendar year and it employs 54,000 people. However, the TCF industry, as the delegation has put to the minister, is much more sensitive because it is competing with low-wage countries. The wage of $20 per hour for the hardworking workers of Geelong relative to those workers on $1.50 per hour in low-wage countries means that those skilled workers of Geelong have some trouble in competing. The delegation has put to the minister that in changing circumstances the government should be sympathetic to the Productivity Commission’s recommendations on labour adjustment programs, like those for the car industry when it was going through a similar change.

It was interesting that only yesterday the members of the delegation and I—the member for Corio unfortunately was here in Canberra on business—went to the Australian Bluey factory run by Mr Peter Howard. We met the 18 workers who are doing a fantastic job in terms of quality, in finding a niche market and in selling their product to bigger Australian companies, be they Western Mining or ALCOA. Only yesterday we visited that company and the Geelong Advertiser noted that they were taking their fight to Canberra—by way of interpretation, they were taking their point of view to Canberra to argue the case that some of those good industries in Geelong might get some assistance and might be part of the transition.

I just note for the record that Godfrey Hirst, the carpet manufacturer, has done an outstanding job in maintaining some 1,200 jobs in the manufacturing of carpets. It has competed with the world and is continuing to do so. The other carpet manufacturers in Geelong are also competing. It is fair to say that some of those high-cost industries—such as Candy Footwear, for whom I have a very high regard—unfortunately were the subject of cost pressures and international competition. I salute those workers in Geelong who provide a quality product against the odds. Unfortunately, only a couple of months ago Candy was forced to close.

We will have a very interesting debate following the recommendations of the Productivity Commission. But, as I have said to the delegation and to the people of Geelong, whilst I advocate a lower tariff regime I am sympathetic to the difficulties facing the textile workers in this modern competitive world where their jobs are on the line because of low-cost countries that can compete in the labour intensive textile area.

I thank the delegation for coming to Canberra. I also thank the minister. I think the
delegation have had a very fair hearing from the government. I will be advocating to the minister that they get every assistance possible in the transition to retain some of those industries, and I hope the Australian Bluey industry run by Mr Peter Howard goes from strength to strength in a niche market. *(Time expired)*

House adjourned at 9.30 p.m.

NOTICES

The following notices were given:

Mr Abbott to move:

That

(1) the House invites the Honourable George W. Bush, President of the United States of America, to attend and address the House, on Thursday, 23 October 2003, at a time to be notified by the Speaker;

(2) the House invites the Senate to meet with the House in this Chamber for this purpose;

(3) at the meeting of the two Houses for this purpose:
   (a) the Speaker shall preside at the meeting;
   (b) the only proceedings shall be welcoming remarks by the Prime Minister and the Leader of the Opposition and an address by the President of the United States of America, after which the Speaker shall forthwith adjourn the House and declare the meeting concluded; and
   (c) the procedures of the House shall apply to the meeting so far as they are applicable;

(4) the foregoing provisions of this resolution, so far as they are inconsistent with the standing and sessional orders, have effect notwithstanding anything contained in the standing and sessional orders; and

(5) a message be sent to the Senate acquainting it of this resolution and requesting that it concur and take action accordingly.

Mr Kelvin Thomson to present a bill for an act concerning Commonwealth owned land at Port Nepean, Victoria. *(Commonwealth Land at Port Nepean, Victoria Bill 2003)* *(Notice given 7 October 2003.)*

Mr Kerr to move:

That this House:

(1) recognises that smoking tobacco products is the single largest cause of preventable death in Australia;

(2) is of the opinion that it is inappropriate that public policy be, or be thought to be, influenced by donations made by tobacco companies;
(3) acknowledges that any political party that unilaterally declines to accept donations from the tobacco industry risks disadvantaging itself;

(4) expresses its opinion that it is reasonable on health and public policy grounds to effectively discourage political parties from accepting donations from the tobacco industry; and

(5) accordingly supports the principle that it be a condition of eligibility to receive public funding under the Electoral Act that a political party not accept any donations from the tobacco industry. (Notice given 7 October 2003.)
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Attorney-General’s: Program Funding
(Question No. 717)

Ms Burke asked the Attorney-General, upon notice, on 19 August 2002:

(1) Are there any programs administered by the Minister’s Department that provide, or have provided, funding to local government authorities in (a) 1996-97, (b) 1997-98, (c) 1998-99, (d) 1999-2000, (e) 2000-2001 and (f) 2001-2002.

(2) If so, for each program for each of the years that funding was granted to local government authorities, (a) what was the level of funding provided to each local government authority, (b) what was the purpose for which the grant was made and (c) in which federal electoral division or divisions does this local government authority fall.

(3) Have any concerns been raised with the Minister’s office or the Minister’s Department from (a) local government authorities or (b) other organisations regarding cost shifting onto local government in regard to any programs administered by the Minister’s Department; if so, (a) to what program or programs did the concern relate and (b) were any investigations undertaken by the Minister’s Department in relation to these concerns; if not, why not; if so, what were the findings of these investigations.

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

(1) Yes.

(2)(a) The tables below provide details of funding provided under programs administered by the Attorney-General’s Department.

**Crime Prevention**

<table>
<thead>
<tr>
<th>(1) Fin/year</th>
<th>(2)(a) Amount</th>
<th>(2)(b) Purpose of grant</th>
<th>Grant recipient</th>
<th>(2)(c) Electorate</th>
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<tr>
<td>1999/00</td>
<td>$39,000</td>
<td>Pilot Project - Working with Adolescents to Prevent Domestic Violence (first of 3 payments)</td>
<td>Kimberley Shire Council, WA</td>
<td>Kalgoorlie</td>
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<tr>
<td>2001/02</td>
<td>$91,000</td>
<td>Pilot Project - Working with Adolescents to Prevent Domestic Violence (second of 3 payments)</td>
<td>Kimberley Shire Council, WA</td>
<td>Kalgoorlie</td>
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<tr>
<td></td>
<td>$8,085</td>
<td>Lighting for Crime Prevention - Launceston Lighting Project</td>
<td>Launceston City Council, TAS</td>
<td>Bass</td>
</tr>
<tr>
<td>Total</td>
<td>$138,085.00</td>
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</table>

NB: No payments were made under these schemes for the 1996-1997, 1997-1998 and 1998-1999 financial years.

**Native Title**

(2)(b) Native Title payments were made to support a range of activities relating to the representation and support of local government authorities that are respondents to native title proceedings and/or involved in native title negotiations.

Financial assistance is available, through the Attorney-General’s Department, to respondents or potential respondents to native title claims, to parties or potential parties to indigenous land use agreements,
and to persons involved in other negotiations, inquiries, mediation or proceedings in relation to native title.

The Department’s electronic financial information systems have been searched for payments made to local government authorities under native title financial assistance schemes. It has been a long-standing practice, endorsed by successive Attorneys-General, to treat applications for financial assistance in confidence and not to provide information in relation to individual applications. However, these electronic records indicate that payments totalling $662,416 were made to local government authorities between 1996-97 and 2001-02.

Assistance has also been provided to solicitors who act for local government authorities in native title matters. The Department’s electronic financial information systems record these payments by reference to the solicitor to whom the assistance was paid. Determining the local government authorities on whose behalf those solicitors were acting would require a manual cross-check of the Department’s paper files. This would be an expensive and time-consuming undertaking, which could not be performed within the resources available without adversely affecting the work of the Family Law and Legal Assistance Division.

**Emergency Management Australia**

<table>
<thead>
<tr>
<th>(1) Fin/year</th>
<th>(2)(a) Amount</th>
<th>(2)(b) Purpose of grant</th>
<th>Grant recipient</th>
<th>(2)(c) Electorate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998/99</td>
<td>$8,500</td>
<td>Identify and preparing the special needs population for disasters</td>
<td>Hervey Bay Council, QLD</td>
<td>Wide Bay</td>
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<td>1999/00</td>
<td>$2,000</td>
<td>Review of bushfire safety for people with special needs pilot project</td>
<td>Knox City Council, VIC</td>
<td>Aston</td>
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<tr>
<td></td>
<td>$12,000</td>
<td>Awareness/Endurance/Recovery - a kit for coping with the psychological effects of natural disaster</td>
<td>Cairns City Council, QLD</td>
<td>Leichhardt</td>
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<td>2000/01</td>
<td>$15,500</td>
<td>Developing a framework for supporting the local agricultural community in times of significant disease outbreak</td>
<td>Murrindindi Council, VIC</td>
<td>McEwan</td>
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<td>2001/02</td>
<td>$22,000</td>
<td>Assessment of local government for visualisation of community vulnerability</td>
<td>Shire of Yarra Ranges, VIC</td>
<td>Casey</td>
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<td><strong>Total:</strong> $60,000.00</td>
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</table>

NB: No payments were made under these schemes for the 1996-1997 and 1997-1998 financial years.

(3) No.

**Fuel: Ethanol**

*(Question No. 1082)*

Mr Kelvin Thomson asked the Minister for the Environment and Heritage, upon notice, on 11 November 2002:

1. Is the Government aware of any dangers from the use of ethanol in petrol.
2. Does the use of ethanol blended petrol result in a greater possibility of corrosion to vehicle fuel tanks, underground storage tanks at service stations and fuel feed lines than it would with unblended petrol, when the proportion of ethanol is (a) greater and (b) less than 10%.
3. Does the use of ethanol blended petrol result in a greater possibility of contamination in and around service stations than it would with unblended petrol when the proportion of ethanol is (a) greater and (b) less than 10%.
(4) Will Australian standards be changed to ensure that the use of ethanol blended petrol is safe.
(5) Does ethanol blended petrol result in the blended fuel being a better conductor of electricity than unblended fuel when the proportion of ethanol is greater than 10%.
(6) What proportion of service stations have storage tanks made of steel.

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

(1) & (2)
(a) While 10% ethanol blends are widely supported and considered ‘safe’, there are conflicting claims about the safety and reliability of ethanol/petrol blends above 10%. To resolve these conflicting claims, the Government is funding an extensive testing program to determine the impact of 20% ethanol blends on small engines and motor vehicles. The preliminary testing results shows that 20% ethanol could cause deterioration of metal, plastic and rubber components in some older vehicles.
(b) I understand that several studies in the US have concluded that ethanol, when blended with petrol up to 10%, does not increase corrosion in normal, everyday operation.

(3) Ethanol is hydroscopic and can absorb water from the atmosphere (and any vessel containing water that it enters). It is, therefore, prudent to ensure that water contamination does not occur in the distribution and storage of ethanol blends (at any ethanol level). Recent research also suggests that ethanol in petrol may increase the migration of toxic petrol components in groundwater. This issue is the subject of ongoing research and can be managed through appropriate storage and handling procedures. I am not aware of any data which examine migration of toxic petrol components at different ethanol limits.

(4) The Government has set a 10% cap on the level of ethanol in petrol.
(5) Ethanol blended petrol is a better conductor of electricity than unblended petrol. This is true for any percentage of ethanol, including 10%.
(6) The Government does not have data on the composition of storage tanks in Australia. However, the Department of Industry Tourism and Resources estimates that 50% or more of service station tanks would be of steel construction.

