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SITTING DAYS—2004

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FORTIETH PARLIAMENT
FIRST SESSION—SEVENTH 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—Ms Julia Gillard MP
Deputy Manager of Opposition Business—The Hon. Simon Findlay Crean 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

The Nationals
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—Mr Mark Latham 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
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<td>Vale, Hon. Danna Sue</td>
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<td>Vamvakou, Maria</td>
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<td>Wakelin, Barry Hugh</td>
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<td>Washer, Malcolm James</td>
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<td>Wilkie, Kimberley William</td>
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Members of the House of Representatives

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<tr>
<td>Williams, Hon. Daryl Robert, AM, QC</td>
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<td>Windsor, Antony Harold Curties</td>
<td>New England, NSW</td>
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<td>Zahra, Christian John</td>
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PARTY ABBREVIATIONS
ALP—Australian Labor Party; LP—Liberal Party of Australia; NATS—The Nationals;
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, Department of Parliamentary Services—H. R. Penfold, QC
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 Fisheries, Forestry and Conservation</td>
<td>Senator the Hon. Ian Douglas Macdonald</td>
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<td>Minister for the Arts and Sport</td>
<td>Senator the Hon. Charles Roderick Kemp</td>
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<td>Minister for Small Business and Tourism</td>
<td>The Hon. Joseph Benedict Hockey MP</td>
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<td>Minister for Science and Deputy Leader of the House</td>
<td>The Hon. Peter John McGauran MP</td>
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<td>Minister for Local Government, Territories and Roads and Manager of Government Business in the Senate</td>
<td>Senator the Hon. Ian Campbell</td>
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<td>Minister for Children and Youth Affairs</td>
<td>The Hon. Lawrence James Anthony MP</td>
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<td>Minister for Employment Services and Minister Assisting the Minister for Defence</td>
<td>The Hon. Malcolm Thomas Brough MP</td>
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<td>Special Minister of State</td>
<td>Senator the Hon. Eric Abetz</td>
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<td>Minister for Veterans’ Affairs</td>
<td>The Hon. Danna Sue Vale MP</td>
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<td>Senator the Hon. Helen Lloyd Coonan</td>
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<td>The Hon. Julie Isabel Bishop MP</td>
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<td>The Hon. Jacqueline Marie Kelly MP</td>
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<td>Parliamentary Secretary to the Minister for Transport and Regional Services and Parliamentary Secretary to the Minister for Trade</td>
<td>The Hon. De-Anne Margaret Kelly MP</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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<td>Parliamentary Secretary to the Minister for Defence</td>
<td>The Hon. Frances Esther Bailey MP</td>
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<td>Parliamentary Secretary to the Minister for the Environment and Heritage</td>
<td>The Hon. Dr Sharman Nancy Stone MP</td>
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<td>Parliamentary Secretary to the Minister for Finance and Administration</td>
<td>The Hon. Peter Neil Slipper MP</td>
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<td>Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry</td>
<td>Senator the Hon. Judith Mary Troeth</td>
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<td>Parliamentary Secretary to the Minister for Family and Community Services</td>
<td>The Hon. Christopher Maurice Pyne MP</td>
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<td>Parliamentary Secretary to the Minister for Health and Ageing</td>
<td>The Hon. Patricia Mary Worth MP</td>
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<td>Parliamentary Secretary to the Minister for Industry, Tourism and Resources</td>
<td>The Hon. Warren George Entsch MP</td>
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## SHADOW MINISTRY

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<tr>
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<td>Mark Latham MP</td>
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<td>Deputy Leader of the Opposition and Shadow</td>
<td>Jennifer Louise Macklin MP</td>
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<tr>
<td>Minister for Employment, Education and Training</td>
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<tr>
<td>Leader of the Opposition in the Senate, Shadow</td>
<td>Senator the Hon. John Philip Faulkner</td>
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<tr>
<td>Special Minister of State and Shadow Minister for Public Administration and Accountability</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>Minister for Trade, Corporate Governance and Financial Services</td>
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<tr>
<td>Shadow Minister for Employment Services and Training</td>
<td>Anthony Norman Albanese MP</td>
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<tr>
<td>Shadow Minister for Veterans’ Affairs and Shadow Minister for Customs</td>
<td>Senator Thomas Mark Bishop</td>
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<tr>
<td>Shadow Minister for Industry and Innovation and Shadow Minister for Science and Research</td>
<td>Senator Kim John Carr</td>
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<tr>
<td>Shadow Minister for Children and Youth</td>
<td>Senator Jacinta Mary Ann Collins</td>
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<tr>
<td>Shadow Minister for Revenue and Shadow Assistant Treasurer</td>
<td>David Alexander Cox MP</td>
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<tr>
<td>Shadow Treasurer and Deputy Manager of Opposition Business</td>
<td>The Hon. Simon Findlay Crean MP</td>
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<tr>
<td>Shadow Minister for Ageing and Seniors and Shadow Minister for Disabilities</td>
<td>Annette Louise Ellis MP</td>
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<td>Shadow Minister for Workplace Relations and Shadow Minister for the Public Service</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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<tr>
<td>Shadow Minister for Population, 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>Shadow Minister for Mining, Energy and Forestry</td>
<td>Joel Andrew Fitzgibbon MP</td>
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<tr>
<td>Shadow Minister for Health and Manager of Opposition Business</td>
<td>Julia Eileen Gillard MP</td>
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<td>Shadow Minister for Consumer Affairs and Assisting the Shadow Minister for Health</td>
<td>Alan Peter Griffin MP</td>
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<tr>
<td>Shadow Minister for Information Technology, Shadow Minister for Sport and Recreation and Shadow Minister for the Arts</td>
<td>Senator Kate Alexandra Lundy</td>
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<tr>
<td>Shadow Minister for Homeland Security</td>
<td>Robert Bruce McClelland MP</td>
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Shadow Minister for Finance and Shadow Minister for Small Business
Robert Francis McMullan MP

Shadow Minister for Housing, Urban Development and Local Government
Daryl Melham MP

Shadow Minister for Reconciliation and Indigenous Affairs and Shadow Minister for Tourism, Regional Services and Territories
Senator Kerry William Kelso O’Brien

Shadow Minister for Agriculture and Fisheries
Gavan Michael O’Connor MP

Shadow Attorney-General and Assisting the Leader on the Status of Women
Nicola Louise Roxon MP

Shadow Minister for Foreign Affairs and International Security
Kevin Michael Rudd MP

Shadow Minister for Retirement Incomes and Savings
Senator the Hon. Nicholas John Sherry

Shadow Minister for Immigration
Stephen Smith MP

Shadow Minister for Family and Community Services
Wayne Maxwell Swan MP

Shadow Minister for Communications and Shadow Minister for Community Relationships
Lindsay James Tanner MP

Shadow Minister for Sustainability, the Environment and Heritage
Kelvin John Thomson MP

Parliamentary Secretary for Industry, Innovation, Science and Research
Senator George Campbell

Parliamentary Secretary to the Leader of the Opposition
Senator the Hon. Peter Salmon Cook

Parliamentary Secretary for Defence
The Hon. Graham John Edwards MP

Parliamentary Secretary for Family and Community Services
Senator Michael George Forshaw

Parliamentary Secretary for Sustainability, the Environment and Heritage
Kirsten Fiona Livermore MP

Parliamentary Secretary to the Attorney-General and for Homeland Security; Manager of Business in the Senate
Senator Joseph William Ludwig

Parliamentary Secretary to the Leader of the Opposition
John Paul Murphy MP

Parliamentary Secretary for Communications
Michelle Anne O’Byrne MP

Parliamentary Secretary for Agriculture and Resources
Sid Sidebottom MP

Parliamentary Secretary for Northern Australia and Reconciliation
The Hon. Warren Edward Snowdon MP

Parliamentary Secretary for Urban and Regional Development, Transport, Infrastructure and Tourism
Christian John Zahra MP
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The SPEAKER (Mr Neil Andrew) took the chair at 12.30 p.m., and read prayers.

COMMITTEES

Education and Training Committee

Report

Mr BARTLETT (Macquarie) (12.31 p.m.)—On behalf of the Standing Committee on Education and Training, I present the report of the committee, entitled Learning to work, together with the minutes of proceedings and evidence received by the committee.

Ordered that the report be printed.

Mr BARTLETT—by leave—I thank the House. The focus of post-compulsory secondary education for most of the past four decades has been largely an academic one, predominantly directed at university entrance, despite the fact that only 30 per cent of students actually proceed to higher education. This has created two particular problems for the growing number of young people proceeding to senior high school, up from 35 per cent in 1980 to 73 per cent in 2001. Firstly, it has placed unnecessary and unfair pressure on those students who are either unable or unwilling to go on to university. All too often the implicit message has been that the real measure of success is university entrance and that they have failed or at least have come a very poor second if they do not achieve that. Secondly, until quite recently it has meant that the content, structure and assessment of a number of senior secondary courses have left many students dissatisfied and frustrated with their senior schooling experience and inadequately prepared for post-school options.

In addition to failing many students, the academic focus has also failed to match skills development with the employment requirements of the broader community. Thus, a disappointing outcome in many areas has been the coexistence of unemployed young people and older people, with employers unable to find appropriately qualified staff. The rapid growth in vocational education and training in schools over the past six or seven years provides encouraging signs that this is changing. Over the past six years the number of students undertaking a VET course in school has trebled to 185,000, or 44 per cent of all senior secondary students, with 95 per cent of all schools offering VET programs. This explosion in VET is helping to more adequately meet the needs of senior secondary students. However, to date this growth has been far too ad hoc. It has not been matched by adequate planning, coordination or resourcing and has relied too heavily on the energy and commitment of a relatively small number of school leaders and teachers.

If the recent growth in VET is to be sustainable, it is imperative that these matters are addressed. Firstly, as a starting point, the status of vocational education in schools must be raised so that it is considered an integral part of the mainstream school curriculum rather than an added extra or a second-rate option for less capable students. Related to this is the need to raise the status of a broader range of career options, including the traditional trades and others experiencing skill shortages. It is imperative as part of this that the role of careers education and advice in schools is substantially enhanced to a nationally agreed standard. Careers education must be a mandatory part of the core curriculum and all schools should have at least one full-time specialist trained careers adviser. This is essential if all young people are to have a good understanding of the range of post-school options and career paths available to them and to choose their study programs accordingly.
Secondly, it must be supported by adequate financial and human resources and practical support for the teachers and VET coordinators, whose passion and dedication have driven its success in recent years. This must involve better targeted pre-service training and professional development, reduced face-to-face teaching loads, increased recurrent and capital funding, more-efficient reporting arrangements, stronger support for job placement and workplace coordination and improved support for the use of TAFEs and other registered training organisations.

Thirdly, there needs to be a more consistent national approach on a number of the key issues, in order to improve industry confidence and tertiary recognition and to maximise its usefulness to participating students. This particularly involves aspects such as the role of structured workplace learning, the recognition of VET in Schools for tertiary entrance, the requirements regarding nominal hours and units of competency and the degree of embedding of VET in Schools courses versus stand-alone courses.

However, this must all be done in a way that still allows the creativity and flexibility for schools and employers to respond to the particular needs of local communities. It is essential that, by the time they leave school, all students have developed a body of employability skills and have an understanding of the work environment and the various transition and career paths open to them. If the growing interest in VET in Schools is adequately supported, coordinated and resourced it will assist secondary schooling to more effectively meet the needs of a larger number of young people.

I would like to thank all those who, through submissions and public evidence, contributed to this inquiry. I give particular thanks to the committee secretariat for their painstaking and diligent work in the preparation of this report and to my committee colleagues for their insights and commitment to this inquiry.

Mr SAWFORD (Port Adelaide) (12.36 p.m.)—Right from the outset, let me thank the members of the Standing Committee on Education and Training secretariat, Richard Selth, Alison Childs, Gaye Milner and James Rees, for their excellent work in compiling the report Learning to Work. For them and all the committee the inquiry was a challenge, and it took a considerable period of time and numerous visits before a clear direction became apparent. The chair, Kerry Bartlett, and members of the committee are to be congratulated for their perseverance and contribution.