Taxation: Bankruptcy Laws
(Question No. 1552)

Mr Murphy asked the Attorney-General, upon notice, on 3 March 2003:

(1) Has his attention been drawn to a report by Valerie Lawson titled “Tax-free QC wigs up for the old day job” which appeared on page 3 of The Sydney Morning Herald on 26 February 2003 and claiming that Mr Clarrie Stevens, QC had not paid any income tax for more than fifteen years.
(2) Is he aware that the report notes that Mr Stevens is known to be in practise for 28 years, a senior counsel for 11 years and specialised in tax advice for much of his career.
(3) Is he able to say on what grounds the Supreme Court of NSW granted an extension of time in which Mr Stevens could file an appeal against being removed from the roll and under what power did Mr Stevens seek this extension; if so, what are those grounds and what is the power; if not, why not.
(4) What action is he taking to ensure that the common law and administrative maxim that justice is not only done, but manifestly seen to be done is applied to ensure that public confidence is restored to the legal profession.
(5) What legislative or other action is he taking to arrest the problem of practising barristers who are serial rorters of the legal system using taxation, family law and bankruptcy provisions to systematically suit their own ends.
Mr Williams—The answer to the honourable member’s question is as follows:

(1) Yes.
(2) Yes, although I understand that Mr Stevens became a senior counsel in 1991.
(3) No. The NSW Bar Association website indicates that the original hearing date in June 2003 was vacated by the Court of Appeal and re-listed for September 2003. Mr Stevens withdrew his opposition to the NSW Bar Association’s action and on 9 September 2003, the NSW Court of Appeal struck Mr Stevens off the roll for professional misconduct.
(4) See my answer to the honourable member’s question on notice 1416, 6 February 2003, sub-question (3) reported 26 May 2003, Hansard page 14975, which is as follows:

1416 (3) The Government has introduced changes to bankruptcy law aimed at preventing people using bankruptcy in an improper way. The Government also released an issues paper on possible further changes to bankruptcy and family law to prevent high income earners from avoiding their obligations to pay income tax. The issues paper was open to comment until 20 February 2003.”

Also, the Insolvency and Trustee Service Australia (ITSA) and the Attorney-General’s Department (AGD) have recently finalised consultations with interested stakeholders regarding the proposals set out in that issues paper. ITSA and AGD are considering the views put forward during the consultation process and will brief me in the near future on options to progress this matter.
(5) my answer to 1416 sub-question (3) referred to above and my answer to the honourable member’s question on notice 1461, 12 February 2003, sub-question (4) reported 26 May 2003, Hansard page 14978.

In addition, as mentioned above in my answer to (4), ITSA and AGD have recently finalised consultations with interested stakeholders regarding the proposals set out in the issues paper referred to above. ITSA and AGD are considering the views put forward during the consultation process and will brief me in the near future on options to progress this matter.

Transport: Roads of National Importance Program

(Mr Martin Ferguson asked the Minister for Transport and Regional Services, upon notice, on 13 May 2003:)

(1) Further to his answer to my question No. 103 (Hansard, 26 March 2003, page 13409) in regard to the Roads of National Importance Program, what requests for funding under this program have been submitted by each State and Territory Government in 2002-03.
(2) What forward priority proposals or indicative priorities have been submitted for the financial years: (a) 2003-04, (b) 2004-05, and (c) 2005-06.
(3) Which projects in each State and Territory have been brought to the Government’s attention through community representations in: (a) 1999-00, (b) 2000-01, (c) 2001-02, and (d) 2002-03, and how many of these projects have received Commonwealth funding.

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

(1) The following table shows proposals put forward by the States and Territories in 2002-03 for consideration under the Roads of National Importance programme.

<table>
<thead>
<tr>
<th>State/Territory</th>
<th>Project Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSW</td>
<td>Princes Highway from Wollongong to the Victorian border Extension of Pacific Highway programme beyond 2005-06</td>
</tr>
</tbody>
</table>
State/Territory | Project Proposal
--- | ---
Victoria | Geelong Western bypass
Princes Highway West – Melbourne to SA border
Princes Highway East – Melbourne to NSW border
Queensland | Tugun bypass
Western Australia | Ashburton River bridge (North West Coastal Hwy)
Bridge on Geraldton-Mt Magnet Road
Bridge on Kondinin-Narembeen Road
South Australia | Two bridges on Seppeltsfield Road
Churchill Road North bridge and associated culverts
Mappie Creek Bridge, Main North Road
Meyers Bridge, Ashbourne Road
Harrogate Bridge, Mt Torrens-Harrogate Road
Tasmania | Bass Highway from Burnie to Smithton
Peggs Creek bridge (Bass Highway)
Northern Territory | Roper Highway bridges (10)
Tiwi Islands roads

(2) In most cases the States and Territories do not provide a forward year funding profile for their proposals under the Roads of National Importance funding category. The following table sets out those State and Territory requests submitted to the Commonwealth in 2002-03 where they have provided a funding profile for the financial years 2003-04, 2004-05 and 2005-06.

<table>
<thead>
<tr>
<th></th>
<th>2003-04</th>
<th>2004-05</th>
<th>2005-06</th>
</tr>
</thead>
<tbody>
<tr>
<td>Western Australia</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ashburton River bridge (North West Coastal Hwy)</td>
<td>1.55</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bridge on Geraldton-Mt Magnet Road</td>
<td>0.08</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bridge on Kondinin-Narembeen Road</td>
<td>0.14</td>
<td></td>
<td></td>
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<tr>
<td>Northern Territory</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Roper Highway bridges</td>
<td>1.00</td>
<td>0.65</td>
<td></td>
</tr>
<tr>
<td>Timber Islands timber roads</td>
<td></td>
<td>0.50</td>
<td></td>
</tr>
</tbody>
</table>

(3) The following table sets out those projects that have been brought to the Commonwealth’s attention during 1999-00 to 2002-03 from community representations for possible funding under the Roads of National Importance category.

1999-00

<table>
<thead>
<tr>
<th>State</th>
<th>Project Proposal</th>
</tr>
</thead>
</table>
| NSW | Coonabarabran to Binnaway Road
Derrinjulla Bridge, Coonabarabran to Binnaway Road
Cobb Highway
Woodenbong to Legume Road
Bridge over Boheena Creek, Narrabri
MR129, Quirindi Shire

QUESTIONS ON NOTICE
<table>
<thead>
<tr>
<th>State</th>
<th>Project Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Abbotsford Bridge over Murray River, Wentworth</td>
</tr>
<tr>
<td></td>
<td>Burley Griffin Way</td>
</tr>
<tr>
<td></td>
<td>MR368 Rankin Springs to Hillston Road</td>
</tr>
<tr>
<td></td>
<td>Bells Line of Road</td>
</tr>
<tr>
<td></td>
<td>Mt Panorama race circuit</td>
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<tr>
<td></td>
<td>MR368 Rankin Springs to Hillston Road</td>
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<tr>
<td></td>
<td>MR141 Kyogle to Murwillumbah Road</td>
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<tr>
<td></td>
<td>Bucketts Way</td>
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<tr>
<td></td>
<td>Mid Western Highway west of Rankin Springs</td>
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<tr>
<td></td>
<td>Road 31, Cobar Shire</td>
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<tr>
<td></td>
<td>Junee to Bomen Road</td>
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<tr>
<td></td>
<td>Warringah Road</td>
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<tr>
<td></td>
<td>Maria River Road</td>
</tr>
<tr>
<td></td>
<td>Cobar to Ivanhoe Road</td>
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<tr>
<td></td>
<td>Qld</td>
</tr>
<tr>
<td></td>
<td>Cooper Creek Crossing</td>
</tr>
<tr>
<td></td>
<td>Roads leading to the Bucca Rowing Course</td>
</tr>
<tr>
<td></td>
<td>Woodenbong to Legume Road</td>
</tr>
<tr>
<td></td>
<td>Birdsville to Uluru</td>
</tr>
<tr>
<td></td>
<td>Non National Hwy parts of Warrego Hwy</td>
</tr>
<tr>
<td></td>
<td>East Russell bridge</td>
</tr>
<tr>
<td></td>
<td>Burke Development Road</td>
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<tr>
<td></td>
<td>Gap Creek Road</td>
</tr>
<tr>
<td></td>
<td>Cairns to Darwin</td>
</tr>
<tr>
<td></td>
<td>2000-01</td>
</tr>
<tr>
<td>NSW</td>
<td>Renshaw McGirr Way</td>
</tr>
<tr>
<td></td>
<td>MR368 Rankin Springs to Hillston Road</td>
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<tr>
<td></td>
<td>Bob’s Farm (Pacific Highway)</td>
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<tr>
<td></td>
<td>Mungo National Park Road</td>
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<tr>
<td></td>
<td>Hillston to Lake Cargelligo</td>
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<tr>
<td></td>
<td>Rusden St Armidale</td>
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<tr>
<td></td>
<td>Nelson Bay to Fern Bay Road</td>
</tr>
<tr>
<td></td>
<td>M4 Motorway, Sydney</td>
</tr>
<tr>
<td></td>
<td>Collins Bridge, Talladunna Lane, WeeWaa Bypass</td>
</tr>
<tr>
<td></td>
<td>Northern rivers to Darling Downs Connecting Road</td>
</tr>
<tr>
<td></td>
<td>Narrabri to Armidale Road</td>
</tr>
<tr>
<td></td>
<td>Mountain Ck Road, Captains Flat</td>
</tr>
<tr>
<td></td>
<td>Road 82A, Parkes Shire</td>
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<tr>
<td></td>
<td>Bourke Wandering Road</td>
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<tr>
<td></td>
<td>MR85 Tumut Shire</td>
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<tr>
<td></td>
<td>Canberra to Tumut Road</td>
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<tr>
<td></td>
<td>Northern Tablelands to Hunter Link</td>
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<tr>
<td></td>
<td>Wolgan Valley Road, Lithgow</td>
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<tr>
<td></td>
<td>Kings Highway, Canberra to Batemans Bay</td>
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<tr>
<td></td>
<td>WeeWaa to Pilliga Road</td>
</tr>
<tr>
<td></td>
<td>Wombeyan Caves Road</td>
</tr>
<tr>
<td></td>
<td>Macquarie Pass, Illawarra Highway</td>
</tr>
</tbody>
</table>

QUESTIONS ON NOTICE
<table>
<thead>
<tr>
<th>State</th>
<th>Project Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>MR507 Mungindi to Boomi Road</td>
</tr>
<tr>
<td></td>
<td>Cobb Highway</td>
</tr>
<tr>
<td></td>
<td>Darling Downs Northern Rivers Connecting Road</td>
</tr>
<tr>
<td></td>
<td>Coonabarabran to Baradine Road</td>
</tr>
<tr>
<td></td>
<td>Mendooran to Newcastle Road</td>
</tr>
<tr>
<td></td>
<td>Yamble Bridge, Wellington-Gulgong Road</td>
</tr>
<tr>
<td></td>
<td>Bridge at Stingray Creek, Laurieton</td>
</tr>
<tr>
<td>Qld</td>
<td>Aramac to Torrens Creek Road</td>
</tr>
<tr>
<td></td>
<td>Swindon Road</td>
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<tr>
<td></td>
<td>Noosa to Tin Can Bay Road</td>
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<tr>
<td></td>
<td>Peninsula Development Road</td>
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<tr>
<td></td>
<td>D’Aguilar Highway</td>
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<td></td>
<td>Diamantina Development Road</td>
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<td></td>
<td>Savannah Way</td>
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<td></td>
<td>Fitzroy Development Road</td>
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<td></td>
<td>Birdsville Development Road</td>
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<tr>
<td>WA</td>
<td>Toodyay Road</td>
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<tr>
<td></td>
<td>Outback Highway</td>
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<tr>
<td>Tas</td>
<td>Lilydale to Scottsdale Road</td>
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<tr>
<td></td>
<td>Arthur Highway</td>
</tr>
<tr>
<td></td>
<td>Lyell Highway between Granton and New Norfolk</td>
</tr>
<tr>
<td>NT</td>
<td>Wattie Creek Causeway</td>
</tr>
<tr>
<td>2001-02</td>
<td></td>
</tr>
<tr>
<td>State</td>
<td>Project Proposal</td>
</tr>
<tr>
<td>NSW</td>
<td>Bowning Deviation, Burley Griffin Way</td>
</tr>
<tr>
<td></td>
<td>MR241, Jerrawa Ck Bridge</td>
</tr>
<tr>
<td></td>
<td>Lake Cargelligo to Hillston Road</td>
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<tr>
<td></td>
<td>Tamworth, between Peel St and Manilla Road</td>
</tr>
<tr>
<td></td>
<td>Darling Downs to Northern Rivers connecting road</td>
</tr>
<tr>
<td></td>
<td>Mt Lindesay Road between Legume and Woodenbong</td>
</tr>
<tr>
<td></td>
<td>Bathurst to Goulburn Road, between Oberon and Goulburn</td>
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<tr>
<td></td>
<td>Canowindra to Gooloogong Road</td>
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<tr>
<td></td>
<td>Bylong Valley Way</td>
</tr>
<tr>
<td></td>
<td>Bourke to Wanaaring Road</td>
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<td></td>
<td>Moonan Flats to Barrington Tops Road</td>
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<tr>
<td></td>
<td>Duck Creek Bridge, Old Bonalbo</td>
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<td></td>
<td>Kempsey to Armidale Road</td>
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<tr>
<td></td>
<td>Mt Panorama race circuit</td>
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<td></td>
<td>Appin Road, Campbelltown</td>
</tr>
<tr>
<td></td>
<td>Macquarie Region, timber haulage roads</td>
</tr>
<tr>
<td></td>
<td>Gunning to Muswellbrook Road</td>
</tr>
<tr>
<td>Vic</td>
<td>Calder Highway</td>
</tr>
<tr>
<td></td>
<td>Calder Highway between Kyneton and Faraday</td>
</tr>
</tbody>
</table>

QUESTIONS ON NOTICE
State Project Proposal

Qld  Surfers Paradise Traffic Management Scheme  
     Hann Highway (Kennedy Developmental Road)  
     Wills Development Road  
     Yetman Bypass Road  

Tas  Arthur Highway  
     Lilydale to Scottsdale Road  

2002-03  Project Proposal  

NSW  Canberra to Tumut Road  
     Bruxner Highway  
     B-double access to Grafton, Summerland Way  
     Bowral traffic relief route  
     Kings Highway, Canberra to Batemans Bay  
     Denman to Rylestone Road  
     Boorowa to Taralga Road, via Crookwell  

Vic  Princes Highway, West of Geelong  
     Calder Highway  

Qld  Surfers Paradise Traffic Management Scheme  
     Hann Highway (Kennedy Developmental Road)  
     Wills Development Road  
     Yetman Bypass Road  

Tas  Lilydale to Scottsdale Road  

NT  Tiwi Islands timber roads  

The roads listed in the above table that have received Commonwealth funding are as follows:  
Peninsula Development Road, Queensland  
Lilydale to Scottsdale Road, Tasmania  
Arthur Highway, Tasmania  

**Taxation: Bankruptcy Laws**  
*(Question No. 1949)*  

**Mr Murphy** asked the Attorney-General, upon notice, on 28 May 2003:  
Further to his reply to question No. 1502 *(Hansard, 26 May 2003, page 14986)* when is he expected to receive advice from the Insolvency and Trustee Service Australia (ITSA) and his department in relation to the comments tendered to the issues paper.  

**Mr Williams**—The answer to the honourable member’s question is as follows:  
Officers from the Insolvency and Trustee Service Australia (ITSA) and the Attorney-General’s Department (AGD) held a meeting with stakeholders on 29 July 2003. That meeting provided a final opportunity for issues and proposals arising from the issues paper and the submissions to be discussed with stakeholders. ITSA and AGD will report shortly on the outcome of that meeting and refer the matter back to me for my further consideration.
Defence: National Service Medal
(Question Nos 1971 and 1972)

Ms King asked the Minister representing the Minister for Defence, upon notice, on 2 June 2003:

(1) How many applications for the anniversary of National Service Medal are currently being processed.
(2) How many applicants reside in the electoral division of Ballarat.
(3) What are the delays being experienced in the processing of these applications.
(4) When will the processing of the applications be finalised.

Mrs Vale—The answer to the honourable member’s question is as follows:

(1) The Anniversary of National Service Medal Team currently has a backlog of 25,000 applications awaiting action, which date back to August 2002.
(2) Identification of applicants within electoral divisions is not separately identified for processing applications. Consequently, this information cannot be readily generated and a manual search would require diversion of the scarce resources now utilised to process applications, resulting in increased delays.
(3) Since February 2002, when applications were first formally requested and received by Defence, the average time from date of receipt of applications to date of delivery of medal was six months. In December 2002, the introduction of a standardised departmental personnel recording system led to the loss of some systems functionality. More recently, staff shortages resulting from the move of the Army Medals Section to Canberra added to the delay.
(4) It is not possible to anticipate when applications could be finalised given that it is expected that applications will continue to be received for some years yet, and given that Defence still issues medals in respect of applications received for World War I service.

Defence: Honours and Awards
(Question No. 1976)

Mr Edwards asked the Minister representing the Minister for Defence, upon notice, on 2 June 2003:

(1) How many members of the CMF or Defence Reserve have served more than 6 years but less than 15 years since 1965.
(2) How many individual members of the Australian Defence Forces who have served in the following wars and conflicts have not claimed campaign medals or bravery awards to which they are entitled, (a) World War 1, (b) World War 2, (c) Korea, (d) Malaya, (e) Borneo, and (f) Vietnam.
(3) What steps have been taken to contact these individuals or their next of kin to encourage them to do so.

Mrs Vale—The answer to the honourable member’s question is as follows:

(1) This information is not readily available and would require significant departmental resources to research. I am not willing to authorise the diversion of departmental resources dedicated to processing applications for honours and awards, in order to research this information.
(2) Refer to part (1).
(3) The Federal Government’s commemorations program, Saluting Their Service, honours the contribution of Australia’s servicemen and women in war and conflict. Saluting Their Service, supports commemorative activities and educational programs so that Australians may learn about
and acknowledge the events of our wartime years; the significance of those events in shaping our nation; and stories of people who experienced those years, their bravery and suffering. Importantly, the roles played by men and women in local communities throughout Australia in serving our nation can be acknowledged and promoted.

Saluting Their Service provides opportunities for communities, organisations and individuals to take an active role in commemoration and to ensure that the service of today’s Australian Defence Force is properly recognised. Further information can be found on the Department of Veteran’s Affairs website at www.dva.gov.au.

**Attorney-General’s: Audit Reports**

(Question No. 2032)

Mr McClelland asked the Attorney-General, upon notice, on 18 June 2003:

(1) In respect of ANAO Report No. 45, 2002-03 Reporting of Financial Statements and Audit Reports in Annual Reports, Appendix 1, Table 8, what were the errors identified by the Auditor-General in annual reports of agencies in the Attorney-General’s Portfolio.

(2) What action has each agency taken to correct these errors.

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

(1) and (2) The following agencies within the Attorney-General’s portfolio were identified as having errors in their annual reports and have corrected the errors as follows:

**Attorney-General’s Department**

The errors identified by the Auditor-General in the 2001-02 Annual Report of the Attorney-General’s Department were: On page 257, in the 2000-01 column, the receivables not overdue figure was shown as $8,644,000. This figure should have been shown as $8,523,000. On page 257, in the 2000-01 column the total receivables not overdue and overdue was shown as $11,711,000. This figure should have been shown as $11,590,000. The errors will be noted and the correct figures included in the section in the Department’s 2002-03 Annual Report dealing with material corrections to the previous year’s annual report. The Department has put into place additional supervisory procedures to ensure that a similar error will not occur in regard to the 2002-03 and future financial year statements.

**CrimTrac**

Three errors were identified in CrimTrac’s Annual Report 2001-02 after it was tabled on 22 October 2002. The Chief Executive Officer’s statement in the financial statements section was dated 20 September 2002 when it should have been 20 August 2002, while elsewhere in the same section there were two unnecessary dollar column headers. CrimTrac produced and included an adhesive-backed corrigenda in all reports distributed after the corrected report was tabled in place of the original on 4 March 2003. All reports distributed since then have included the corrigenda.

**Australian Transaction and Reports Analysis Centre**

An error was detected in the online version of the Australian Transaction and Reports Analysis Centre (AUSSTRAC) Annual Report 2001-02. A list of these errors is provided in Attachment A. Once errors were referred to AUSSTRAC, they were immediately rectified. AUSSTRAC’s procedures have been reviewed to ensure that errors in the financial statements do not appear in the future. This includes ensuring that an officer outside the Annual Report and Financial Statement compilation team reviews the financial statements in the hardcopy and electronic versions.

**National Native Title Tribunal**

An error was identified in the National Native Title Tribunal (NNTT) audit fee in Note 12 which was misstated as 13,000 with a $000 column heading. The correct figure should have been 13,000 with only $ as the column heading. The error was due to inadequate checking of column headings, in particular,
because the figure was carried over to a new page from the original draft during typesetting. The NNTT will include a correction statement in the 2002-03 Annual Report.

**Federal Court of Australia**

A formatting error was identified in the presentation of the Federal Court of Australia’s financial statements on its website. Landscape pages were presented in portrait format. The Federal Court has undertaken the necessary corrective action to rectify the error and has established procedures to address this oversight for future website publications.

**Australian Federal Police**

A discrepancy was identified in the Australian Federal Police (AFP) Annual Report electronic version on the AFP website. The nature of the discrepancy was the duplication of page 133 and the omission of page 134 in the electronic version. The omitted page contained the audit opinion and signature of the Auditor-General’s delegate. The AFP has incorporated a revised checking procedure into the page conversion process to ensure the integrity of all electronic copy conversions prior to the information being posted to its website.

**Office of the Federal Privacy Commissioner**


**Insolvency and Trustee Service Australia**

In the printed and electronic versions of the annual report of the Insolvency and Trustee Service Australia (ITSA) for 2001-02, pages 106 and 107 (which show Note 19C of the financial statements) were published in reverse. The error occurred in the course of preparation for publication. The version of ITSA’s 2001-02 Annual Report on the agency’s website was corrected as soon as it was brought to notice.

**Attachment A**

<table>
<thead>
<tr>
<th>TYPE OF ERROR</th>
<th>LOCATION OF ERROR</th>
<th>ERROR</th>
<th>SIGNIFICANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Numerical</td>
<td>Electronic copy HTML</td>
<td>In the electronic copy of the annual report, Note 5A Plant and Equipment, the subtotals have been omitted.</td>
<td>Insignificant as the sub totals can be calculated; however inconsistent with other parts of the note.</td>
</tr>
<tr>
<td>Numerical</td>
<td>Electronic copy HTML</td>
<td>In the electronic copy of the annual report, Note 5B Table B Analysis of Plant, Equipment and capitalised software, the numbers are in different columns when compared to the certified financial statements.</td>
<td>Significant as has published incorrect data.</td>
</tr>
<tr>
<td>Text</td>
<td>Electronic copy HTML</td>
<td>In the electronic copy of the annual report, Note 8 Cash flow reconciliation, the heading differs to that in the certified financial statements.</td>
<td>Insignificant</td>
</tr>
</tbody>
</table>
Fuel: Petroleum Production

(Question No. 2065)

Mr Murphy asked the Minister for Industry, Tourism and Resources, upon notice, on 24 June 2003:

Can he provide an estimate of the proportion of Australian petroleum supplies that will be sourced from indigenous reserves by (a) 2005, (b) 2010, and (c) 2020; if so, how confident is he that these estimates are correct; if not, why not.