Some history, Mr Speaker: for over 115 years, Australia as a nation has been short of industrial and technical skills. It still is. For much of that time technical or vocational education has oscillated between two opposing policies. Vocational education is either seen as an instrument of economic development to meet the needs of industry employment or it meets the needs of individual self-development. It should do both. Except in isolated circumstances, that balance has rarely been achieved in Australia. It was achieved by successful technical schools in the 1950s, 1960s and 1970s. The 1980s was a lost decade as far as secondary schools were concerned but things recovered in the 1990s as schools were forced to diversify their curriculum offerings. Schools like Salisbury High in South Australia, Junee High in regional New South Wales, Mandurah Secondary College in Western Australia, Hellyer and Don colleges in Tasmania and their counterparts in other states, without much in the form of additional resources, did take up the challenge successfully to include vocational education in their schools.
No-one ought to be surprised that recommendation 1 of the 41 tabled urges that the purposes of vocational education in schools be clarified. If the rationale is wrong, so will be everything that follows. It was therefore disappointing to have educational bureaucrats so often promote narrow orthodoxies. One of these was the policy of integration so favoured by state departments of education. My personal view as to why this was the case was the continuing denial that the abolition of technical schools was a mistake. It was. We need to accept that and get on with it. Allocation of blame and denial of obvious problems are not acceptable, and this is a pointless debate. This also applies to the equally pointless debate about stand-alone or embedded courses. Some courses demand stand-alone, others embedding. A good vocational education program will have both. That being a given would be a good start.

It is disappointing that previous recognised weaknesses in education have not been fully remedied. I refer again to the dearth of available data; the failure to take career education seriously; the lack of national consistency, as mentioned by the committee chair; incomplete teacher education; and inadequate resource allocation. On top of those shortcomings, proper evaluation of vocational education in schools is made very difficult by a rationale that is unclear, a confused process, delivery at its limit and resource constraints not recognised or acted upon. In spite of those comments, and without adequate funding, many Australian secondary schools have made an enormous contribution to VET in schools, particularly over the past 10 years. However, even those outstanding principals and teachers admit, on and off the record, that the current level and further expansion of VET are not sustainable. That must not be allowed to occur.

Learning to work is a roadmap to the future. I hope the government’s response is positive. I think Learning to work is stated in clear and detailed language. It spells out a potential framework to turn the reality around. Value and extend VET training in schools and TAFE. Get VET policy right. Acknowledge that diversity is a strength. Train the teachers. Respond to the challenge. Frame appropriate courses, whether stand-alone or embedded. Resource appropriately. Evaluate by analysis and synthesis. Research and review qualitatively and quantitatively. And apply some goodwill and determination and get on with it. It is not that hard.

The SPEAKER—Does the member for Macquarie wish to move a motion in connection with the report to enable it to be debated on a future occasion?

Mr BARTLETT (Macquarie) (12.40 p.m.)—I move:

That the House take note of the report.

I seek leave to continue my remarks later.

Leave granted.

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

Migration Committee Report

Ms GAMBARO (Petrie) (12.41 p.m.)—On behalf of the Joint Standing Committee on Migration, I present the report of the committee entitled To make a contribution—Review of skilled labour migration programs 2004, together with the minutes of proceedings and evidence received by the committee.

Ordered that the report be printed.

Ms GAMBARO—Last year Australia attracted some 100,000 permanent and temporary skilled migrants. The United States of America accepted in excess of 500,000 per-
manent and temporary skilled migrants. Across the Tasman, in New Zealand, the skilled migrant intake totalled 108,000. I quote these statistics to show that Australia faces strong competition for skilled migrants in the international market. The Joint Standing Committee on Migration was asked to examine the competitiveness of our temporary and permanent skilled migration programs in this market. In particular we were asked to consider the skilled migration arrangements in Canada, Ireland, Germany, Japan, New Zealand, the United Kingdom and the United States of America. The committee was also asked to examine the role of state and local authorities in the settlement patterns of new arrivals.

We noted that Australia’s existing skilled migration arrangements have drawn positive comments from overseas. The International Labor Organisation described Australia as ‘a leader in … using competency-based assessments of migrant skills’. The committee’s Canadian counterpart recommended that its government model its skill recognition arrangements on Australia’s centralised system. Compliments are fine, but they will not keep us competitive internationally. The skilled worker marketplace is continually changing. During the course of the review there were changes to our skilled migration schemes, but most of the other countries which the committee examined also had changes.

To remain competitive we must, first of all, make sure that potential migrants consider Australia as a possible destination. Promotion of Australia as a place to live is not a task that fits the responsibilities of the department of immigration. However, the states and territories and regional Australia all have an interest in promoting their jurisdictions. The committee recommends a more integrated exploitation of Internet technology to inform potential migrants of settlement opportunities. This is important particularly for encouraging skilled migrants to settle outside the major urban areas. Evidence from Australia and elsewhere indicates that migrants decide where they will live in a country well before they migrate.

Australia offers skilled migrants the opportunity to become permanent settlers. Only three of the seven countries considered by the committee, Canada, the United States of America and New Zealand, made similar offers of permanent settlement. Canada and New Zealand aim to make skilled migration the main component of their permanent migration stream, as does Australia. Like Australia, both use a points testing system to select eligible skilled permanent migrants. Under the points testing, applicants are allocated scores for attributes such as level of skill, age, fluency in English, work experience and local qualifications. If the applicant’s score meets the pass mark, they are eligible to migrate—subject to health and character requirements.

The committee recommends some changes to the points system to improve Australia’s competitiveness. The committee recommends that people aged 45 or more be permitted to be considered in the skilled migration programs. It also recommends giving additional points to applicant’s spouses, because they play a significant part in the decision to migrate and a family’s subsequent settlement into Australian society. Because local work experience is an important factor in gaining employment on arrival, the committee has recommended increasing the points allocated for that factor. Some skilled migrants who are welcomed to Australia because of their skills discover that they cannot pursue their careers until they have met relevant professional or trade association standards. The committee recommends that more and better information about Australian registration requirements be made available
early in the migration process. It also recommends that assessing bodies continue to harmonise their registration requirements across states and territories.

Australia, like all the countries the committee reviewed, also welcomes temporary migration by skilled workers to meet emerging labour force shortages. The committee recommends that the department of immigration focus its assessment on the training commitment of establishments which seem disproportionately dependent on temporary migrant labour. The committee also recommends that sponsors benefiting from the skills of those workers contribute $1,000 per migrant to fund scholarships for Australians in those existing areas of long-term skill shortages which are expected to continue.

The committee called its report To make a contribution. The report makes a number of recommendations which will assist skilled migrants to realise that ambition.

In closing, I would like to acknowledge the generous assistance the committee received from the British, Canadian and New Zealand high commissions and the embassies of Ireland, Japan, and the Federal Republic of Germany. I also thank the small committee secretariat of Richard Selth, Steve Dyer and Peter Ratas for their work for the review. I commend this report to the House. (Time expired)

Mr RIPOLL (Oxley) (12.46 p.m.)—Mr Speaker, today the Joint Standing Committee on Migration tabled its report entitled To make a contribution. In producing this report, the committee examined a range of issues that relate to Australia’s skilled migration programs and temporary entry programs in the context of the international competition for skilled workers. The committee’s examination of Australia’s competitiveness in this global skills market included investigating comparable programs in Canada, Ireland, Japan, New Zealand, the United Kingdom and the United States of America. I would like to make a special note and thank the inquiry secretary, Dr Stephen Dyer, the committee secretary, Mr Richard Selth, and our administration and research officer, Mr Peter Ratas. I mention them because of the hard work and very good job they did in putting this report together.

The committee made findings on a range of issues. It found that Australia’s skilled migration program, compared with other countries that were examined, was second only to Canada in terms of the total number of skilled migrants as a proportion of the total work force. Skilled migrants do settle in well in Australia when they get here. About 75 per cent have decided to take out Australian citizenship; 90 per cent were satisfied or very satisfied with life in Australia; 90 per cent thought that their decision to migrate was the correct one to make; 85 per cent thought that they would encourage others to migrate to Australia; and about 50 per cent were more satisfied with life in Australia than in their former home country. Those statistics speak not only of the quality of our skilled migration program but also of some of the services that are provided for them here.

Skilled migrants generally have a higher labour force participation rate than other migrants shortly after arrival, and within 18 months of arrival the unemployment rate for skilled visa migrants is about the same as for Australians generally. Seventy-five per cent of migrants with qualifications use those qualifications most of the time in their employment, and most use their skills in their new jobs in Australia. However, recognition of overseas qualifications and experience is still an issue that does need attention. It is an issue that is particularly relevant in this report about what does not work in skilled mi-
migration and what the government needs to improve on.

There is also an issue about where migrants, particularly skilled migrants, settle. At this stage, New South Wales and, particularly, Sydney receive about 40 per cent of all those skilled migrants. Victoria and Melbourne receive about 19 per cent; Western Australia receives 17 per cent; Queensland receives 13 per cent; and South Australia receives only 5 per cent. Evidence from Australia and elsewhere indicates that migrants decide where they want to live in a country well before they migrate, so I think there is a great role for the government to play in terms of trying to target specific regional areas and other areas where we need skilled migrants.

The committee outlined a number of recommendations in the report. Obviously I do not have time to go through each one of them in detail, but I do want to mention a few. I encourage the government to look seriously at making amendments and changes. While the current skilled migration program is good, it could be better, and there are areas that certainly need some work. The report recommends that we make better use of the Internet to give information. It also recommends that data publication be enhanced to give us a better idea of where the programs do and do not work. It is pretty hard to determine the outcomes of programs when you do not have the data necessary to make those decisions. So the decisions we have made in here are the best ones we possibly can, given the data we have at hand.

The issue of migrant dependent employers and training is also something the government needs to pay more attention to. One of the good things that came out of this report was the removal of the age limit in all areas. There was an age limit set at 45. It simply does not work, and countries which do not have an age limit find they have a better skilled migration program. We have accounted for that in terms of the points allocated for age. One recommendation in this report that I am quite proud of is that the spouse points be increased, recognising the contribution that a spouse or partner makes to the skilled migrant and the family. I think that is very important. I also think the harmonisation of registration between what the states do and what the federal government does would be a key component of making this a better skilled program and better for Australia all round.

The SPEAKER—Does the member for Petrie wish to move a motion in connection with the report to enable it to be debated on a future occasion?

Ms GAMBARO (Petrie) (12.51 p.m.)—I move:

That the House take note of the report.

I seek leave to continue my remarks later.

Leave granted.

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

DELEGATION REPORTS

Australian Parliamentary Delegation to Syria, Lebanon and Israel, 9 to 21 November 2003

Mr BARRESI (Deakin) (12.52 p.m.)—I present the report of the Australian Parliamentary Delegation to Syria, Lebanon and Israel, 9 to 21 November 2003. On behalf of the leader of the delegation, my colleague Senator Sandy Macdonald, I am pleased to present this report. We were the first official parliamentary delegation to visit Syria, Lebanon and Israel since 1998. Wherever we went, the shadow of events in Iraq and the
uncertainties facing that country were a topic of conversation, and all those we met hoped to see the earliest possible transition to an Iraqi-led democratic government. In the short time available, I would like to comment on two aspects of the visit: Australia's bilateral relationship with Syria and, secondly, the Palestinian refugees issue.

Syria is very much a country in transition. It has recognised the need to modernise and move its economy away from the centrally planned socialist model it has followed for many years and to take steps to attract Western companies and investment. While there are encouraging early signs of greater political freedoms, significant political reform has yet to take place. In addition to examining ways to make itself a more attractive destination for foreign investment, Syria has indicated a willingness to engage in dialogue with the West. Due to the close relationship Australia has with the United States, many senior Syrian figures saw Australia as possibly being a conduit between Syria and the Western powers and saw Australia as playing a role by speaking up on greater dialogue between the West and the Middle East. They were also keen to see Australia re-establish an embassy in Syria, an embassy closed in 1999. The delegation has recommended that the Australian government reconsider that decision with a view to re-opening the embassy in Damascus should financial constraints permit. For their part, since our visit the Syrian government have proceeded with arrangements to open an embassy here in Canberra.

The second issue I would like to touch on is that of the Palestinian refugees. Many were displaced as a result of the conflict in 1948 which saw the creation of the state of Israel, with further displacement following the 1967 war. The delegation visited the Khan Dannoun refugee camp outside Damascus, and a school for Palestinian children in Beirut. We also held discussions with UN Relief and Works Agency—UNRWA—staff and with representatives of the Palestinian refugees and were pleased to make a presentation of school desks, funded by the Australian government.

It was striking to me to see how differently the refugee experience had been handled in Syria and Lebanon. In Syria, the Palestinians have most of the privileges of Syrians, including freedom of movement within the country and access to education and health services. The only exceptions are that they are ineligible for Syrian citizenship and cannot join the army. Almost two-thirds live outside of the camps. In Lebanon, in contrast, the situation is much more restrictive. There are more than 70 trades and professions closed to them. Where they can find work, they require expensive work permits. Since 2001, Palestinians in Lebanon have also been prevented from buying property or registering any property they own. They have no social and civil rights and have very limited access to public health and education facilities.

Their marginalisation results from a combination of factors: firstly, suspicion on the part of the Lebanese of their role in the civil war; and, secondly, concern that their presence—they make up almost 10 per cent of the Lebanese population—could upset the delicate sectarian balance in that country should the predominantly Sunni Muslim refugees settle permanently in Lebanon. We were advised that many of the camps in Lebanon are virtual no-go areas for Lebanese authorities. The camps provide a fertile recruiting ground for the more radical groups, using the resentments and hardships faced by the refugees to attract support for their cause.

Life for the refugees in both countries is difficult and the delegation was very conscious that unless an acceptable solution can
be found to the Palestinians’ demands for a right of return to Palestine then peace in the region will not occur. The demand for a right of return has created for many political authorities an unrealistic expectation, both politically and in practice. Many of the Palestinians now living in Jordan, Lebanon and Syria expect to return to the same town and, in many cases, to the same home they were displaced from 40 to 50 years ago.

Undoubtedly the highlight for me was to set foot in Jerusalem. The traditional Jewish exhortation ‘next year in Jerusalem’ was appreciated in a whole new way. To be in this great city is to experience both spiritual fulfilment and at the same time a sense of apprehension. We may talk about fighting terrorism and the fear of terrorists hitting our shores. In Israel they live it 24 hours a day. And it is through this prism that I am now able to better appreciate the actions of the various parties in the Middle East.

On behalf of the leader of the delegation, I would like thank the host parliaments and governments for their tremendous hospitality, the Australian diplomatic personnel who assisted in arrangements for the visit and all members of the delegation for their hard work in representing the Australian parliament in a bipartisan way. (Time expired)

Ms ROXON (Gellibrand) (12.57 p.m.)—I too would like to speak on this delegation’s report. Like the previous speaker, the member for Deakin, I was very impressed with the range of experiences we were able to participate in on our short trip. I am also particularly delighted that the very effective secretary of our delegation, Ms Joanne Towner, happens to be at the Clerk’s table while we present this report. Many of the thanks and the credit for the detailed work that has gone into the writing of this report should go to her and to the parliament staff, who serve us so well in this area. Thank you. I know that all of the delegation appreciates it very much.

Also, because time is going to be short I want to make sure that I put on record the delegation’s thanks to our embassies. We really do have fantastic representatives in a part of the world where it is pretty difficult for our overseas staff. In Lebanon, in particular, we had some excellent staff and a political adviser who was very across the intricacies of the systems there and who really gave us an insight that we might not have been able to obtain without their expertise. We appreciated that.

Obviously, the developments in the Middle East since we were there only a short time ago have changed the circumstances significantly and it is quite sobering to realise how quickly recommendations and comments within reports such as this can date due to that environment. The Middle East is much in our thoughts; it is the focus in this era, particularly when we are talking about terrorism. To all members of the committee it was quite a surprise in particular to find Syria so prepared to discuss with us a range of issues and so interested in engaging with a visiting delegation from Australia. That augers well for the future. We have seen examples of other states that have previously been involved in promoting terrorism renounce such acts. We hope that Syria may be going down that course, although our limited meetings gave us very little capacity to make any assessment of how serious some of those offers were.

For me, it was particularly interesting to be in Lebanon. I have a very large Lebanese population in my electorate. A particular delight was to meet the Australian-born sister of the Mayor of Hobsons Bay on our trip to Lebanon; she has settled back there. Our experiences with Lebanese Australians really made that a valuable time for us. I was so-
bered, though, by how much Lebanon is living in the shadow of its past and by the fact that there is still extreme wealth and poverty at either end of the spectrum and that there are extreme religious divides. I must say that it was hard to see how Lebanon—probably of all the countries we visited—was ultimately going to establish an economy that would help bring the country forward in the future.

Given the time restrictions, I will not deal with the issue of the Palestinians because the previous speaker dealt with that a little, but I would like to add that, in my view, our time in both Israel and the Palestinian territories was also very sobering. The violence and damage each has caused to the other’s community are extreme, and the personal examples that were described to us really brought home the tragedies that are occurring. This committee would like to play whatever part we can in trying to encourage people to look for positive options for the future. We would like to add our voices—I would certainly like to add mine—to encouraging them to look for ways forward.

It does seem that things have got worse rather than better since we left. Obviously, Australia’s presence, through the small number of Australian staff placed with UN services in the region, gives us an insight which we might not have otherwise, and I urge the government to consider recommendation 3 of the report in particular, which recommends looking at the entitlements of and benefits for our defence personnel in these important placements, because we believe that they need to be treated slightly better than they are at the moment, considering they play a role as ambassadors for us in the region. There are many more things I would like to say about this report, but it will have to be done at another time and in another place. I commend the report to the parliament.
ing more and more around Australia. Lockouts are blights on the Australian industrial landscape—but they are facilitated by the Howard government’s removal of any requirement in the Workplace Relations Act to bargain in good faith.

When added to the ability of employers to impose AWAs on employees, a dangerous policy mix is created. This policy mix seeks to strengthen the bargaining power of well-resourced employers in their negotiations, at the expense of individual employees, who no longer have the ability to defend their conditions of employment. This bill before the parliament today would change that. Of course, it would apply equally to unions and employees who were not bargaining in good faith.

The Howard government has spent a lot of energy lately criticising and misrepresenting Labor’s industrial relations policies. Labor are not about to place unreasonable burdens on businesses, whether big or small, but we are committed to restoring fair play and fair processes to Australia’s workplaces. We do consider that, once in negotiations for an enterprise agreement, employers and unions should meet and deal with each other with respect and integrity—and that is all this bill would do. It would do this by inserting a requirement to negotiate in good faith into the bargaining part of the Workplace Relations Act. The concept of negotiating in good faith would include matters like agreeing to meet face-to-face at reasonable times, attending meetings the party has agreed to attend, considering and responding to proposals made by the other party, and adhering to commitments given to the other party in respect of meetings and responses to issues raised. These new requirements explicitly would not allow the commission to make orders that would require a party to agree on any matter or enter into an agreement.

So the bill is not about determining outcomes; instead it is designed to stop either party playing silly buggers by refusing to agree on a meeting place, refusing to agree on an agenda or refusing to talk at all. If the government were brave enough to bring this bill on for debate, it would find these basic ground rules very hard to argue against—but the government does argue against them. All the bill does is require fair processes in bargaining, but this is anathema to the government’s philosophy. Some of Australia’s largest companies have privately argued to me the merits of a requirement to bargain in good faith to avert the protracted disputes that can be so damaging. Good faith bargaining is good for business, good for employees and good for Australia, and I commend the bill to the House.

Bill read a first time.

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

PRIVATE MEMBERS’ BUSINESS

Crimes Against Humanity

Ms PLIBERSEK (Sydney) (1.06 p.m.)—I move:

That this House:

(1) recalls the key role played by Australia’s Chifley Government in developing the Geneva Convention on Genocide and reaffirms Australia’s commitment to international treaties that aim to punish those who commit crimes against humanity, war crimes and other major human rights violations;

(2) notes that at present Australia has no domestic legislation enabling the prosecution in Australian courts of the following international crimes committed outside Australia by people who subsequently settled here:

(a) Genocide (the Genocide Convention Act 1949 did not make genocide a crime
under Australian law; it only approved ratification of the Convention);

(b) Crimes Against Humanity (other than torture after 1988 and hostage taking after 1989); and

(c) War Crimes committed in the context of non-international armed conflicts anywhere in the world at any time, or committed in the context of an international conflict prior to 1957 (except Europe 1939-1945); and

(3) calls on the Government to close the gaps in Australia’s domestic laws that allow accused criminals to live here without fear of prosecution.

This parliament commits itself to closing gaps in Australia’s domestic laws that allow accused criminals to live here without fear of prosecution. The International Criminal Court (Consequential Amendments) Bill 2002 amended the Criminal Code Act 1995 to make punishable by the International Criminal Court crimes in Australian law, but there are a number of areas which fall outside our current domestic laws. Perhaps the most serious gap is that a great number of the worst violations of human rights are not officially war crimes because they take place in conflicts within countries, not in wars between countries.

We need to ensure that Australia is not a safe haven for people who have perpetrated gross violations of human rights and war crimes. We need to sew up the holes in our domestic legislation which treat perpetrators of the same crime at different times or in different places in a different way. This is particularly the case where perpetrators of these crimes have come to Australia under false pretences, denying their participation in these acts. It is particularly the case when alleged perpetrators live in the same community as the victims of the crimes, as they often do.

Mark Aarons has researched this issue over many years and has conducted interviews which provide convincing evidence from victims of torture who have lost family members in Cambodia, for example, who can name a person who is now an Australian resident as the person responsible for those murders. Claims have also been made that Australians participated in the ethnic cleansing operations in the former Yugoslavia; that there are senior members of the Soviet-aligned Afghani secret police, the KHAD, living here; and that there are possibly torturers and killers from some South American countries such as Chile. Surely these claims at least deserve to be examined.

Mr Deputy Speaker, you can imagine someone walking into a community centre who spies across the room someone whom they believe to be responsible for the deaths of their family members. They cannot sleep at night and they cannot continue to live an ordinary life in the Australian community believing that the person they believe to be the perpetrator of those crimes is living in the same community without fear of prosecution or being called to account for those crimes. I am not saying for a moment that an accusation is all that is required, but we at least owe it to the victims of these crimes to examine their claims, and we owe it to ourselves as a nation to be confident that we are not sheltering people here who have committed such crimes.

This brings me to the issue of resourcing. The Special Investigations Unit, which was set up and disbanded under the last Labor government, is one model for resourcing such investigations and prosecutions. Another model might be to provide the Australian Federal Police with additional resources to enable them to do this work. In any case, it will take both political will and dedicated resources to bring to justice people who have
been evading responsibility for their actions over many years, and even over decades.

It is not good enough for us as a nation to say that because a crime happened a long time ago or far away we have no responsibility for it. By signing on to the International Criminal Court we have shown once again that we are a country that takes seriously genocide, crimes against humanity and war crimes. We need to make sure that our laws cover these acts, not just from now on but also crimes which have occurred since World War II which are currently not covered because they occurred within domestic conflicts, not in wars between countries.

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

Ms Roxon—I second the motion and reserve my right to speak.

Mr CADMAN (Mitchell) (1.11 p.m.)—The government shares the concern of the member for Sydney that Australia should not harbour serious international criminals. As a government, we have committed to a number of measures to be put in place to ensure that appropriate action is taken to deal with any of those who may have committed genocide, war crimes or crimes against humanity, which includes strong existing domestic legislation. Despite the objections and concerns of some in 2002, the Australian government demonstrated its commitment to tackling international crime by ratifying the Statute of the International Criminal Court.

We have introduced new and tough Commonwealth offences for genocide, crimes against humanity and war crimes. Each of these offences applies to conduct both within and outside Australia. These offences carry severe penalties. The penalty for genocide is life imprisonment, penalties for crimes against humanity range from 17 years to life, and war crimes offences attract penalties from 10 years to life imprisonment. That is the commitment of this government. These offences enable Australia to deal comprehensively with any alleged conduct which occurs on or after 16 September 2002.

Retrospective legislation is very difficult in this area. I know that all members of the House are reluctant to enter into the area of retrospective legislation but the member for Sydney proposes that. Successful prosecutions are hard enough if they are extraterritorial but to add the fact that the evidence may be retrospective doubles the difficulty. Some cases are decades old and it is really hard. We have had cases in Australia where, under the previous Labor government, we attempted to bring something to fruition and it did not occur; it just could not be done.