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

Notwithstanding that the information which the member seeks is otherwise publicly available, petroleum consists of crude oil, liquefied petroleum gas, natural gas and condensate (a liquid, similar to crude oil, recovered from gas fields). All supplies of both liquefied petroleum gas and natural gas are expected to be sourced from indigenous supplies in the years specified.

Future Australian crude oil and condensate production rates at various probability levels are estimated by Geoscience Australia, and future Australian consumption of crude oil and condensate is estimated by the Australian Bureau of Agricultural and Resource Economics (ABARE), as follows. It should be noted that because of geography and the composition of Australian oil, a large proportion of domestic consumption is met by imported feedstock and similarly a large proportion of Australian production is exported. The proportion of Australian domestic demand quoted below takes into account the net effect of imports and exports. The probability level refers to the chance that production will exceed that number.

(a) In 2005: Production from indigenous reserves (at the 50% probability level) is estimated at 452 thousand barrels per day, consumption in Australia is estimated at 771 thousand barrels per day. The proportion sourced from indigenous reserves is 58.6%.

QUESTIONS ON NOTICE
(b) In 2010: Production from indigenous reserves (at the 50% probability level) is estimated at 458 thousand barrels per day, consumption in Australia is estimated at 850 thousand barrels per day. The proportion sourced from indigenous reserves is 53.8%.

(c) In 2015: Production from indigenous reserves (at the 50% probability level) is estimated at 325 thousand barrels per day, consumption in Australia is estimated at 951 thousand barrels per day. The proportion sourced from indigenous reserves is 34.2%.

No estimates for crude oil and condensate production for 2020 are currently available, but a new forecast to 2020 will be finalised this year.

The reliability of the production estimates is reflected in the spread of the estimates as different probability levels; for example, the estimates at the 90% and 10% probability levels in 2015 are 215 thousand barrels per day and 475 thousand barrels per day respectively.

Environment: Greenhouse Gas Emissions

(Resize No. 2134)

Mr Martyn Evans asked the Minister for the Environment and Heritage, upon notice, on 11 August 2003:

(1) Has his attention been drawn to the critique by Ian Castles and David Henderson of the economic and statistical work of the Intergovernmental Panel on Climate Change (IPCC) and the Special Report on Emissions Scenarios (SRES) as published in an ongoing exchange in the journal “Energy and Environment”.

(2) Will he ensure that the matters raised in the various articles by Castles and Henderson and the responses from the IPCC Team are analysed by Treasury officials and other relevant Government statistical experts to ensure that emission projections are based on a sound economic and statistical footing.

(3) Will Australia take up this issue at the international level to clarify the complex issues involved in time for the IPCC’s Fourth Assessment Review (AR4).

(4) Will he encourage the national Treasury and statistical officers of other OECD countries to be fully engaged in the development of the economic and statistical work of the IPCC to ensure that uncertainties of this nature do not arise in the future.

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

(1) Yes.

(2) Relevant departments and agencies have assessed the matters raised by Castles and Henderson. The Government will continue to examine emissions scenarios issues.

(3) Australia is committed to engaging with the IPCC to ensure the continued highest standards of scientific integrity, credibility and usefulness of the IPCC as the authoritative international source of advice on climate change science. In this context, Australia has encouraged further IPCC activity on emissions scenarios leading up to the development of the IPCC’s Fourth Assessment Report.

(4) Australia will continue to encourage a range of experts both in Australia and other countries to consider these issues.

Transport: Roads of National Importance

(Resize No. 2135)

Mr Gibbons asked the Minister for Transport and Regional Services, upon notice, on 11 August 2003:

(1) For each Road of National Importance (RONI) in each State and Territory, what funding is provided in the forward estimates for each year.

QUESTIONS ON NOTICE
(2) ‘What funds were allocated to each such road in the 2003 Budget.

(3) On what basis did the Government decide not to allocate funding for the Calder Highway in the 2003 Budget.

(4) Which roads has the Commonwealth (a) commenced, (b) suspended, (c) ceased funding as a RONI since the introduction of the RONI program in 1996.

(5) Does the Government currently designate the Calder Highway as a RONI; if so, (a) for how long will this designation continue, and (b) does designation as a RONI guarantee the Calder Highway 50% funding from the Commonwealth for its upgrade; if not, why not.

(6) Will he explain when Auslink will be introduced and in what ways it will replace RONI funding for unfinished road projects currently designated as Roads of National Importance.

(7) What funds in each year are allocated for which aspects of the Calder Highway upgrade.

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

(1), (2), (4) (a) The table below sets out annual payments to projects funded under the RONI programme since its inception in 1996, and the funds budgeted for such projects for future years in the 2003-04 roads budget. The forward estimates indicate funding at the programme level and do not separately identify RONI funding.
### ROADS OF NATIONAL IMPORTANCE PROGRAM

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<thead>
<tr>
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| **Victoria**         |       |       |       |       |       |       |       |            |            |            |            |
| Calder Highway       | 5.14  | 14.69 | 22.56 | 17.08 | 7.21  | 16.92 | 10.41 | 4.90       | 30.10      | 35.00      | 30.00      |
| Pakenham Bypass      |       |       |       |       |       |       |       | 10.00      | 20.00      | 43.87      | 46.13      |
| Geelong Road         |       |       |       |       |       |       |       | 25.30      | -1.83      | 63.30      | 63.00      |
| Scoresby Freeway     |       |       |       |       |       |       |       | 86.09      | 54.71      | 68.20      | 93.10      |
| **Total**            | 5.14  | 14.69 | 22.56 | 27.08 | 27.21 | 86.09 | 54.71 | 68.20      | 93.10      | 85.00      | 117.50     |

| **Queensland**       |       |       |       |       |       |       |       |            |            |            |            |
| Pacific Highway*     | 15.00 | 15.33 | 15.33 | 31.35 | 0.00  | 16.44 | 24.95 | 16.77      | 16.77      | 16.77      | 16.77      |
| Tugun Bypass         |       |       |       |       |       |       |       |            |            |            | 60.00      |

### QUESTIONS ON NOTICE
### Tuesday, 7 October 2003

#### HOUSE OF REPRESENTATIVES

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**Western Australia**

|                              |       |       |       |       |       |       |       |     |       |     |       |     |       |     |       |     |
| Mt Keith to Wiluna Rd        | 2.22  | 7.58  | 15.20 |       |       |       |       |     |       |     |       |     |       |     |       |     |
| Mitchell Freeway             | 1.85  | 8.35  | 4.80  |       |       |       |       |     |       |     |       |     |       |     |       |     |
| Roe Highway                  | 24.75 | 10.00 | 15.00 | 26.32 |       |       |       |     |       |     |       |     |       |     |       |     |
| Key freight route bridges    | 0.64  | 1.70  |       |       |       |       |       |     |       |     |       |     |       |     |       |     |
| Total                        | 0.00  | 4.07  | 15.93 | 20.00 | 0.00  | 24.75 | 10.64 | 16.70| 26.32 | 0.00 | 0.00  |     |       |     |       |     |

**South Australia**

|                              |       |       |       |       |       |       |       |     |       |     |       |     |       |     |       |     |
| Port River Expressway (Stage 1)| 9.19  | 1.35  | 7.50  | 11.67 |       |       |       |     |       |     |       |     |       |     |       |     |
| Key freight route bridges    | 0.83  | 0.85  |       |       |       |       |       |     |       |     |       |     |       |     |       |     |
| Total                        | 0.00  | 0.00  | 0.00  | 0.00  | 0.00  | 10.02 | 1.35  | 8.35 | 11.67 | 0.00 | 0.00  |     |       |     |       |     |

**Tasmania**

|                              |       |       |       |       |       |       |       |     |       |     |       |     |       |     |       |     |
| Devonport port access road   | 0.30  | 0.70  | 0.08  |       |       |       |       |     |       |     |       |     |       |     |       |     |
| Arthur Hwy                   | 2.85  | 1.60  |       |       |       |       |       |     |       |     |       |     |       |     |       |     |
| Lilydale - Scottsdale road   |       |       |       |       |       |       |       |     |       |     |       |     |       |     |       |     |
| Key freight route bridges    | 0.48  | 0.40  |       |       |       |       |       |     |       |     |       |     |       |     |       |     |
| Total                        | 0.30  | 0.00  | 0.70  | 0.08  | 0.00  | 0.48  | 3.25  | 3.60 | 3.66  | 3.84 | 0.00  |     |       |     |       |     |

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**QUESTIONS ON NOTICE**
**Northern Territory**
- Tiger Brennan Drive: 2.50
- Tiwi Islands timber roads: 0.50
- Key freight route bridges: 0.97, 1.00, 0.65
- **Total**: 2.50, 0.00, 0.00, 0.00, 0.00, 0.97, 1.50, 0.65, 0.00, 0.00

**Australian Capital Territory**
- Queanbeyan bypass: 2.00
- Key freight route bridges: 0.45
- **Total**: 0.00, 0.00, 0.00, 0.00, 0.45, 0.00, 2.00, 0.00, 0.00, 0.00

**Total**

* Commonwealth Contribution indexed
(3) The projects on the Calder Highway for which the Australian Government had committed funding have been completed.

(4) (b) No project has ever been suspended under the RONI programme although payments to Victoria for the Scoresby Freeway are being withheld until Victoria agrees to meet its commitments under the MOU covering Australian Government funding for this project. Payments to Western Australia for the Roe Highway are also being withheld until an agreement is reached with the WA Government on the future zoning of land required to connect the highway to the Port of Fremantle.

(4) (c) Funding for RONI projects ceases after the Commonwealth has paid out its full funding commitment. The Commonwealth has fully met its financial commitment for the following projects:

- NSW
  - Kidman Way
  - Visy roads

- Victoria
  - Calder Highway
  - Geelong Road

- Queensland
  - Port of Brisbane access road
  - Mt Morgan to Kabra road

- Western Australia
  - Mt Keith to Wiluna Rd
  - Mitchell Freeway

- Tasmania
  - Devonport port access road
  - Key freight route bridges

- Northern Territory
  - Tiger Brennan Drive

- ACT
  - Key freight route bridges

(5) (a) The Calder Highway was declared a National Arterial road (the category of the Australian Land Transport Development (ALTD) Act used to administer the RONI programme) in June 1997 by the then Minister for Transport and Regional Development. This declaration continues in force until it is formally revoked by the Minister.
(5) (b) The declaration of a road as a National Arterial road is a requirement of the legislation as a precondition to payments being made under the ALTD Act. The declaration does not guarantee or imply any specific level of funding from the Australian Government.

(6) Auslink will be introduced when the Government has finalised its consideration of the white paper, reached the necessary agreements with the States and Territories and the required legislation has been passed. Firm commitments under the existing roads programme will be met and I will examine other transitional issues that arise on their merits as we progress the implementation of AusLink.

(7) Australian Government funding paid to Victoria for Calder Highway projects from 1996-97 through 2002-03 is listed in the table below:

| Australian Government Funding of Calder Highway Projects 1996-97 to 2002-03 |
|---------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
|                                 | 1996-97 ($m)   | 1997-98 ($m)   | 1998-99 ($m)   | 1999-2000 ($m)  | 2000-01 ($m)   | 2001-02 ($m)   | 2002-03 ($m)   |
| Black Forest                   | 3.83           | 6.49           | 9.02           | 4.14            | -0.21          | -0.27          | 0.01           |
| Woodend                        | 6.05           | 12.21          | 12.25          | 6.97            | 3.88           | -0.12          |
| Kyneton to Faraday             | 0.24           | 0.61           | 0.37           | 0.27            | 0.00           | -0.01          | 0.80           |
| Faraday to Ravenswood          | 0.40           | 0.67           | 0.32           | 0.18            | 0.03           | 0.80           |
| Carlsruhe                      |                |                |                |                 | 13.28          | 9.72           |
| Bulla Diggers Rest Road Interchange | 1.31         | 1.51           | 0.04           |                 |                |                |
| Total                          | 5.14           | 14.69          | 22.55          | 17.08           | 7.21           | 16.92          | 10.40          |

Natural Heritage Trust: Funding

(Question No. 2140)

Ms Hoare asked the Minister for the Environment and Heritage, upon notice, on 11 August 2003:

(1) Would he advise what is the current status of the National Heritage Trust 2 Funding.

(2) Is he aware that Mr John Hughson, Landcare Resource Officer, Lake Macquarie City Council, applied for National Heritage Trust 2 funding for the Natural Resource Officer position at the Lake Macquarie Landcare Resource Office in September 2002.

(3) Is he aware that the Lake Macquarie Landcare Resource Office was granted transitional funding to support the Landcare Resource Officer position from September 2002 to 30 June 2003.

(4) Is he aware that Mr Hughson has received information indicating that the National Heritage Trust 2 funding for the Landcare Resource Officer position will become available at the end of the transitional funding period.

(5) Can he advise whether Mr Hughson’s position will be funded after 30 June 2003.
(6) Is he aware of the achievements of the 121 Landcare groups attached to the Lake Macquarie Landcare Resource Office over the three years of the National Heritage Trust 1 funding.

(7) Is he aware that more than 1,000 community members have regularly volunteered their time over the last twelve months to the Lake Macquarie Landcare group projects and to the Lake Macquarie Landcare Resource Office.

(8) Is he aware that a conservative calculation estimated that the value of the volunteer hours in the previous twelve month period for the Lake Macquarie Landcare groups exceeded $1.075 million based on an hourly rate of $15 per hour.

(9) Is he aware that at least one of the Rivercare technical officers employed through the Greater Hunter Landcare region has been forced, by economic necessity, to seek other employment because of the uncertainty of the release of National Heritage Trust 2 funding to support the Rivercare program.

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

(1) The Natural Heritage Trust budget of $250 million in 2002/2003 was fully expended. In 2002-03 I announced, with my colleague the Minister for Agriculture, forestry and Fisheries, $20.5 million of interim priority projects in New South Wales. We also announced the funding of facilitator and coordinator positions in New South Wales using $4.25 million of Natural Heritage Trust funds.

(2) I understand that Mr Hughson is currently employed as Natural Resource Officer at the Lake Macquarie Landcare Resource Office.

(3) In March 2002 the Australian Government announced the extension of 650 facilitator and coordinator positions nationally to June 2003. In the meantime, a review of the network was carried out with the states and territories and the broad community. On completion of the review, my colleague, the Hon Warren Truss MP, Minister for Agriculture, Fisheries and Forestry, and I released a public statement on future arrangements for facilitators and coordinators. The statement presented an overarching framework for facilitators and coordinators which provides for local level positions, strategic regional positions and State level positions. To ensure a smooth transition to the new framework for facilitators and coordinators in New South Wales, the Australian and State Governments have agreed to extend all current Landcare, Bushcare, Coastcare and Waterwatch positions for up to three months from 1 July 2003.

(4) Facilitators and coordinators in NSW will be employed under new arrangements under the second phase of the Trust from 1 October 2003. In addition, in its Budget, the Australian Government has committed $122 million to further strengthening Landcare activities over the next three years. As part of this initiative, my colleague, the Minister For Agriculture Fisheries and Forestry, announced on 19 August 2003 funding for up to 70 new State and regional Landcare coordinators across Australia to complement the work of the coordinators funded under the Natural Heritage Trust and the National Action Plan for Salinity and Water Quality. Mr Hughson can apply for these positions, one of which will be offered in the Central Coast region.

(5) Mr Hughson’s position was funded after 30 June as part of an extension of all facilitator and coordinator positions in New South Wales until 30 September 2003.

(6) The outstanding achievements of Landcare groups across the country are recognised by the Australian Government, including the achievements of the groups attached to the Lake Macquarie Landcare Resource Office. Funding from the Natural Heritage Trust and the National Landcare Program has contributed significantly to Landcare groups’ achievements.
(7) The contribution of volunteers in helping Landcare groups to achieve outstanding outcomes is acknowledged by the Australian Government and will continue to be a key part of the partnership arrangements under the regional approach to natural resource management.

(8) The Government recognises and appreciates the very large voluntary contribution of Landcare groups to achieving natural resource management outcomes.

(9) I understand that Rivercare projects funded under the first phase of the Natural Heritage Trust have reached their planned completion dates.

NSW groups will now be responsible for setting regional funding priorities through integrated Natural Resource Management Plans and for determining how many facilitators and coordinators will be employed for the second phase of the Trust.

**Family Court: Final Orders Matters**

(Question No. 2147)

Mr McClelland asked the Attorney-General, upon notice, on 11 August 2003:

What was the time taken from filing to hearing date in final orders matters in each Family Court location in each financial year since 1996-97.

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

The Family Court of Australia has provided the annexed table in answer to the honourable member’s question.

The annexed table provides a measure of the time taken for the 75th percentile in final orders matters. This means that 75% of cases are dealt with in the time described in the table. This method of expressing various metrics is used by the Court in preference to other measures, such as the median, for technical reasons.

It will be noted that the information has not been provided for the years 1996-97 and 1997-98. The Family Court has advised that this is due to the fact that during that time the Court operated a legacy computer system that has been replaced. Furthermore, the counting method for delay, waiting time and similar metrics has changed since that time and accordingly the information for the two earlier years specified is not comparable with the figures from 1998-99.
**75th percentile of time (months) from filing to finalisation* of final orders applications finalised at final hearing (determination) stage.**

<table>
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</table>

*Note:

(1) Darwin registry does not have a resident Judge and that work is only performed on a circuit basis.

(2) During 2001/2002 the Judge and the trial work for Dandenong were transferred to the Melbourne Registry
Television: *Surprise Weddings* Program

(Question No. 2148)

Mr McClelland asked the Attorney-General, upon notice, on 11 August 2003:

1. Is he aware of a television program titled *Surprise Weddings* broadcast on Channel 7 in Sydney.
2. Has he obtained advice regarding the compatibility of that program and the requirements of the Marriage Act 1961.
3. Does he intend to take any steps to correct the public record as to the procedures involved in engaging an authorised Marriage Celebrant to conduct a marriage service.

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

1. Yes, I am aware of the program.
2. I understand that there was a disclaimer at the end of the program to which the honourable member refers, to the effect that all marriages performed on the show were symbolic and that legal marriages would subsequently be arranged for the couples. Hence, in fact, the couples were not legally married on the program. It is likely that this disclaimer would not have been observed by many viewers.

I am advised that the marriage celebrant who participated in the program was not one appointed by the Commonwealth. He was a minister of religion of a recognised denomination under the Marriage Act 1961 and appointed by the New South Wales Registrar of Births, Deaths and Marriages.

3. The program does give rise to a number of issues of concern.

   There are certain legal requirements to be followed prior to, during and after a wedding ceremony to ensure that a marriage is valid. For example, the Marriage Act requires that a couple intending to get married provide an authorised marriage celebrant a Notice of Intended Marriage. This must be provided at least one month before the intended marriage. This notice requirement enables the parties to reflect on their decision to marry and to avail themselves of relationship education services. It is possible that the program may have misled people into thinking that there is no notice period for marriage.

   It is also possible that the circumstances of the program could result in people feeling pressured into agreeing to marriage. Receiving a proposal of marriage before a large audience would certainly place a degree of pressure on the surprised party to agree. It is important that all marriages are entered into with the full and free consent of both parties.

   In September 2002 the Attorney-General’s Department notified marriage celebrants appointed by the Commonwealth that it is inappropriate to be involved in ceremonies of this sort because of the concerns mentioned above. The website of the Attorney-General’s Department also clearly sets out the notice requirements for marriage. The Department keeps this matter under review and will consider sending out further material warning against participation in such ceremonies should it prove necessary.

Iraq

(Question No. 2153)

Mr McClelland asked the Minister for Foreign Affairs, upon notice, on 11 August 2003:

1. Who is providing advice and assistance to Iraq to develop its domestic labour laws.
2. What steps has Australia taken to ensure a role for the International Labour Organisation in assisting Iraq.

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

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QUESTIONS ON NOTICE
(1) I understand that the Coalition Provisional Authority in Iraq considers any review of Iraq’s labour laws as a matter for a future Iraqi government to address. The International Labour Organisation issued a press release on 28 March (available on the internet at http://www.ilo.org/public/english/bureau/pr/2003/14.htm) declaring its readiness to participate in Iraq’s post-conflict rehabilitation. While the ILO does not yet have any permanent international staff in Iraq, it is preparing a needs assessment, based on the findings of an expert mission to Iraq prior to the conflict. This study will form the basis of the ILO’s input into the broader United Nations planning process for Iraq, including the international donors’ conference to take place in Madrid on 24 October. The ILO’s needs assessment will address future ILO priorities for technical assistance to Iraq.

(2) Given the work already being undertaken by the ILO to address labour and employment issues in Iraq, there is no need for the Australian Government to take steps to ensure a role for the ILO in assisting Iraq.

Barton Electorate: Program Funding
(Question No. 2167)

Mr McClelland asked the Minister representing the Minister for Family and Community Services, upon notice, on 11 August 2003:

(1) What programs have been introduced, continued or renewed by the Minister’s Department in the electoral division of Barton since March 1996.

(2) What grants and/or benefits have been provided to individuals, businesses and organisations by the Minister’s Department in the electoral division of Barton since 1996.

Mr Anthony—The Minister for Family and Community Services has provided the following answer to the honourable member’s question:

(1) What programs have been introduced, continued or renewed by the Minister’s Department in the electoral division of Barton since March 1996.

Note: The Department of Family and Community Services maintains records on funded programs on a financial rather than a calendar year basis. The answer to this part of the Honourable Member’s question provides the requested information for each financial year that covers the calendar years since 1996. The information is provided on a program basis and it is possible that some of the organisations, businesses or individuals listed have received funding under more than one program. While the organisations listed provide services to the people of the electoral division of Barton, the Department’s records do not allow us to determine in all cases that the service outlet is physically located within the electorate.

(a) The programs administered by the Department of Family and Community Services in the electorate of Barton since 1996 are as follows:

- Within the Australian Government Childcare Program, individuals can apply for funding under the Special Needs Subsidy Scheme (SNSS) and the Jobs, Education and Training (JET) Program;
- Within the Australian Government Child Care Support program, funding is provided to a range of child care services such as in-home care (IHC), family day care (FDC), long day care centres (LDC) (private and community based), outside school hours care (OSHC) and occasional care centres (OCC);
- Within the Australian Government Child Care Support program, funding is provided to support child care services in the form of the Supplementary Services Program (SUPS) and the Supplementary Special Services Program (SPS);
- Family Relationship Services Program (FRSP);
- Personal Support Programme (PSP);
The Australian Government Emergency Relief Program (ERP);
Disability Employment Assistance Program (DEAP);
National Disability Advocacy Program;
Workplace Modifications Scheme (WMS);
Respite for Carers of Young People with Severe or Profound Disabilities Initiative; and
Reconnect.