The proposal also fails to address the principle of international law that a person should not be found guilty of an offence if, at the time it was committed, the conduct was not recognised as a criminal act according to the general principles of law recognised by the community of nations. I think that is a generally accepted principle. The War Crimes Act and the Geneva Conventions Act created offences that were already recognised by the international community. However, the provisions agreed to by the international community and the Statute of the International Criminal Court are more extensive than offences that were previously recognised. So it covered what was previously in place but extended it. The concepts of genocide, war crimes and crimes against humanity have developed gradually over the past century and it would not be appropriate to impose criminal liability for conduct that was not recognised as criminal at the time it was committed.

We are going to continue as a government to make strong practical approaches to combating serious international crimes. There are stringent procedures in place to prevent the
entry of persons into Australia who are guilty of serious international crimes. In fact, even those granted citizenship can be removed from Australia if they are found to have committed a serious international crime. The Australian government takes allegations of somebody’s involvement in this type of offence very seriously indeed. If anybody has a complaint or information about persons in Australia who have participated in war crimes, they should report their concerns to the AFP. That is the essential first step that must happen or there is no process in place to deal with the issue.

The government has also taken strong steps to encourage other countries to take actions under their own laws or to adopt laws that reflect ours. There is no doubt that, in cooperation with the Indonesian government, the Australian government’s record in actively pursuing and dealing with issues such as those that took place in East Timor and Bali has been pretty successful. The Australian government’s role of working with the international community in Afghanistan and no doubt in Iraq will also be significant. We have played a leading role there, as we have in Kosovo and in other similar circumstances.

If prosecutions for war crimes are being conducted in another country, under current legislation Australia can consider a request for extradition or assistance to investigate. The Australian government also supports a number of international tribunals prosecuting serious crimes. (Time expired)

Ms ROXON (Gellibrand) (1.16 p.m.)—I would like to support the motion moved by the member for Sydney and congratulate her on pursuing this issue of crimes against humanity with the sort of tenacity and persistence that is required, given the complexities we are dealing with. I welcome the comments from members from the other side of the House, because this is an issue where there is recognition across all parties of the seriousness of the incidents we are talking about. Whilst there will be a range of views about how we might proceed in this area and what the best thing is in terms of the technical laws and resourcing, all of us share an abhorrence of these sorts of events. We all share an abhorrence of the idea that people involved in these sorts of war crimes might be able to live in Australia comfortable in the knowledge that it is not possible to prosecute them here.

That is what I would like to focus on today. It is true that we will always have to have a debate about the competing demands on resources and our desire to prevent future crimes being committed. There is always someone in the community who will say, ‘Let us leave the past in the past,’ but Australia remains one of the few settlement countries that does not even have in place laws that would enable federal police to take some action to deal with an accusation that has been made. This motion calls for the parliament to look at what we need to do in changing our laws so that a prosecution will not be impossible in a situation in which a complaint is being made, where evidence is available and where there is an assessment that there is a high chance of success in such a prosecution. It is particularly important because Australia does have a fundamentally good and decent migration settlement program. We should not detract from welcoming people from countries that have been war-torn and where there might have been severe human rights abuses and civil turmoil. We should not weaken and distract from our migration program by also possibly allowing some people who have been perpetrators of terrible crimes to come and settle in Australia and treat it as a safe haven in the full knowledge that our laws do not prevent them.
I acknowledge the comments of the previous speaker, the member for Mitchell, about the government having taken steps through the immigration process to tighten the way we handle these matters. The use of our extradition powers is very effective, but this is another part of the system. We are looking at the loopholes that remain where somebody has come in before those laws were introduced, and where there is sufficient evidence to show that they have been involved in some very severe crimes. We do not do justice to the parliament or to the Australian people, particularly those that settled here from around the world, if we do not at least consider how we can fill in those gaps in our legal system.

As the previous speaker also mentioned, the issue of retrospectivity is a very thorny one. But it is also true that there has never been a time when the community of nations did not recognise murder as a crime. There has never been a time when anybody committing the mass murder of hundreds of civilians would ever have been able to argue that it was something that was within the customary international law of nations. If we have a sensible debate, we can look at the ways in which we can introduce laws into our parliament that will not offend against those principles and will be consistent with the sorts of legislation that have been taken up by others. There are many people on the side of the House, including the member for Melbourne Ports, the member for Griffith and others, who have pursued this as an issue. The Labor Party in its national platform has now vowed to look at ways to close any loopholes in our current legal system that would allow war criminals to live without fear of prosecution in Australia. I call on the Australian parliament to support this motion, and commit to our working across the parliament in respect of this issue.

Mr ANTHONY SMITH (Casey) (1.21 p.m.)—As previous speakers have indicated, the subject of this motion is one that all of us as parliamentarians and Australians have deep and strong feelings about: our united horror at war crimes and our united belief that war criminals must pay for their crimes. Of course we think of the atrocities of the Second World War in Europe, but we also think of more recent atrocities and conflicts, which in some circumstances have been played out in graphic detail on our television screens over the last decade or so.

I know, having listened to this debate and having read some of the media reports from earlier this year, that both the member for Sydney and the member for Gellibrand seek, as they have outlined, some legislative change, but they have also mooted the re-establishment of a special investigation unit. As outlined by the member for Mitchell, the legislative position is quite comprehensive. The War Crimes Act 1945 and the Geneva Conventions Act 1957 provide wide coverage. More particularly, legislation recently passed with respect to the International Criminal Court inserted tough new provisions into the Commonwealth code.

Whilst the mover of the motion notes the role of the Chifley government in developing the Geneva Convention, which was a very critical and important step, particularly with regard to past crimes, we do need to recognise that by today’s standards there was too great an opportunity in the confusion following World War II for war criminals to move between jurisdictions, not just here but right across the world. I mention this point not as a criticism so much as a fact that needs to be recognised so that we can deal with those situations better today and well into the future—that is, that a critical part of identifying and bringing to justice war criminals must include a strong immigration and border control policy. That is a vital first step.
When the Hawke government opened and operated the Special Investigations Unit for war crimes during its time in office, it was a lack of reliable evidence borne of the huge lapse of time and the distance from the crimes that primarily caused its failure. It operated for some five years, I think at a cost of around $15 million, between 1987 and 1992. Whilst I think it had three cases, it did not to my recollection conduct a single prosecution. Upon the winding up of that unit, the head of the unit spoke of the big problem being that delay of 50 years, which in his words had ‘biologically corrupted too much of the evidence’. So the experience, certainly with those older crimes, was that the major barrier was more evidentiary than legislative.

I think any proposal to re-establish a special investigations unit, which has been mooted by those opposite, whilst symbolically if not simplistically attractive, also falsely implies that the previous Labor government did not act as much as it could, and as someone on the other side of the House I do not agree with that. It also implies that the Federal Police, on their own, cannot operate without a special unit, and I do not agree with that either. I think the re-establishment of a special unit would be special in name but not so much in substance or outcome. With regard to bringing war criminals to justice, what nations have learned in recent times—by this I mean some of the more recent crimes in conflicts over the last decade or so—is that the best place to bring those who have committed these despicable crimes to justice is the very location where they committed them. That is where the greatest prospect of success lies.

In this regard the AFP is playing a major role and will continue to do so. There is not an allegation that it will not investigate. Recently it has done so with respect to old crimes within Lithuania on which, at the request of the Lithuanian government, it has provided some information. In respect of more recent conflicts, international tribunals operating on this combined international effort are the best chance. In Australia’s case, this includes substantial and ongoing financial assistance—(Time expired)

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

Afghanistan

Mr RUDD (Griffith) (1.27 p.m.)—I move:

That this House:

(1) recognises the continued, central importance of Afghanistan as critical to the war against terrorism;
(2) recognises that al Qaeda, the Taliban and associated terrorist organisations continue to pose a security threat to the government of Afghanistan;
(3) recognises that removing this threat requires both the political transformation and economic reconstruction of Afghanistan with the full support of the international community; and
(4) recognises that Australia must play a significant and substantive role, both bilaterally and multilaterally in underpinning a long-term, secure future for the people of Afghanistan.

We must never forget that the war against terrorism began in Afghanistan in October 2001 following the Taliban’s refusal to surrender Osama bin Laden and the al Qaeda leadership after the monstrous attacks on our American ally on September 11. We must not forget that the war in Afghanistan continues: against al Qaeda, against the Taliban and particularly in the border regions to the south and the south-east. We must not forget that this country, Afghanistan, remains today the front-line state in the war against terrorism.
That is why 2½ years ago, on my first visit abroad in my current capacity, I visited the border regions between Afghanistan and Pakistan, and that is why 2½ years later, together with my colleague the member for Bruce, I visited Afghanistan itself for discussions with President Hamid Karzai, Foreign Minister Abdullah, Interior Minister Jilani, the commander and deputy commander of ISAF, the UN special representative, other Western diplomats and other representatives of the Afghan government and civil society. For all of the arrangements which were made for this visit, I place on record our thanks to the Afghan Foreign Ministry and to the Afghan Ambassador to Australia, Ambassador Saikal.

For many, Afghanistan has become the forgotten war in the global war against terrorism. The central finding of our mission to Afghanistan was the deep concern reflected by all about the rapid expansion of the opium crop, the proliferation of heroin production facilities and the critical financial support—or ‘narcofinance’—which this delivers to Osama bin Laden, the Taliban and associated terrorist organisations. This is not a marginal problem: the UN Office on Drugs and Crime estimates the income of Afghan opium farmers and traffickers to be $US2.3 billion in 2003—an amount equivalent to half of the official GDP of Afghanistan. According to Western diplomats, the crop will be up by 150 per cent in 2004. Quite apart from the impact on narcofinancing for global terrorist operations, there is the added dimension, namely the supply of heroin to Europe, the United States and Australia in horrendous quantities.

So what is to be done? The United Nations, through its office in Afghanistan, administers a national drug control strategy, which has five key elements: the provision of alternative livelihoods for Afghan poppy farmers, the extension of drug law enforcement throughout Afghanistan, drug control legislation, the establishment of effective anti-drug institutions and the introduction of prevention and treatment programs for addicts. There are 19 programs which make up this overall strategy. President Hamid Karzai himself made a sharp point recently in emphasising this critical challenge. He said:

Progress has been timid, in absolute as well as relative to the CND Strategy goals. Disappointing is the lack of donors’ interest in funding licit livelihood initiatives in rural areas: the United Nations Social Compact project, for micro-loans in rural areas... is starved of resources. Poverty may not be a justification for opium cultivation, but it is undeniably a reason for it.

The Afghan government has estimated that approximately $US102 million is required for all projects which directly support the national drug control strategy, but the combined level of funding estimated by the Afghan government for poppy reduction and alternative livelihood programs is at present approximately $US16 million. The UNODC in particular has received 20.2 per cent of its funding requirements for its operations in Afghanistan. That equates to approximately $A34.5 million. These are critical exercises in the overall war against terrorism.

The United Kingdom government has also contributed through its efforts to develop an Afghan police commando team to deal with law enforcement in far-flung parts of the country. It is difficult to deduce from the data how much Australia is contributing but we find, from the Afghan government web site, that Australia contributes to capacity building and that the total donor contribution from all countries for that program is a mere $180,000—Australia being one of five countries contributing.

It is no secret that the Australian government has progressively lost interest in Afghanistan. The Prime Minister has not visited and the foreign minister has never visited.
The foreign minister refused to attend the Tokyo donors conference in February 2002 and has, until recently, exhibited zero interest in travelling to Berlin for the donors conference which is about to be held there. The Afghan foreign ministry expressed to us its disquiet that Australia would not be represented at the conference, which is to be co-hosted by the German foreign minister and Hamid Karzai. As of 17 March, the foreign minister’s office was telling the media that he was not going. But that is where a constructive, creative visit by the federal opposition kicks in, because now, lo and behold, the foreign minister is off to Berlin, and we hope that he will stick his hand in his pocket and do something for an effective counter drug strategy in Afghanistan if he is serious—(Time expired)

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

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

**Mr ANTHONY SMITH (Casey) (1.32 p.m.)**—The motion before this House reminds all Australians of the right decision we took as a nation when we committed our elite SAS troops to Afghanistan some 2½ years ago to confront terrorism and be part of Operation Enduring Freedom. The decision was taken in the weeks following the shocking events of September 11—a time when the world community confronted a new reality and a new challenge. The new reality was mass terrorism and the threat to freedom and democracy, and the new challenge was to strongly confront it—rather than weakly ignore it—to fight it and defeat it. That involved taking some tough decisions, and Afghanistan was the first of those.

Afghanistan was a refugee, training ground and harbour for al-Qaeda extremists. It was the epicentre of terrorist planning and the home of Osama bin Laden. Following action by US, Australian and other forces as part of Operation Enduring Freedom, Afghanistan is now a very different place and a better place than it was just two or three short years ago. Twenty-three years of civil war, chaos and repression and years of Taliban extremism and brutality have been replaced with an emerging democracy which has elections planned for later this year. Afghanistan is making progress on the long road to social and cultural rehabilitation. It is building an economic and social infrastructure which the previous generation simply did not have—something which will lay the foundations for development and growth into the future and will provide the people of Afghanistan with a bright and fruitful future.

Our armed forces and our SAS in particular did an outstanding job. They had a specific mission and a specific goal, and they achieved them. As has been well documented, our nation’s military performance in Afghanistan won Australia international acclaim. The next phase, which Australia is very much part of, is the ongoing massive commitment to rebuilding the country. That includes providing significant aid, and we are doing that. Australia’s aid contribution, which amounts to some $23 million this financial year—$85 million over the last three years—is the third largest response to a humanitarian emergency ever made by an Australian government. That substantial aid is directed at key areas in the rebuilding and development of a modern and free Afghanistan. These areas obviously include immediate humanitarian needs, the return and reintegration of refugees who fled that country over such a long period of time, and assistance in the transition to a democratic government.

In recent days before the debate of this motion, some of those opposite, in an endeavour to extricate themselves from a cheap and indefensible populist approach on Iraq,
have sought to imply that we should still have troops in Afghanistan, despite the fact that we have successfully completed our military objective. The chaotic thinking by those opposite is highlighted by the fact that they are now calling for more troops in Afghanistan while at the same time calling for the removal of all troops from Iraq.

I urge those opposite, particularly the shadow foreign minister—who, over the course of the last week, has had to defy his own words, knowledge, views and judgment to fit in with the Leader of the Opposition’s populist position on prematurely withdrawing troops from Iraq—to look at the words which have been drafted in this motion on Afghanistan and the responsibilities and apply them to the opposition’s approach on Iraq. I ask the shadow minister opposite to recognise on behalf of the opposition that Australian forces should not be brought home until the job is done. Think of the interests of the Iraqi people, who have suffered so much over such a long period of time; think of our troops who are over there; stop thinking about cheap ways to win approval and start thinking about national and international responsibilities. I say to the shadow minister for foreign affairs, who loudly and consistently reminds anybody who will listen—and will even make attempts to remind anyone who does not want to listen—of his knowledge on foreign policy: it is time to start using that knowledge on his Leader of the Opposition instead of caving in to him. This motion is a reminder of the success of the government’s approach on Afghanistan, but it is also a reminder of the opposition’s failed and irresponsible position on Iraq.

Mr GRIFFIN (Bruce) (1.37 p.m.)—This motion on Afghanistan is important because it goes to the essence of what we face as a country, what we face internationally around the issue of terrorism and what we need to do in terms of trying to deal with those issues on a proper basis, taking into account not only our responsibilities as a country but also the needs of the international community.

Having just returned from Kabul, as the member for Griffith mentioned, and from a three-day visit to Afghanistan, where we had meetings with a range of senior officials within the government, as well as people responsible for the UN and others, one has come away with a new appreciation of the circumstances in that country. It has often been said that Afghanistan has historically been a place where many wars have been fought, and the term ‘forgotten war’ has often been used with respect to that. It is true to say that the Afghan community in Australia, and certainly the Afghan people and the Afghan government, are concerned that that is what may happen again in the future. That is incredibly important because the basic underlying tenets that led to Osama bin Laden and al-Qaeda remain in parts of Afghanistan and in that region. If we do not, as an international community, address those underlying issues—if we are not careful—we will be doomed to see history repeat itself. That is why it is so important for the international community, and Australia as part of that community, to do more than it is currently doing with respect to the circumstances in Afghanistan.

As the member for Griffith mentioned, there were a range of issues raised with us. He made some comments with respect to the opium crop in that country, and I will take a minute or two to talk about that in a bit more detail. As he said, the opium crop for 2003 was worth some $2.3 billion, which is half of the official gross domestic product of the Afghan economy. It is expected to be up some 150 per cent in this coming crop, which will be a new record. Back in 1999, opium was grown in some 18 provinces out of 32. In 2002, it was grown in some 24 provinces and in 2003 some 28 provinces.
That is 28 provinces out of 32. So, as we can see, it is growing throughout the country. It is now estimated that Afghanistan produces somewhere in the region of 75-plus per cent of the world’s opium production. That is huge. It has implications for the funding of organisations like al-Qaeda, the Taliban and other groups in that area that continue to endeavour to export terrorism and lead to the destabilisation of that region.

I think it is true to say that security in Afghanistan is, to a degree, on the improve. There is no doubt that we are seeing a situation where the country is getting back on its feet, but it will take a long time. Part of the problem we see in Afghanistan is a situation where, having faced military action—in this case, in terms of the Soviets and the Taliban, military action going back some two decades—the circumstances are that rebuilding does not occur overnight. There is an enormous amount of work to be done. There are a range of issues that still need to be addressed. As we can see from international reports, along the border with Pakistan, around South Waziristan, there are still some al-Qaeda elements active and moving within that area into Afghanistan and continuing to cause trouble, as are elements of the Taliban. The fact is that if we do not see a proper international effort in rebuilding this country we will again see problems raising their heads, as they have in the past in that region.

The importance of Australia’s role as one of the countries that went into Afghanistan and as one of the countries that stays there and helps with the rebuilding is absolutely paramount. There are enormous jobs that are required to be done and there is a range of innovative ways that they are being tackled by the international community. One of the projects that was discussed with us was PRTs—province reconstruction teams. These projects are being undertaken by the Australians, British, New Zealanders, Germans and others, but there is not a PRT that the Australian government has chosen to sponsor as yet. I would certainly urge the Minister for Foreign Affairs to look at the issue of PRTs as being something that Australia could do in addition to what it is currently doing to help rebuild that country in a holistic manner. If we do not deal with these issues now, we will find ourselves in a situation where we have to deal with them in the future.

Afghanistan is an intriguing place. I would like to put on the record my thanks to the Afghan government and the Afghan ambassador in Australia, His Excellency Mr Saikal, for the help that they gave us in terms of our trip. The situation in Afghanistan was certainly something that needed to be looked at and it is certainly something which points to the need for the Australian government to do more in this very pressing area. (Time expired)

Mr BRUCE SCOTT (Maranoa) (1.42 p.m.)—In speaking to this motion on Afghanistan, I bring to the attention of the House that Afghanistan has made impressive progress in the little more than two years since the fall of the Taliban and the establishment of a new Afghan government under President Hamid Karzai, pursuant to the Bonn agreement of 5 December 2001. After 23 years of civil war and the brutality and regression of the Taliban rule, Afghanistan has realised some outstanding achievements. It has laid the foundations of a democratic system of government, with elections due later this year. It is forming a national army and police force as a new basis for national security. It has begun the process of social and cultural rehabilitation, especially in the area of women’s rights and empowerment. It has returned from oblivion to take its
place as a fully participating member of the international community of nations.

Afghanistan no longer provides a safe haven and training ground for international terrorists, as it did under the Taliban. But, just as terrorism continues to threaten everywhere, it has not been finally defeated in Afghanistan. Military operations on the Pakistan-Afghan border against the Taliban and against al-Qaeda underline this point. The terrorists continue their efforts to destabilise and undermine the progress that has been achieved in Afghanistan so far.

At least as important as the military operations to eradicate the Taliban and al-Qaeda are efforts to transform Afghanistan to become a democratically governed and economically self-sustaining country. These are priority tasks requiring the continued firm commitment of the international community in partnership with the government and people of Afghanistan. That commitment will help to make Afghanistan more stable, outward-looking and increasingly resistant to terrorism. Afghans themselves and the international community will share in the benefits and must also share the burden of carrying the work forward.

Australia is firmly committed to Afghanistan for the long haul, and it has provided its strong support to this nation. All three services of the Australian armed forces played a crucial role in the first phase of Operation Enduring Freedom, which overthrew the Taliban regime. Australia’s SAS troops operated on the ground in Afghanistan, and Australian air refuelling aircraft and FA18 fighters were also involved.

The SPEAKER—Order! It being 1.45 p.m., the debate is interrupted in accordance with standing order 106A. The member for Maranoa will have leave to continue speaking when the debate is resumed on a future day.

STATEMENTS BY MEMBERS

Greenway Electorate: HMAS Nirima

Mr MOSSFIELD (Greenway) (1.45 p.m.)—A little bit of Australian history was relived on 28 February this year when a large crowd attended a commemorative service marking the 10th anniversary of the closure of HMAS Nirima at Quakers Hill. The site has an interesting history, starting in 1942 when the RAAF commandeered an open paddock at nearby Schofields for a mobile operational air base. Towards the end of World War II the base was shared with the RAN, which used it as a shore base for aircraft from visiting aircraft carriers. Still later, Nirima was used as a naval apprentice training facility.

As in all RAN shore establishments, ship routines and customs were followed and it had to be commissioned as a ship. The name chosen was Nirima, Aboriginal for pelican, which is shown on the ship’s crest. Some interesting people landed at Schofields, such as the notorious Tokyo Rose, who was to be a witness in a treason trial. Mrs Petrov also landed at Schofields, after being rescued from her Russian captors at Darwin airport.

The closure of Nirima occurred on 28 February 1994. The Nirima sub-branch of the Naval Association of Australia, through donations, have undertaken the task of restoration, improvements and promotion of the site so that it remains one of Blacktown district’s historical icons. Congratulations go to sub-branch president, Bob Parish; secretary, Jim Reilly; and all sub-branch members on this fine achievement.

Mateship

Mr KING (Wentworth) (1.46 p.m.)—Sexuality and mateship have proved a potent and disastrous combination over the last month in this country. In two major Rugby League clubs and three leading Australian Rules clubs, players have been accused of
involvement in gang rapes. If this were not bad enough, some of these players, their team-mates and coaches have refused to assist detailed investigations into the incidents. Some have justified this in the name of mateship.

As I see it, this is not mateship but a desecration of mateship. It has been a proud Australian tradition to help a mate in trouble, especially when they are worse off than you might be, or even when they are in the same fix, as did the Anzacs for each other in the trenches of Gallipoli or for the injured along the Kokoda Track. But it has never been part of that tradition, as properly understood, to refuse to help police in their investigations into a potential criminal offence or to hide a known transgressor from the law against the interests of victims and of justice. Furthermore, it is definitely no part of the tradition of mateship that men indulge in the act of group sex, consensual or otherwise, with its implications of a complete lack of respect for women.

Mateship is a fine male tradition in this country, of which we can and should be proud. It has indeed inspired our troops to greater heights, our sporting teams to better efforts and friends to help one another to pull through a difficult time. But let us not see it debauched or degraded, for that only debases us all, turns mateship into tribalism and undermines Australian society in the longer term. Let us get mateship back on track in Australia. It is a tradition too important to lose—a value which, once lost, will make this nation poorer in spirit and a worse neighbour, and each of us the loser.

Local Government: Elections

Mr ORGAN (Cunningham) (1.48 p.m.)—I want to take this opportunity to comment on the results of the local government election in New South Wales, held on the weekend, and this morning’s Sydney Morning Herald headline, ‘Greens sweep to victory in local polls’. The overwhelming message voters sent across the state is that they are sick and tired of the cynicism of big party politics. This is one of the reasons the Greens did so well, even in country seats such as in Orange, in Wagga, on the Southern Highlands and up and down the South Coast and North Coast of New South Wales—and that is not to forget the possibility of the first popularly elected Greens lord mayor in Byron Bay.

The Greens performed incredibly well across the state, a testament to our party’s strength on the ground. The Greens may potentially win up to 60 seats, doubling our representation in local government across New South Wales. The Greens continue their rise. Our record stands as a progressive, pro-community party guided by principle, not pragmatism. Labor’s role in local government in New South Wales is tainted in many areas; Clover Moore’s win is evidence of that. In the Illawarra, for the first time, we ran candidates in a number of wards and for the position of lord mayor, and we look forward to further ‘greening’ government in the region in years to come.