(b) A summary of when the programs were introduced, continued or renewed since 1996 appears in the table below.

Key: I = introduced; C/R = continued or renewed:

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Explanatory Notes:
1. IHC – was introduced as a part of the Stronger Families and Communities Strategy in January 2001
2. Prior to financial year 1998/1999, Workplace Modifications Scheme was administered by another Australian Government Department.
3. The National Disability Advocacy Program does not have services physically located in the electorate, but six service providers located in adjoining electorates such as Sydney provide advocacy support to people with a disability throughout NSW including those residing in Barton.

(2) What grants and/or benefits have been provided to individuals, businesses and organisations by the Minister’s Department in the electoral division of Barton since 1996

A summary of the community organisations and businesses in the electoral division of Barton that have received funding from the Department of Family and Community Services since 1996 appears in the tables below.

Part 2 of this question on notice seeks personal information about individual recipients of Australian Government funding. This information is not provided as to do so may be regarded as unreasonable disclosure of their personal information.

QUESTIONS ON NOTICE
Information about organisations that are funded to deliver Australian Government programs falls under the gambit of “commercial-in-confidence” or “business affairs”. To disclose such information about organisations that receive funding of less than $100 000 per year may unreasonably affect their commercial or financial affairs.

Therefore, information is only provided about organisations receiving more than $100 000 per year under each program.

Note: The Department of Family and Community Services maintains records on funded programs on a financial rather than a calendar year basis. The answer to this part of the honourable member’s question provides the requested information for each financial year that covers the calendar years since 1996. The information is provided on a program basis and it is possible that some of the organisations, businesses or individuals listed have received funding under more than one program. While the organisations listed provide services to the people of the electoral division of Barton, the Department’s records do not allow us to determine in all cases that the service outlet is physically located within the electorate.

1996/1997 B - indicates business. All other organisations are NGOs

**Child Care Programs**

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**Family Relationship Services Program**

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**Emergency Relief Program**

There are no services funded for more than $100 000

**Disability Employment Assistance Program**

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Explanatory Notes are detailed under the 2003/04 Table

1997/1998 B - indicates business. All other organisations are NGOs
Child Care Programs

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Family Relationship Services Program

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Emergency Relief Program

There are no services funded for more than $100 000

Disability Employment Assistance Program

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<td>CARE Employment – Southern Sydney (Note 10)</td>
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Explanatory Notes are detailed under the 2003/04 Table 1998/1999 B - indicates business. All other organisations are NGOs

Child Care Programs

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<td>Occasional Care</td>
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Family Relationship Services Program

Program | Organisation, Suburb and Funding Details
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FRSP (Note 6) | Relationships Australia, New South Wales (RANSW) - State wide funding
 | ROCKDALE – funding not available at service outlet level.
 | $3 345 149 (RANSW State wide funding)

Emergency Relief Program

There are no services funded for more than $100 000

Disability Employment Assistance Program

Program | Organisation, Suburb and Funding Details
--- | ---
DEAP | Kogarah Packaging & Distribution (Note 7)
 | KOGARAH
 | Funding: $239 712
 | Amforce – Labour Solutions (Note 8)
 | ROCKDALE
 | Funding: $203 019
 | CARE Employment – Southern Sydney (Note 10)
 | ROCKDALE
 | Funding: $128 371
 | Arcliff Business Service (Note 7)
 | ARNCLIFFE
 | Funding: $247 907
 | South Haven Support Services (Note 9) KOGARAH
 | Funding: $121 707

Workplace Modifications Scheme

No funding over $100 000. (Note 11)

Explanatory Notes are detailed under the 2003/04 Table

1999/2000 B - indicates business. All other organisations are NGOs

Child Care Programs

Program | Organisation, Suburb and Funding Details
--- | ---
SNSS | (Note 4)
 | JET | (Note 4)
 | IHC | (Note 5)
 | FDC | (Note 4)
 | FDC | (Note 4)
 | OSHC | (Note 4)
 | Occasional Care | (Note 4)
 | LDC (Community Based) | (Note 4)
 | LDC (Private) | (Note 4)
 | SUPS | (Note 4)

QUESTIONS ON NOTICE
Family Relationship Services Program

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Emergency Relief Program

There are no services funded for more than $100 000

Disability Employment Assistance Program

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Respite for Carers of Young People with a Disability

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</table>

Explanatory Notes are detailed under the 2003/04 Table

2000/2001 B - indicates business. All other organisations are NGOs

Child Care Programs

<table>
<thead>
<tr>
<th>Program</th>
<th>Organisation, Suburb and Funding Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>SNSS</td>
<td>No funding over $100 000</td>
</tr>
<tr>
<td>JET</td>
<td>No funding over $100 000</td>
</tr>
<tr>
<td>FDC</td>
<td>Sydney Rescue Work Society - Trading As Communicare Sydney</td>
</tr>
<tr>
<td></td>
<td>BURWOOD</td>
</tr>
<tr>
<td></td>
<td>Funding: $326 655</td>
</tr>
<tr>
<td>OSHC</td>
<td>No funding over $100 000</td>
</tr>
<tr>
<td>Occasional Care</td>
<td>No funding over $100 000</td>
</tr>
<tr>
<td>LDC</td>
<td>No funding over $100 000</td>
</tr>
<tr>
<td>SPS (Note 13)</td>
<td>No funding over $100 000</td>
</tr>
<tr>
<td>Program</td>
<td>Organisation, Suburb and Funding Details</td>
</tr>
<tr>
<td>----------------------------------------------</td>
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</tr>
<tr>
<td>SUPS (Note 14)</td>
<td>B - St George Resource And Consultancy Sups Program (Southern Sydney Therapy Centre)</td>
</tr>
<tr>
<td></td>
<td>MIRANDA Funding: $187 795</td>
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<tr>
<td>Family Relationship Services Program</td>
<td></td>
</tr>
<tr>
<td>Program</td>
<td>Organisation, Suburb and Funding Details</td>
</tr>
<tr>
<td>FRSP (Note 6)</td>
<td>Relationships Australia, New South Wales (RANSW) - State wide funding</td>
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<tr>
<td></td>
<td>ROCKDALE – funding not available at service outlet level.</td>
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<td>$4 017 732 (Including GST) (RANSW State wide funding)</td>
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<tr>
<td>Emergency Relief Program</td>
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</tr>
<tr>
<td>There are no services funded for more than $100 000</td>
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<tr>
<td>Disability Employment Assistance Program</td>
<td></td>
</tr>
<tr>
<td>Program</td>
<td>Organisation, Suburb and Funding Details</td>
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<tr>
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<td>Kogarah Packaging &amp; Distribution (Note 7)</td>
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<td>Amforce – Labour Solutions (Note 8)</td>
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<td>ROCKDALE Funding: $207 451</td>
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<td>CARE Employment – Southern Sydney (Note 10)</td>
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<td>ROCKDALE Funding: $135 549</td>
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<td>KOGARAH Funding: $123 753</td>
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<tr>
<td>Workplace Modifications Scheme</td>
<td></td>
</tr>
<tr>
<td>No funding over $100 000. (Note 11)</td>
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</tr>
<tr>
<td>Carers Respite Program</td>
<td></td>
</tr>
<tr>
<td>Program</td>
<td>Organisation, Suburb and Funding Details</td>
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<tr>
<td>Respite for Carers of Young People with a</td>
<td>South East Sydney Australian Government Carer Respite Centre</td>
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<tr>
<td>Severe or Profound Disability (Note 12)</td>
<td>Brighton – Le – Sands</td>
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<td>$112 286</td>
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<td>Youth Programs</td>
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<tr>
<td>Program</td>
<td>Organisation, Suburb and Funding Details</td>
</tr>
<tr>
<td>Reconnect</td>
<td>St George Youth Workers Network</td>
</tr>
<tr>
<td></td>
<td>HURSTVILLE Funding: $163 300</td>
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<td></td>
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<td>Explanatory Notes are detailed under the 2003/04 Table</td>
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### Child Care Programs

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</tr>
<tr>
<td>JET</td>
<td>No funding over $100 000</td>
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</table>
| FDC      | Sydney Rescue Work Society - Trading As Communicare Sydney  
          | BURWOOD  
          | Funding: $296 091 |
| OSHC     | No funding over $100 000                  |
| Occasional Care | No funding over $100 000 |
| LDC      | No funding over $100 000                  |
| SFS (Note 13) | No funding over $100 000 |
| SUPS (Note 14) | B - St George Resource And Consultancy Sups Program (Southern Sydney Therapy Centre)  
                          | MIRANDA  
                          | Funding: $190 936 |

### Family Relationship Services Programs

<table>
<thead>
<tr>
<th>Program (Note 6)</th>
<th>Organisation, Suburb and Funding Details</th>
</tr>
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</table>
| FRSP            | Relationships Australia, New South Wales (RANSW) - State wide funding  
                          | ROCKDALE – funding not available at service outlet level.  
                          | $4 218 260 (Including GST)  
                          | (RANSW State wide funding) |

### Emergency Relief Program

There are no services funded for more than $100 000

### Disability Employment Assistance Program

<table>
<thead>
<tr>
<th>Program (Note 7)</th>
<th>Organisation, Suburb and Funding Details</th>
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</table>
| DEAP            | Kogarah Packaging & Distribution (Note 7)  
                          | KOGARAH  
                          | Funding: $260 601  
                          | Amforce – Labour Solutions (Note 8)  
                          | ROCKDALE  
                          | Funding: $221 711  
                          | Arncliffe Business Service (Note 7)  
                          | ARNCLIFFE  
                          | Funding: $295 853  
                          | CARE Employment – Southern Sydney (Note 10)  
                          | ROCKDALE  
                          | Funding: $139 834 |

### Carers Respite Program

<table>
<thead>
<tr>
<th>Program (Note 12)</th>
<th>Organisation, Suburb and Funding Details</th>
</tr>
</thead>
</table>
| Respite for Carers of Young People with a Severe or Profound Disability | South East Sydney Australian Government Carer Respite Centre  
                          | Brighton – Le – Sands  
                          | $119 464 |
### Youth Programs

<table>
<thead>
<tr>
<th>Program</th>
<th>Organisation, Suburb and Funding Details</th>
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<td>St George Youth Workers Network</td>
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<tr>
<td>HURSTVILLE</td>
<td>Funding: $163 300</td>
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</table>

Explanatory Notes are detailed under the 2003/04 Table

2002/2003 B - indicates business. All other organisations are NGOs

### Child Care Programs

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<tr>
<td>JET</td>
<td>No funding over $100 000</td>
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<tr>
<td>IHC</td>
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<tr>
<td>FDC</td>
<td>Sydney Rescue Work Society - Trading As Communicare Sydney</td>
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<tr>
<td>BURWOOD</td>
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<tr>
<td>OSHC</td>
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<tr>
<td>SPS (Note 13)</td>
<td>No funding over $100 000</td>
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<tr>
<td>SUPS (Note 14)</td>
<td>B - St George Resource And Consultancy Sups Program (Southern Sydney Therapy Centre)</td>
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<td>MIRANDA</td>
<td>Funding: $205 442.05</td>
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### Family Relationship Services Program