Sport: Swimming

Bass Electorate: St Giles Kid Fest

Ms O’BYRNE (Bass) (1.49 p.m.)—Ian Thorpe has no claim to be the 2004 Australian 400 metres freestyle champion. He broke the rules and, it seems, was correctly disqualified from the event. Australia, like every country in the world, conducts its competition in accordance with FINA regulations. Where Australia differs from most other countries, however, is in relation to its selection procedures. It is Australian Swimming’s own decision to base its selection for teams, or in this case its nominations to the Australian Olympic Committee, solely on placings in the championships and trials. Its strict ‘first and second in each final’ policy,
subject to achieving the qualifying standard, fails to take into account any other factors, even a personal tragedy which might befall a swimmer on the day of a trial swim.

If the selection criteria allowed for an automatic selection for the first spot and a discretionary choice for the second, we would not be faced with the situation we have now. It is quite appalling that administrators have in fact transferred the responsibility to another swimmer, rather than making the decision themselves. Under a discretionary policy for the second spot, Craig Stevens would simply have a hope, or the possibility, of selection. Instead, Craig Stevens alone has to make a decision about whether the undisputed No. 1 in the world in 400 metres freestyle swimming should have the chance to represent this country in Athens. It is a decision that should have been taken by the sport. For the future, we should ensure that it is.

While I am on my feet, I would like to congratulate Melinda, Leeanne and Angela, the organisers of St Giles Kid Fest, an organisation in Tasmania which raised around $28,000 when 10,000 people attended a festival for children to support this facility, which provides rehab and support for people with disabilities.

Death Penalty

Ms ROXON (Gellibrand) (1.51 p.m.)—I would like to raise an issue that I think is troubling many Australians at the moment—that is, the issuing of a death sentence to a young Vietnamese-Australian man in Singapore. I would like to register my strongest opposition to the death penalty being applied to anyone in Australia, to an Australian overseas or to anybody else. The Labor Party have long opposed the application of the death penalty.

In truth, it seems that the evidence against this young man is that he was not only foolish but committed a very serious crime, none of which should be excused. I think that severe penalties should apply. But we do not believe, and I do not believe, that the most severe penalty of all, the death penalty, should be able to be applied. I urge the Australian government to take all action that is within its power to plead for clemency on behalf of this Australian man. Indeed, he must serve out a very severe sentence, but I do not believe it is appropriate for the death penalty to be applied to him.

Singapore unfortunately has a disgraceful record in this regard. It has sentenced many people to death—I think nearly 400 in the last several years—and this is a great tragedy. It is now an Australian who will be affected by those principles. I call on the government to do all it can to register our protest against the death penalty being applied to this unfortunate young man. I commend the House to do so. (Time expired)

Howard Government: Economic Policy

Mr LLOYD (Robertson) (1.52 p.m.)—I take this opportunity to welcome the small area labour market figures for the December quarter, which have been released recently. They show that in my electorate of Robertson the unemployment rate is down to 5.8 per cent. This is down from 5.9 per cent in December 2002, and it is certainly a quantum leap down from 7.5 per cent in March 1996, when the Howard coalition government was elected. A fall in unemployment such as this does not happen by accident. It can only happen when you have a federal government that has sound economic policies designed to ensure that businesses can employ people, to keep interest rates low so that consumers have additional money in their pockets to spend to stimulate the retail activity on the Central Coast and elsewhere throughout Australia, and to enable this country to go forward.
Unlike the previous government—which gave us unemployment rates of more than 9 per cent and interest rates of over 17 per cent and saw many businesses destroyed and people lose their family homes because of economic mismanagement—under the Howard government the Australian economy has been described by some people as a miracle economy of the Western world. (Time expired)

**Family Services: Child Care**

Mr GIBBONS (Bendigo) (1.54 p.m.)—I rise to inform the House that the City of Greater Bendigo child care centre at Helm Street in Kangaroo Flat is under threat of closure in 2004 because the building does not meet mandatory requirements set out by the Commonwealth department. The building is a prefabricated wooden structure that has been in the current location for many years and is beyond the stage of any worthwhile modifications. There are places for around 45 children at the centre, and around 70 families who use the centre are extremely angry at the uncertainty created by the proposed closure. What I cannot understand is why the former Bendigo City Council, the former Shire of Marong and now the Greater Bendigo City Council has let this situation reach this stage.

Kangaroo Flat is a fast growing suburb of Bendigo. It neighbours Maiden Gully, Marong and Golden Square, all of which are equally fast growing areas in Bendigo. Many young families are buying, renting or building homes in these districts, so the demand for child care places has increased dramatically, yet there appears to have been no forward planning from the local government authorities, past and current, who were and are responsible for providing this service. Instead they have let the building run down to the extent that now requires it to be shut down in July. People are entitled to ask why.

I have been informed that the City of Greater Bendigo are negotiating with a private provider with a view to taking over the service and providing a new building. But there are no guarantees that this will occur. I have also been informed that the City of Greater Bendigo will extend the July closure deadline if the negotiations progress in a meaningful way. On the surface this may seem okay, but what will happen if the private provider cannot provide an appropriate service? I will be watching the developments on this situation very carefully over the next few months.

**Education: Higher Education**

Mr CIOBO (Moncrieff) (1.55 p.m.)—On many occasions I have spoken about the Gold Coast being Australia’s fastest growing city. In fact, because of our booming population, our city faces a number of important infrastructure demands. One of the key issues is that Gold Coast City is woefully understated in terms of the number of higher education places that are available for young people who would like to go on and attend tertiary studies. This is a consequence of the Gold Coast growing so rapidly, but it is an issue that I am very keen to pursue.

I have had the Minister for Education, Science and Training visit the Gold Coast on numerous occasions to highlight the urgent demand for additional university places, and I am very pleased that under the Howard government’s $2.8 billion higher education package there will be some 36,000 additional university places. It is my fervent hope that the lion’s share of these new places will flow to Griffith University on the Gold Coast. It is an important requirement to ensure that young people in our city into the future will have the necessary means to go to university and to undertake a tertiary course of study. The Queensland state government now has the opportunity to have input into this, and I
urge them to support the push for additional university places.

Kilpatrick, Mr John

Ms HOARE (Charlton) (1.56 p.m.)—I would like to take this opportunity to extend my best wishes to the now retired Mayor of Lake Macquarie City Council, John Kilpatrick, and his wife Ellen. Over the past six years that I have been an elected member John and his wife Ellen have extended me their goodwill and their friendship. John is joined by other retiring councillors: Deputy Mayor Gordon Hughes, who has had 41½ years in local government; Bob Tsousis, who has had 27 years as a councillor; and Alan Davis, also a good friend of mine, who is stepping down after 16½ years. I wish them all the best in their retirement with their families.

I would also like to congratulate the newly elected Mayor of the City of Lake Macquarie. Although he is not Labor, I am sure councillor Greg Piper and I and the other newly elected and re-elected councillors will continue to enjoy our good and productive working relationship. I look forward to continuing to work with both elected councillors, the newly elected Mayor of the City of Lake Macquarie, and all council staff in making the region of Lake Macquarie—and particularly my electorate of Charlton—a better place to live with more opportunities for all families.

Elliot, Mr Adam

Mr DANBY (Melbourne Ports) (1.58 p.m.)—At the Academy Awards the best animated short film category was won by St Kilda’s own Adam Elliot for his clayanimation film Harvie Krumpet. Adam was here in Parliament House for a screening of Harvie Krumpet with the Minister for the Arts and Sport. His work shows that local Australian filmmakers can compete with and beat the biggest in the business, like Pixar and Disney. In his interview with Andrew Denton, Adam said that Steve Bracks popped around with a card on behalf of Victoria and said ‘I’d like to thank you for mentioning us at the Oscars, and if there’s anything you can do for us, let me know.’ Adam’s response on Andrew Denton’s program was ‘well, perhaps gay marriage’. I think that is beyond the powers of the Premier of Victoria, but Adam is a great credit to St Kilda, to Melbourne Ports and to Australia. His success shows that in the international movie market Australians are at the forefront—the coalface—and can do the best.

Blair, Ms Roma

Mrs MAY (McPherson) (1.59 p.m.)—Just recently there was a very special book launch on the Gold Coast. The name of the book was Roma, From Prison to Paradise. It is the very special story of Roma Blair, a woman affectionately known as Australia’s ‘mother of yoga’. I have known Roma for a few years now, but it was not until around two years ago that she shared with me her story of spending around three years in a Japanese prisoner of war camp in Indonesia. While there she gave birth to her son, Arnold. Roma’s son spent the first three years of his life in a prisoner of war camp under extremely difficult circumstances.

The story of Roma’s life is full of laughter and love, sadness and sorrow and achievements and successes. All in all it is a remarkable story about a remarkable woman who only last year celebrated her 80th birthday. The book launch was a wonderful event to celebrate Roma’s life. Sharing this special day with Roma were friends from near and far. But one very special person, her old friend from the prisoner of war camp, Dolly Van Halden, was by Roma’s side for her special day.
The SPEAKER—Order! It being 2 p.m., in accordance with standing order 106A, the time for members’ statements has concluded.

QUESTIONS WITHOUT NOTICE

National Identity Card

Mr LATHAM (2.00 p.m.)—My question is to the Prime Minister. I refer him to the leaked cabinet-in-confidence budget submission from the Minister for Family and Community Services, which refers to the introduction of a new national ID system. Will the government now adopt Labor’s policy of a photo ID card for foreign workers to crack down on the 30,000 illegal migrants working in Australia, taking jobs off Australians and running down our working conditions? Will the government also introduce Labor’s tough new penalties for employers who knowingly hire illegal migrants?

Mr HOWARD—I thank the Leader of the Opposition for his question. I think the Leader of the Opposition would already know that we have in place at the moment measures which go beyond the achievements that he has in mind for his policy.

Australian Defence Force: Deployment

Mr PEARCE (2.01 p.m.)—My question is addressed to the Prime Minister. Would the Prime Minister update the House on any government plans to withdraw Australian Defence Force personnel currently serving in Iraq? Are there any alternative policies?

Mr HOWARD—I take the opportunity in reply to the member for Aston of reiterating our position. Our position is that all elements of the ADF should remain in Iraq and in the Iraqi theatre until their job is done. That is our position. That is the position which is in the best interests of the Australian people. That is why I will be handing to the Clerk a notice of motion to be moved on the next day of sitting that, firstly, this House expresses its continued support for and confidence in the 850 Australian Defence Force personnel currently deployed in or around Iraq and records its deep appreciation for the outstanding professionalism they have displayed in carrying out their duties and, secondly and importantly, this House is of the opinion that no elements of this contingent of the Australian Defence Force should be withdrawn until their respective tasks have been completed and that no arbitrary times should be set for such withdrawal.

The member for Aston asks me: are there any alternatives? There are many alternatives, but all of them have come from the one man—that is, the Leader of the Opposition. Last Tuesday the Leader of the Opposition declared on the Mike Carlton radio program that they would be home by Christmas. So as not to leave anybody in any doubt, he then wanted to make it clear that, even if they were asked by the new Iraqi government to stay, if he were Prime Minister the troops would be brought home. By Thursday of last week, on the way home, he was in effect arguing that they should be diverted to Afghanistan. On Friday he was arguing that they were needed back in Australia for the defence of Australia. Despite the fact that we already have 52,000 ADF personnel in this country, he was arguing that 850 were needed for the defence of Australia. But he apparently forgot the 450 in East Timor and the 500 in the Solomon Islands. Are they required for the defence of Australia as well? By Saturday morning his spokeswoman was asserting: ‘Maybe we won’t bring them all back. We’ll only bring back those that are inside Iraq.’

Mr Wilkie interjecting—

Mr Murphy—Mr Speaker, I rise on a point of order. This is the fourth occasion that the Prime Minister has referred to the Leader of the Opposition as ‘he’. He should refer to him as ‘the member for Werriwa’.
The SPEAKER—The member for Lowe and, I note, the member for Swan, who is an occupier of the chair, seem to express some indignation about this. If the member for Swan, as an occupier of the chair, can indicate to me any standing order that indicates it is inappropriate, I would be indebted to him. No-one should make reference to ‘you’, which implicates the chair. The term ‘he’ is not, as far as I am concerned, unparliamentary.

Mr HOWARD—By this morning, the Leader of the Opposition had gone back to asserting that, 12 months ago, a Labor shadow cabinet had decided that a Labor government would bring the troops home immediately. That is what he said—that they decided 12 months ago. I can say to the Leader of the Opposition, through you, Mr Speaker, that if that was decided 12 months ago the member for Griffith was not at the meeting and, having not been at the meeting, he was not informed. As recently as 15 March this year, speaking on the Lateline program, the member for Griffith was asked: Would a Labor government do the same thing as its Spanish counterparts?

The member for Griffith replied: … that Spain’s troop withdrawal would occur unless the UN assumes sovereignty or a direct role in Iraq as of 1 July this year. That’s the report that I’ve seen.

The member for Griffith went on to say: I think our position will be something along these lines, Tony.

In other words, what the member for Griffith was saying was not that there was an unconditional Labor Party commitment to withdraw; rather the member for Griffith was maintaining the more principled position that he has had now since last November when he wrote to me saying that we should be doing more rather than less in Iraq, when he wrote and said that we had an obligation to put our shoulder to the wheel, when he wrote and said that we should send additional trainers for the Iraqi army and the Iraqi police force. Those additional trainers are being sent, partly as a result of the representations made by the member for Griffith, and I can inform the House that, as indicated in February this year, the contingent of Australian trainers will be in place in May of this year. Yet, according to the doctrine of the Leader of the Opposition, which is that you have got to pull them out as soon as there is a transfer of authority—which is scheduled to take place on 30 June—those trainers would arrive in May and go in June.

That is the absurdity of the position that the Leader of the Opposition has got himself into. The reality is that he made that policy up on the run. He made it up on Tuesday morning and he has been trying ever since to cast around for the odd word here, the odd phrase over there, to try and justify it. But this is too serious to be left to the interviews of the Leader of the Opposition, and that is why the Labor Party will have an opportunity in this parliament in a formal considered way to declare its position, to indicate whether it agrees with the government—whether it agrees with Senator Kerry, the Democrat candidate in the United States; whether it agrees with the British Labour Prime Minister, Tony Blair, as well as the British Conservative opposition leader, Michael Howard; and whether it agrees with the other 34 nations which have forces in Iraq—that this is not the time to cut and run. This is the time to stand firm with our allies and our friends. This is not a time for capricious policy-making on the run which is plainly against the interests of the people of Iraq. It is against the interests of the people of Australia, it gives comfort and encouragement to the terrorists and it is a thoroughly bad policy all round.
Mr SWAN (2.09 p.m.)—My question without notice is directed to the Minister for Children and Youth Affairs representing the Minister for Family and Community Services. It concerns the minister’s leaked budget submission. Can the minister confirm the government is planning to remove the co-residence rule for carer allowance, a measure that will benefit 4,000 people per year? Can the minister also confirm the government is secretly planning to fund this measure through a cutback in payments from July 2005 to 42,750 families who claim carer allowance? Minister, doesn’t this leaked document expose the government’s plan to announce good news before the election and keep secret the cutbacks until after the election?

Mr ANTHONY—Mr Speaker, I see the member for Lilley is at it again. His mantra is to put as much fear as possible into many vulnerable Australians, particularly those receiving some type of social security payment from the government. This is a constant pattern that the member for Lilley relishes, putting out this innuendo. I have to say this government has a very proud record when it comes to assisting people with disabilities or assisting people who are on carers allowance.

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Mr Swan—Is it true?

The SPEAKER—The member for Lilley is defying the chair.

Mr ANTHONY—It is interesting that the member expresses so much concern but the one area this government has been trying to reform is particularly to assist people on disability support pension, and every measure that we put up to the Senate is rejected by the member for Lilley and the Australian Labor Party. When it comes to carers allowance, it is this government that introduced carers allowance a number of years ago. We have a very proud record on it. As far as other measures are concerned, this government has no intention of cutting back welfare payments. Indeed, this government has been the one looking after the most vulnerable in this country.

Dr SOUTHCOTT (2.11 p.m.)—My question is addressed to the Minister for Foreign Affairs. Would the minister inform the House of the government’s response to proposals that Australia withdraw its troops from Iraq? Is the minister aware of any alternative views?

Mr DOWNER—First, I thank the honourable member for Boothby for his question. I know his interest reflects the interest in this issue that a lot of people in the electorate of Boothby have. At the end of last week I told my department that I would like them to be available to brief the Leader of the Opposition should he wish to be briefed on the issue of withdrawal of troops from Iraq. Not surprisingly—I do not suppose this will come as a shock to the House—we did not hear a word from the Leader of the Opposition, nor has he had the courtesy to acknowledge the letter I sent to him. If he had got himself briefed, he would understand why some of the commentators—in fact, I would say overwhelmingly the commentators who comment on Australian foreign policy and defence issues—have spent the weekend attacking the Leader of the Opposition. He is obviously not briefed. Professor Babbage, who sometimes criticises the government and sometimes takes the same view and is seen as a pretty independent commentator, made this comment:

In the wake of Madrid, words can be bullets. Any suggestion we are going to withdraw the troops before the job is done could give the impression Australia is weakening.
Of course, the impressions are the important thing here. It gives the impression of Australia cutting and running. Brigadier Jim Wallace, who I think has from time to time been quoted by members on the other side of the House, is quoted as saying:

... I am concerned it could make our people more vulnerable. It invites the terrorists to think they’ve had a victory.

I also attended a conference on Friday put on by AmCham in Adelaide and even Trevor Flugge, who had been a senior Australian representative in Iraq and responsible for agriculture policy in the early days of the CPA, said publicly it was too early for Australian troops to be withdrawn. The people who matter most of all in this debate are the Iraqi people, and the Iraqi people clearly do not support the withdrawal of troops either. In a recent BBC sponsored Oxford Research International poll, only 15 per cent of Iraqis wanted troops to go early. I think that is very significant.

The honourable member for Boothby asked whether there were any alternative policies. The fact is that in the course of the last week the Labor Party has had five that I have counted. I am not sure of the Prime Minister’s figure, but I have counted five different policies on the withdrawal of troops from Iraq. First of all, there was the original position of the member for Griffith. His position, which seemed to be the default position this time last week—that is, on Monday of last week—was that countries like Australia should put their shoulders to the wheel in order to build a new Iraq. Australia should put its shoulder to the wheel—that was the position of the Labor Party; we thought, on the basis of what the spokesman said last Monday. On Tuesday, out came the Leader of the Opposition’s new policy—there was no discussion with the shadow cabinet, and apparently he did not even brief the caucus—on 2UE, while he was talking to Mike Carl-

ton. By the way, this is the same policy that Bob Brown espoused in his 10-point plan for the new Leader of the Opposition, which is an interesting coincidence, because the Leader of the Opposition had been with him in the Styx forest just the week before. This was the policy that the troops ought to be out by the middle of the year but, in any case, if Labor were to win an election before the end of the year they would be home by Christmas.

Then there was the most extraordinary and bizarre series of events surrounding the Age newspaper on Saturday and Sunday. In the Age on Saturday, a spokeswoman for the Leader of the Opposition said that the Labor Party plans to pull all troops out of Iraq, but not HMAS Melbourne or the aircrews in the gulf, and it would reconsider the security detail protecting the Australian diplomats. That was a completely different position from the position that the Leader of the Opposition had been arguing earlier in the week. We were told that the HMAS Melbourne and the aircrews were going to remain and the security detail in Baghdad might remain as well, but the Leader of the Opposition said on the previous day:

... we are going to be much safer as a nation if we have our troops here instead of on the other side of the world.

What troops here? The briefing given to the Age was written up by a very reputable journalist who always checks her facts, if you know who I mean. According to this latest Labor policy, we need the air traffic controllers back here to make Australia a safer country. They are good people—there is no reflection on them—but we have 52,000 Australian Defence Force personnel here. To bring 60 or so air traffic controllers back is probably not going to make the difference between make or break for whether we survive as a nation. But this is the proposition we are all being expected to believe. Any-
way, that was the weekend position. This morning we had the member for Griffith again refining the position in relation to the troops in Baghdad, saying, ‘We’ll seek advice from the diplomatic security officer.’ We have pleaded with them to seek advice before rushing off at the mouth and making up all these policies as they go along. Get the briefings and understand what all these people in Iraq are actually doing.

I was collapsing from exhaustion after all of this. There was a constant change of policy—but then you always have to watch what they are saying. The Leader of the Opposition came out this morning in an interview and said something that I thought was even more remarkable in relation to his policy on Iraq. I am not sure what it is, because it is not clear. I think it is still ‘Bring everybody back by Christmas,’ but I am not sure. It is not a new development for the Labor Party. This has been Labor policy for 12 months. So the opposition spokesman on foreign affairs has been mouthing a completely different policy from the Labor policy of the last 12 months.

I was amused to find that on Wednesday, 31 March—that is this Wednesday—there is to be a seminar organised by the Parliamentary Library. Everybody in the House can go. The seminar is called ‘Iraq, Intervention and the Responsibility to Protect’. Here is the notice of the seminar. And who is to chair this seminar? None other than Mr Kevin Rudd, MP. Presumably it was more than 12 months ago that he agreed to chair this seminar. The policy chaos we are getting from the Labor Party here might be amusing for the parliament, but it is not amusing for the national interest, because this gets to the very heart of the credibility of the Leader of the Opposition and the capacity of somebody in that position to become the Prime Minister of this country. Somebody who makes up five policies on the run during the course of a week is not a person who is worthy of being the Prime Minister of this country.

Budget: Family and Community Services

Mr SWAN (2.20 p.m.)—My question without notice is directed to the Attorney-General, and it concerns the Minister for Family and Community Services’ leaked budget submission. Can the Attorney-General confirm whether his department was asked to provide advice on the legality of a plan to cut the disability pensions of 22,600 Australians while avoiding the need for legislative changes?

Mr RUDDOCK—It is not the practice of the Attorney to comment on matters of legal advice to the government. Any advice given, if it is given, is given to the government.

National Security: Terrorism

Mr McARTHUR (2.21 p.m.)—My question is addressed to the Minister for Foreign Affairs. Would the minister inform the House of the government’s proposal to prepare a white paper on terrorism? How has this reinforced measures the government has taken to protect Australia against a terrorist threat?

Mr DOWNER—First, I thank the honourable member for Corangamite for his question and for the interest he shows. My department has been working for some weeks now on the preparation of a white paper on the broader issue of terrorism. This work was well under way, by the way, before the Madrid bombing, but the Madrid bombing has highlighted the need to make sure that we do everything we possibly can to communicate these issues not just to the Australian community but, if I may say so, importantly to the broader international community.

The fact of the white paper is an important development. Its purposes will be to present Australia’s view—an authoritative view—of
the modern terrorist threat and, obviously, to explore the issue of how the government is responding internationally to this terrorist threat. It will examine why the audacity and magnitude of the contemporary terrorist threat presents a fundamental threat to Australia’s interests. This is not just something that affects one particular corner of the earth; this is something that affects the whole of the international community. It will explore the nature of the threat and the global dimensions and origins of it.

Importantly, it will explore the organisational proficiency, across national boundaries, of terrorist organisations and how and why these terrorist organisations deliberately target innocent people and have a quest for high human toll. It will outline how the threat is manifesting itself in our own region—the Asia-Pacific region—and what we are doing in our region to address that and how the region is working together to address it.

The war against terrorism, as the paper will make clear, is a global war and there has to be a global response. You cannot just shrink away into one corner of the earth and hope the problem will disappear. You have to be prepared to face this problem. You have to have the courage to address it and to deal with it and that has to be done on a global scale. We have to work together as an international community to do that and we have to work together as a regional community. The Asia-Pacific ministerial summit—cohosted by Hassan Wirajuda, the Indonesian foreign minister, and me in early February—is a very good illustration of what work is being done in the region to build cooperation on counter-terrorism. The white paper will address all of these issues and look for still further ways that we can enhance that international cooperation.

In conclusion to my answer to the honourable member’s question, one of the important things about the white paper is that it will be as authoritative a document as you will find in describing what drives the terrorists: what their true motives and true objectives are. It is very important, in terms of public debate not just in this country but around the world, that we have a clear and comprehensive and sophisticated understanding of what the issues at stake really are.