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<th>Program</th>
<th>Organisation, Suburb and Funding Details</th>
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<tr>
<td>FRSP (Note 6)</td>
<td>Relationships Australia, New South Wales (RANSW) - State wide funding</td>
</tr>
<tr>
<td>ROCKDALE</td>
<td>funding not available at service outlet level.</td>
</tr>
<tr>
<td>$4 369 614 (Including GST)</td>
<td>(RANSW State wide funding)</td>
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</table>

### Personal Support Programme

There are no services funded for more than $100 000

### Emergency Relief Program

There are no services funded for more than $100 000

### Disability Employment Assistance Program

<table>
<thead>
<tr>
<th>Program</th>
<th>Organisation, Suburb and Funding Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEAP</td>
<td>Kogarah Packaging &amp; Distribution (Note 7)</td>
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<td>KOGARAH</td>
<td>Funding: $258 396</td>
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<td>Amforce – Labour Solutions (Note 8)</td>
<td>ROCKDALE</td>
</tr>
<tr>
<td>Funding: $427 275</td>
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</table>

Amcliffie Business Service (Note 7) ARNCLIFFE |
Funding: $293 349
<table>
<thead>
<tr>
<th>Program</th>
<th>Organisation, Suburb and Funding Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>CARE Employment – Southern Sydney</td>
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<tr>
<td>ROCKDALE</td>
<td>Funding: $143 947</td>
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<tr>
<td>WorkPlace Modifications Scheme</td>
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<tr>
<td>No funding over $100 000. (Note 11)</td>
<td></td>
</tr>
<tr>
<td>Carers Respite</td>
<td></td>
</tr>
<tr>
<td>Respite for Carers of Young People with a Severe or Profound Disability (Note 12)</td>
<td>South East Sydney Australian Government Carer Respite Centre Brighton - Le - Sands $118 453</td>
</tr>
<tr>
<td>Youth Programs</td>
<td></td>
</tr>
<tr>
<td>Reconnect</td>
<td>St George Youth Workers Network</td>
</tr>
<tr>
<td></td>
<td>HURSTVILLE</td>
</tr>
<tr>
<td></td>
<td>Funding: $163 300</td>
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<tr>
<td>Explanatory Notes are detailed under the 2003/04 Table</td>
<td>2003/2004 B - indicates business. All other organisations are NGOs</td>
</tr>
<tr>
<td>Funding is indicative only</td>
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<tr>
<td>Child Care Programs</td>
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</tr>
<tr>
<td>SNSS (Note 15)</td>
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<tr>
<td>JET (Note 15)</td>
<td></td>
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<td>IHC (Note 15)</td>
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<tr>
<td>FDC (Note 15)</td>
<td></td>
</tr>
<tr>
<td>OSHC (Note 15)</td>
<td></td>
</tr>
<tr>
<td>Occasional Care (Note 15)</td>
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<tr>
<td>LDC (Community Based)</td>
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<td>LDC (Private) (Note 15)</td>
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<td>SUPS (Note 15)</td>
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<td>Family Relationship Services Program</td>
<td></td>
</tr>
<tr>
<td>FRSP (Note 6)</td>
<td>Relationships Australia, New South Wales (RANSW) - State wide funding ROCKDALE – funding not available at service outlet level. $4 440 903 (Including GST) (RANSW State wide funding)</td>
</tr>
</tbody>
</table>
Personal Support Program

PSP  Ostara  Rockdale  Funding: $115,500 (Note 16)

Emergency Relief Program
There are no services funded for more than $100,000

Disability Employment Assistance Program

<table>
<thead>
<tr>
<th>Program</th>
<th>Organisation, Suburb and Funding Details</th>
</tr>
</thead>
</table>
| DEAP       | Kogarah Packaging & Distribution (Note 7)  
KOGARAH  
Funding: $264,081  
Amforce – Labour Solutions  
(Note 8)  
ROCKDALE  
Funding: $438,477 |
|             | Arncliffe Business Service (Note 7)  
ARNCLIFFE  
Funding: $299,803  
CARE Employment – Southern  
Sydney (Note 10)  
ROCKDALE  
Funding: $149,422 |

Carers Respite

<table>
<thead>
<tr>
<th>Program</th>
<th>Organisation, Suburb and Funding Details</th>
</tr>
</thead>
</table>
| Respite for Carers of Young People with a Severe or Profound Disability (Note 12) | South East Sydney Australian Government Carer Respite Centre  
Brighton – Le – Sands  
$121,059 |

Youth Programs

<table>
<thead>
<tr>
<th>Program</th>
<th>Organisation, Suburb and Funding Details</th>
</tr>
</thead>
</table>
| Reconnect  | St George Youth Workers Network  
HURSTVILLE  
Funding: $174,999 |

Explanatory Notes:

4) This information was recorded on the financial management system used by the Child Care Support Program at that time, however due to a change of financial management systems it is no longer accessible.

5) The In Home Care Program did not commence until January 2001.

6) The Family Relationships Services Program funding figures are total amounts provided to organisations for a number of outlets. Not all funding listed is necessarily spent wholly within the electorate of Barton.

7) Kogarah Packaging & Distribution and Arncliffe Business Service are outlets of the organisation Intellectual Disability Foundation of St George that is located in the electorate of Barton.

8) Amforce Labour Solutions is an outlet of the organisation Disability Services Australia that is located in the electorate of Blaxland.

9) South Haven Support Services is the outlet of the organisation St George Area Intellectual Disability Service that is located in the electorate of Barton.

10) CARE Employment - Southern Sydney is an outlet of the organisation Nautilus Project that is located in the electorate of Lowe.
(11) Funding for Workplace Modifications Scheme may be provided to the disability employment service provider, the employer or the individual. No funding was provided under this scheme in Barton in the 1999/2000 and 2001/2002 financial years.


(13) There are no SPS services physically located in the electorate, but service providers located outside this electorate support people in Barton.

(14) There are no SUPS services physically located in the electorate, but service providers located outside this electorate support people in Barton.

(15) The Childcare Broadband is currently under redevelopment. From January 2004 changes will be made to the Childcare Broadband, which will affect the ability to project Childcare Support funding.

(16) Funding for the Personal Support Programme is based on a basic funding amount of $3 300 per place (GST inclusive) over a two year period. Final expenditure may vary from this amount due to outcomes achieved and participant throughput.

The National Disability Advocacy Program does not have services physically located in the electorate, but six service providers located in adjoining electorates such as Sydney provide advocacy support to people with a disability throughout NSW including those residing in Barton.

United Nations: Multilateral Treaties
(Question No. 2185)

Mr Kerr asked the Minister for Foreign Affairs, upon notice, on 11 August 2003:

Would he identify each of the multilateral treaties deposited with the Secretary-General of the United Nations and open for signature that Australia is not (a) a signatory to, (b) has not ratified, and (c) has not given effect to through domestic legislation.

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

(a) (b) and (c) Since the creation of the United Nations, successive Australian governments have chosen to take action on UN multilateral treaties that are recorded in all 29 chapters of the Status Lists of Multilateral Treaties deposited with the Secretary-General. These chapters include details of treaties Australia has not signed and has not ratified. Decisions to sign or to take binding treaty action through the years have been taken in the national interest. Successive Australian governments have had the policy of ratifying treaties only where they can be given effect domestically, including through legislation.

The work required to answer the honourable member’s question would involve a significant diversion of resources within the department and I am not prepared to authorise the use of these resources. The information requested is available publicly, and may be obtained from the website of the United Nations at http://untreaty.un.org/.

United Nations: Security Council Conventions
(Question No. 2205)

Mr McClelland asked the Minister for Foreign Affairs, upon notice, on 11 August 2003:

(1) What legislation has been introduced and/or other steps taken by the Australian Government in fulfilment of obligations under resolution 1373 of the Security Council of the United Nations.

(2) What steps has Australia taken to ensure that Pacific island nations fulfil obligations under that resolution and what steps has the Australian Government taken to ensure that our Pacific island neighbours adhere to all 12 anti-terrorism conventions.

QUESTIONS ON NOTICE
Mr Downer—The answer to the honourable member’s question is as follows:


(2) The Nasonini Declaration required Pacific island countries to take steps to implement internationally agreed anti-terrorism measures, such as the United Nations Security Council Resolution 1373 and the Financial Action Task Force Special Recommendations, including associated reporting requirements.

Draft model legislation under the Nasonini Declaration prepared by the Nasonini Implementation Expert Working Group was tabled at the August 2003 Forum. The Pacific Islands Forum Secretariat has advised that in-country drafting assistance, by legal drafters who have drafted the model provisions, will be available to individual Forum Island Countries to implement the legislative provisions upon their request. Australia is continuing to work with the Secretariat and other nations and organisations to pursue these matters.

Australian Federal Police: Staff
(Question No. 2207)

Mr McClelland asked the Minister representing the Minister for Justice and Customs, upon notice, on 12 August 2003:

(1) Did the Australian Federal Police advertise a position of “investigative assistant” in newspapers including the Melbourne Age on 7 December 2002; if so, did the Australian Federal Police subsequently advise applicants for that position that the vacancy had been withdrawn.

(2) What were the reasons provided to applicants for the withdrawal of the vacancy.

Mr Williams—The Minister for Justice and Customs has provided the following answer to the honourable member’s question:

(1) Yes.

(2) By early 2003, the Australian Federal Police’s available salary resources had been redirected to high budgetary priority activity, including the Australian Federal Police’s Bali response.

Employment: Job Network
(Question No. 2241)

Mr Albanese asked the Minister for Employment Services, upon notice, on 12 August 2003:

Can he provide the parameters and calculations used by the Department to determine the $12.5 million cost of providing early access to job search training for job seekers aged 16 to 24.

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

The department estimates that approximately 28,600 young job seekers will commence in Intensive Support job search training each year when early access commences 1 July 2004. This represents an additional 7,300 young people entering Intensive Support job search training each year resulting in an annual cost of $4.16 million a year and a total cost of $12.5 million over three years from 2004-05 to 2006-07.
Social Welfare: Carer Allowance

(Question No. 2255)

Ms O’Byrne asked the Minister representing the Minister for Family and Community Services, upon notice, on 13 August 2003:

On the most recent data, how many Carers Allowance recipients reside in (a) Tasmania and (b) the postcode areas of (i) 7248, (ii) 7249, (iii) 7250, (iv) 7252, (v) 7253, (vi) 7254, (vii) 7255, (viii) 7257, (ix) 7258, (x) 7259, (xi) 7260, (xii) 7261, (xiii) 7262, (xiv) 7263, (xv) 7264, (xvi) 7265, (xvii) 7267, (xviii) 7268, (xix) 7277, and (xx) 7212.

Mr Anthony—The Minister for Family and Community Services has provided the following answer to the honourable member’s question:

The following figures for Carer Allowance numbers are current as at the 30 June 2003.

<table>
<thead>
<tr>
<th>Carer Allowance Customer Numbers for Tasmania current as at 30 June 2003</th>
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</thead>
<tbody>
<tr>
<td>Tasmania</td>
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</tbody>
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Carer Allowance Customer Number for Tasmania - By Postcode

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<th>Postcode</th>
<th>Number</th>
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<tr>
<td>7212</td>
<td>22</td>
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</tbody>
</table>

Education: Socioeconomic Status Index

(Question No. 2268)

Mr Murphy asked the Minister for Education, Science and Training, upon notice, on 14 August 2003:

1. Is the SES index an indirect and misleading measure of parental socioeconomic status and education funding need when it is applied to private schools with a large boarding or scattered commuting population; if not, why not.

2. Does the SES index-based supplementary funding have the perverse effect of providing extra funding to private schools attended by children from high socio-economic status families when the school is located in an area with a lower socioeconomic status; if so, what will he do to ensure children from low income families from the same area attend well-resourced neighbourhood schools; if not, will he explain how the funding system avoids these perverse outcomes.
(3) Does the Government intend to discontinue the SES index method of supplementary funding to wealthy private schools and (a) cooperate with State governments to redirect these resources to poorer public, catholic and other non-government schools and (b) limit the application of the SES index-based funding to non-boarding students only; if so, when; if not, why not.

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

(1) The SES model does not set out to measure the wealth of any individual household or school, but rather to rank school communities relative to each other. As the SES index measures the education, occupation and income levels of all the residents within a Census Collection District (CD), both high and low-income families have an impact on the SES scores of the CDs in which they reside. Expert advice to the Department of Education, Science and Training is that the collective CD SES profile for a school’s student population (including boarding students) is sufficiently representative to assess the school’s need relative to other schools.

(2) A school’s SES score is based on the areas from which it draws its students not from its physical location. Schools that draw students from areas of predominantly high SES receive lower levels of funding than schools which draw from areas of average or low SES.

(3) (a) The Government’s primary objective in school funding is to achieve a quality education for all Australian students and it works cooperatively with State and Territory governments to secure better educational outcomes from schooling in both the government and non-government sectors. The Government proposes to continue the SES funding arrangements for the 2005-08 quadrennium.

(b) The SES methodology is not designed to produce an SES score representative of any particular family within a school community, but rather to calculate an average score based on all the CDs from which a school draws its students. As the SES index measures both social disadvantage as well as social advantage, all of a school’s students, including boarders, must contribute to the SES calculation if the validity of the measure is to be preserved.

It should be noted that the Tasmanian Government applies the Australian Government’s SES methodology to distribute State funds to non-government schools in Tasmania.

Child Support Agency: Debt

(Question No. 2304)

Mr Murphy asked the Minister for Children and Youth Affairs, upon notice, on 20 August 2003:

(1) What was the sum of outstanding child support debt in each of the financial years ended (a) 1997, (b) 1998, (c) 1999, (d) 2000, (e) 2001, (f) 2002, and (g) 2003.

(2) What is the sum of child support debt that the Child Support Agency (CSA) has failed to collect.

(3) Has any of the child support debt owed to the CSA been written off; if so, (a) how much, and (b) for what reasons.

(4) Is the CSA adequately resourced to discharge its functions; if not, why not.

(5) What is the Government doing to ensure that child support entitlements are paid and received on time.

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

(1) The cumulative value of gross maintenance child support debt for each year between 1997 and 2003 is:

(a) $516.6 million by June 1997

(b) $544.3 million by June 1998
(c) $582.8 million by June 1999
(d) $634.7 million by June 2000
(e) $669.7 million by June 2001
(f) $758.7 million by June 2002
(g) $844.1 million by June 2003

These figures are cumulative, that is they represent the total value of child support debt at the end of each year since the Scheme commenced operation in 1988. The figures for 2001 and subsequent years also include child support liabilities that are being collected on behalf of other countries.

(2) The CSA had not collected $844.1 million out of a total $14.3 billion in child support liabilities as at the end of June 2003. This means that 5.9 per cent of liabilities have not been collected since Scheme inception.

(3) The above amounts are the total amounts owed without any write-offs or any allowance for bad or doubtful debts.

(4) Yes, the CSA is funded in line with a funding agreement with the Department of Finance. That agreement provides funding in line with the growth in cases. The agreement expires in June 2004.

(5) To address the growth in debt and to streamline and strengthen the services CSA delivers to parents, a National Collection Strategy was developed in 2002-03. The strategy brings a stronger focus to CSA collections and debt reduction activities.

Furthermore, the additional funding of $31 million over four years announced in the recent budget will give the CSA increased resources to collect this child support. It is expected that over 105,000 children will benefit from the measure as an additional $130 million of child support is anticipated to be transferred from non-compliant payers through intensive collection activity.

Transport: Roads of National Importance
(Question No. 2314)

Mr Martin Ferguson asked the Minister for Transport and Regional Services, upon notice, on 20 August 2003:

(1) In respect of the Peel Deviation, (a) what design and planning work has been undertaken, and (b) what is the estimated cost of the project.

(2) Has any money been allocated in the financial years (a) 2003-2004, (b) 2004-2005 or (c) 2005-2006 for the project.

(3) Does the government regard the Peel Deviation as a potential Road of National Importance: if so, would the Commonwealth be prepared to finance 50% of the cost of the project.

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

(1) (a) Main Roads Western Australia advise that planning activities associated with defining a reservation for the Peel Deviation have been completed and a reserve set aside in the Peel Region Scheme. This is a strategic land-use plan for the Peel Region.

Detailed environmental assessments and a Public Environmental Review Report have been completed. Environmental clearance of the project has subsequently been granted subject to adherence to the Main Roads commitments and conditions of approval.

Negotiations are in progress with the Aboriginal community in regard to Aboriginal heritage clearance.

Concept road designs have been completed but are being updated. It is expected that preliminary design will commence this year. Analysis of bridge waterways are nearly complete and bridge concept design is expected to commence soon.
Other planning activities in progress include acquisition of land; preparation of Environmental Management plans; and the preliminary design of associated road works - the Lakes Road upgrade for the tie-in to the proposed Mandurah Northern Bypass.

(b) $140 million. Detailed project costing will be completed following the completion of preliminary designs.

(2) (a) (b) and (c) No.

(3) The Road of National Importance Program is fully committed at this time. The Australian Government, however, will be in a better position to determine any future commitment to the Peel Deviation once the Western Australian Government finalises planning works it is currently undertaking.

Bankruptcy Legislation: Review
(Question No. 2318)

Mr McClelland asked the Attorney-General, upon notice, on 21 August 2003:

(1) Has he received a report following a review of the operation of Part X of the Bankruptcy Act 1966.
(2) On what date did he commission the review.
(3) On what date did he receive the report.
(4) Who prepared the report.
(5) What was the cost of the review and the report.
(6) When will he make the report public.

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

(1) Yes.
(2) I announced the review on 20 September 2002.
(3) I received the final report on 5 June 2003.
(4) The report was prepared by the Insolvency and Trustee Service Australia (ITSA) and the Attorney-General’s Department.
(5) The cost of the review and the report was met within the existing budgets of ITSA and the Attorney-General’s Department. Therefore, it is not possible to quantify the cost of conducting the review and preparing the report.
(6) When the Government has completed consideration of the report I will make a decision about its public release.

Environment: Migratory Birds
(Question No. 2328)

Mr Kelvin Thomson asked the Minister for the Environment and Heritage, upon notice, on 8 September 2003:

(1) Is he aware of the situation involving the reclamation of land at the Saemangeum mudflats in South Korea, which will impact upon the migratory habits and survival of a number of species of Australian and, in particular, Tasmanian, migratory waders.
(2) What action has he taken to protect the interests of these migratory waders, which include approximately 30 waterbirds of international significance and eight globally threatened species, in respect of the proposed development at the Saemangeum mudflats.

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

(1) Yes, I am aware of the Saemangeum reclamation project.

QUESTIONS ON NOTICE
(2) Australian Embassy officials in the Republic of Korea have raised our concerns about the Saemangeum project directly with the Ministry of the Environment. Diplomatic representations have been made at the highest levels regarding Australia’s concerns relating to the impact of the reclamation works on migratory shorebirds and reiterating our two countries obligations under the Convention on Wetlands (Ramsar Convention). In addition, the Australian Government is developing a bilateral migratory bird agreement with the Republic of Korea. This agreement will provide a mechanism for cooperation in the conservation of migratory birds and their habitat.

Aviation: Sydney (Kingsford Smith) Airport
(Question No. 2333)

Mr McClelland asked the Minister for Transport and Regional Services, upon notice, on 8 September 2003:

(1) Is he familiar with the first message of the Community Panel Report to Sydney Airport Corporation in June 2003 recommending that the relevant authorities establish a model for assessing the noise impacts of flight paths that incorporate criteria and weightings for, among other factors, the time of the day that aircraft movements occur.

(2) When he reviews the Long Term Operating Plan, will he implement this recommendation so that residents of the electoral division of Barton are not assaulted by aircraft noise late at night and first thing again the following morning, as they currently are.

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

(1) I understand the Community Panel Report forms part of Sydney Airport Corporation Limited’s consultation process for the preliminary draft Master Plan. I will consider the draft Master Plan in due course.

(2) The Sydney Airport Community Forum is conducting a review of the Long Term Operating Plan (LTOP). It is a matter for SACF to determine whether the recommendations of the Community Panel Report will be taken into account.

Australian Broadcasting Corporation: Asia Pacific
(Question No. 2356)

Mr Murphy asked the Minister representing the Minister for Communications, Information Technology and the Arts, upon notice, on 9 September 2003:

(1) Why does ABC Asia Pacific television not provide at least a daily five minute Australian news bulletin between the hours of 6 a.m. and 8 a.m. for Australian visitors to South-East Asia and Australian expatriates.

(2) At what times of the day or night does ABC Asia Pacific television provide an Australian news bulletin.

Mr McGauran—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable member’s question:

(1) There is currently a short interim period where there is no news bulletin in the mornings on ABC Asia Pacific television. Up until 29 August 2003, ABC Asia Pacific broadcast the Business Breakfast program each weekday morning providing business and news reports. On 15 September 2003 a reformatted business and news program commenced at midday each weekday. This change in format meant that there was no longer a news program available for broadcast by ABC Asia Pacific in the mornings.
(2) ABC Asia Pacific is currently making significant changes to its News schedule so that it can offer both Asia Pacific audiences and Australians living and travelling overseas a substantially improved service.

The following news schedule is due to be introduced during the first week in November 2003:

(HONG KONG TIME)

0600 Asia Pacific News (30 mins)
0630 Asia Pacific Business Report (30mins)
0700 Asia Pacific News (30 mins)
0800 Asia Pacific News (30 mins)
0830 Asia Pacific Business Report (30 mins)
1000 ABC Midday News & Business (30 mins)
1200 ABC Midday News & Business (WA version) (30 mins)
1830 Asia Pacific News (30 mins)
2030 Asia Pacific News (30 mins)
2230 Asia Pacific News (30 mins)
Midnight ABC Lateline (30 mins)

A further evening news at 2030 Suva time will be added at the end of the year with a brief for Pacific island audiences as well as Australians living or travelling in the region.

**International Labour Organisation: Conventions**

(Question No. 2424)

**Dr Emerson** asked the Minister for Employment and Workplace Relations, upon notice, on Thursday, 18 September 2003:

(1) Further to the answer to question No. 2026 (Hansard, 18 August 2003, page 18517) which referred to the ILO’s general discussion of Health and Safety Standards and suggested that this process prevented the ratification of Health and Safety Conventions, will the Government ratify Convention 155 now that it has been reaffirmed by the ILO.

(2) If Convention 155 is ratified, what will be the total number of ILO conventions ratified by the Howard Government since it came to office in 1996.

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

(1) The Government commenced the process of ratifying ILO Convention No. 155, Occupational Safety and Health, 1981 when the Minister for Foreign Affairs tabled a National Interest Analysis (NIA) and the text of the Convention in the House of Representatives and the Senate on 9 September 2003. The Joint Standing Committee on Treaties is currently conducting its inquiry into the proposed ratification.

(2) If Convention 155 is ratified, it will be the first ILO Convention ratified by the Government since it came to office in 1996.