**Budget: Family and Community Services**

**Mr SWAN** (2.24 p.m.)—My question without notice is directed to the Prime Minister. My question to the Prime Minister concerns his comments yesterday on leaked proposals to adopt a single, work force age, social security payment. Prime Minister, is it the case that pension payments are some $75 per fortnight higher than allowance payments and that they are also indexed differently? Prime Minister, if you believe a single, work force age payment will not result in cuts to benefits, why has Senator Patterson in her leaked letter to you said that these cuts will be required to achieve future budget savings?

**The SPEAKER**—Before I recognise the Prime Minister, I point out to the member for Lilley—in order to be consistent with the deeply held concerns of the member for Lowe—that in both instances the use of the word ‘you’ was inappropriate.

**Mr HOWARD**—I remind the member for Lilley that the issue of a single payment was first canvassed by me about 2½ years ago. It was canvassed in the joint paper released by Senator Vanstone, the former Minister for Family and Community Services; and the Minister for Health and Ageing, the then Minister for Workplace Relations, at the end of 2002.

The principle here is a very good principle and it is based on a recommendation of the McClure report. Patrick McClure is one of
the most respected welfare leaders in this country. There are a couple of principles that underlie it. The first principle is that it is good to get people off welfare and back into work. That is the driving force of all of this. The second principle is that you can actually achieve that by altering some of the incentives in the system. Thirdly, you can do it without cutting anybody’s benefit. That is what I undertook to be the case. I repeated that undertaking yesterday. I simply say again to anybody who may be alarmed at this latest little exercise by the member for Lilley: we are not going to cut anybody’s benefit. But obviously, if you increase work force participation, you save money because people go off benefits and into the work force.

**Taxation: Reform**

Mr CAMERON THOMPSON (2.27 p.m.)—My question is to the Treasurer. Would the Treasurer outline to the House the benefits flowing to all Australians across the states and territories because of the Australian government’s tax reform initiatives?

Mr COSTELLO—I thank the honourable member for Blair for his question. I can inform the House that, when this government abolished wholesale sales tax and replaced it with a goods and services tax, one of the undertakings which we gave was that every single dollar raised by the goods and services tax would go to the various state governments around Australia: in Sydney, Melbourne, Brisbane, Adelaide, Perth, Hobart and the two territories.

On Friday of last week the eight Labor state and territory governments came to Canberra to divide among themselves the GST revenue, which in 2004-05 will amount to some $34 billion. For the sake of the House it is important that we outline what each of the states and governments is now receiving by way of GST revenue. The New South Wales government in the next financial year will receive $9,549 million under the GST revenue-sharing arrangement. Victoria will receive $7,078 million, Queensland will receive $7,098 million, Western Australia will receive $3,494 million, South Australia will receive $3,181 million and Tasmania will receive $1,395 million under the GST-sharing arrangement which was put in place by this government.

GST revenue now pays for every school-teacher in every classroom in every government school in Australia. It now pays the wages of all of the police on the beat in those eight Labor states and territories. Indeed, in this year there will be a bonus of $953 million to the eight Labor states and territories because this government put that arrangement in place.

As the GST raises additional revenue, none of it goes to the Commonwealth. All of it is received by the states. I think we pay it on a monthly basis to the eight Labor states and territories. That is 96 monthly payments a year, and this has been in place for about four years. That is about 400 payments we have made of GST revenue, and you know what? Not one state has yet refused to cash its monthly cheque—not on one occasion. The Australian Labor Party, which opposed these arrangements and is now the sole beneficiary in all the states and territories, has not on one occasion refused to cash its cheque. The other thing which I should disclose to the House is that not one of the Labor treasurers asked for the GST to be rolled back. There did not seem to be any interest in that policy at the ministerial council on Friday either.

There is one last thing I do want to say, because I think there has been a great deal of misinformation about this: no state in 2004-05 is receiving less money than it received in 2003-04—including the state of New South
Wales, which, when you take into account the GST to which it is entitled, plus the specific purpose payments that it is receiving as a result of other Commonwealth programs, is not worse off. It will be receiving an additional $188 million in 2004-05—an additional $111 million from GST and the remainder in specific purpose payments.

These were the big changes in Commonwealth-state financial relations. They were put in place by the coalition government. The Labor Party opposed them all the way. The Labor Party now try to take the benefit of them. All we ask the Labor Party to do is to be honest about—and to account to the people of Australia for—the benefits under which the states and territories are collectively receiving $34 billion of GST revenue.

**Social Welfare: Pensions and Benefits**

**Mr Swan** (2.32 p.m.)—My question without notice is directed to the Prime Minister and it follows his previous answer. Will the Prime Minister give a guarantee that if the Howard government is re-elected he will retain the existing indexation arrangements for payments to people with a disability, carers and single parents?

**Mr Howard**—We have absolutely no intention of reducing the generosity of indexation arrangements—none whatsoever. I might remind the member for Lilley, rhetorically of course, that I lead the government that actually indexed pensions to male total average weekly earnings, not average weekly ordinary time earnings. Do you know the difference—do you know the $8 billion difference—between the two of them? I think the member for Lilley does; maybe it is his leader who has difficulty comprehending the difference. We understand the difference; so do the pensioners of Australia. And I want to say to the pensioners and beneficiaries of Australia that we will continue to support them—we will continue the existing indexation arrangements—and we have no intention of taking away the indexation arrangements to sole pensioners either.

**Taxation: Reform**

**Ms Gambaro** (2.33 p.m.)—My question is addressed to the Treasurer. Would the Treasurer inform the House of further tax cuts resulting from last week’s meeting of federal and state treasurers? Has the Treasurer seen any alternative proposals on tax?

**Mr Costello**—I thank the honourable member for her question and I would like to inform her and the House that at the ministerial council on Friday—with the additional $953 million GST windfall this year, increasing in the next year, 2005-06—the Commonwealth demanded that each of the Labor states abolish the bank account debits tax from 1 July 2005. I can announce to the House that bank account debits tax will be erased in Australia from 1 July 2005, and that will be funded by the GST arrangements which this government put in place. That will be a tax cut to the people of Australia of around $1.2 billion, so that they will no longer be charged a tax when they take money out of their own bank accounts. This is the kind of tax reform which could not have occurred if this government had not changed Australia’s tax system and introduced a new tax system back in July 2000.

Having said that, I was extremely disappointed today to see that the New South Wales government, which is receiving an additional $188 million, has now announced that in its next budget it will be increasing taxes on the people of New South Wales. The Carr government is now reeling from a transport crisis: its trains are in chaos and its budget has run off the rails. What it has announced is that it will be introducing new taxes on the people of New South Wales, notwithstanding that this government will be
allocating an additional $188 million in 2004-05.

This got me thinking about the modus operandi of Labor governments. Was there any mention in last year’s state election that Premier Carr would be increasing taxes if he were re-elected? No, there was not. It is a little bit like the Scoresby Freeway—the modus operandi of the Bracks government. You write a letter to everybody telling them, ‘You’re getting a freeway,’ and then after the election you toll them every time they use it—some freeway, tolling the people of Victoria on the ladder of opportunity. Because Labor will not tell you the truth before an election, do not listen to what they say; look at what they do. That is what we always say about the Labor Party. I want to disclose to the House one other thing which I think is very important here. At the ministerial meeting last Friday there were eight Labor governments and one coalition government—

Ms Gillard—It’s enough to drive you to drink.

Mr COSTELLO—which apparently drives the member for Gellibrand to drink. I would advise her when she drinks not to swallow a contact lens.

The SPEAKER—Order! The Treasurer will not respond to interjections.

Mr COSTELLO—Under the intergovernmental agreement between the Commonwealth and the states which this government put in place, all you need to broaden the base of the GST or to raise the rate is unanimous agreement by the eight states and territories and the Commonwealth. If there had been one more Labor government—that is, nine Labor governments—you would have had a unanimous majority of nine at that council and, for the first and only time in Australian history, with coast-to-coast Labor governments, the Labor Party would have had the opportunity to increase the rate of the GST.

There was nobody at that ministerial finance council who asked for tax reductions, except for me on behalf of the Commonwealth. There were eight Labor states and territories who asked for additional spending and have now gone home to introduce increased taxes.

This is what gave meaning to another one of those airbrushed transcripts that the member for Werriwa has from occasion to occasion. This one was with Neil Mitchell on 19 March 2004. He was singing, with Neil Mitchell, of the joys that there would be in Australia if there were unanimous Labor governments throughout the country. He said, ‘There’s areas where federal and state can work together better and I think that cooperation is the way to go. I mean, one of the things you’d have to do is totally rearrange federal/state financial arrangements—open up the GST arrangement.’ That is what he said on 19 March 2004. Little did we know what he had in mind. But to the people of Australia I would say this: if you were to have those coast-to-coast Labor governments, including the Commonwealth, you would be able to open up the GST arrangement. It could be a unanimous agreement, the rate and the base could change. There was only one government interested in cutting taxes at the ministerial council on Friday. It was this government which got the commitment on the bank account debits tax. The Labor governments went home to increase taxes. Labor stands for higher taxes.

Fuel: Ethanol

Mr WINDSOR (2.40 p.m.)—My question is to the Prime Minister. The Prime Minister would be aware that the proponents of the ethanol industry require passage of the Energy Grants (Cleaner Fuels) Scheme Bill, in line with the Australian Democrats amendment in the Senate, to be able to proceed with their projects with some degree of certainty and confidence about the future.
Given that $300 million worth of private sector investment is on hold in northern New South Wales and southern Queensland alone, when will the government make a decision on this critical piece of legislation?

Mr HOWARD—Could I say, with respect, to the member for New England: the hold-up has not been us; it has been others. We are as desirous as anybody of having certainty. Let me say to the member for New England: we are desirous of having certainty, but the people who have, in the name of playing politics, delayed this belong in other parties than the Liberal and National parties.

Waterfront: Performance

Mr BALDWIN (2.41 p.m.)—My question is addressed to the Deputy Prime Minister and Minister for Transport and Regional Services. Would the Deputy Prime Minister advise the House of the latest figures on the efficiency of Australia’s wharves? Is the Deputy Prime Minister aware of any impediments to maintaining this performance?

Mr ANDERSON—I thank the honourable member for his question. The latest figures on our waterfront performance are very impressive indeed. The Bureau of Transport and Regional Economics will shortly release the latest edition of Waterline, now in its 10th year. It shows that over the six months from July to December last year we actually managed in this country record total cargo volumes—never before achieved—of 54.3 million tonnes, a truly astonishing level for a country and economy the size of Australia. At the same time, a record number of containers were moved: in 20-foot equivalent units, 2.114 million. Here is another amazing statistic: an astonishing 13 quarters in a row now has seen us exceed the target we set ourselves of 25 container movements an hour—13 consecutive quarters!—and during the December quarter of last year we managed 27.2. That is, I think, quite a remarkable performance, and all the more so when you think of the importance of exports to the Australian economy, with one in five jobs nationally being dependent on exports—and one in four in regional areas of Australia. That, of course, underlines the importance of us having efficient ports. A working waterfront, it needs to be recalled—and I think this is often forgotten, including, I have to say, regrettably, by some of the government’s own supporters—was seen as the litmus test of the government’s commitment to industrial relations reform and its effectiveness when we came to government eight years ago. We passed with flying colours. It is as simple as that.

In contrast, I am asked about impediments. Waterfront reform is an ongoing necessity in Australia. We have to compete with others around the world who are continually lifting their game. The impediment is easily found when you go back to the Labor Party’s response when we announced our target of 25 movements an hour. They said it could not be achieved in the Australian context. That is what they said. They had gone to sleep, with an average container movement in this country across our major ports of around 16 an hour, and they said—because the MUA said it—that it was impossible to go beyond that in the Australian context. What is the threat? It is very simple: the Labor Party, if ever elected to office, have made it quite plain that responsibility for the waterfront would go back to the MUA. That would be a great win for the MUA and the handful of members that it has—but at very great cost to the Australian economy and to the jobs that depend on an efficient waterfront.

Health and Ageing: Aged Care Facilities

Mr STEPHEN SMITH (2.44 p.m.)—My question is to the Minister for Ageing. I refer the minister to the announcement by the Sal-
vation Army last month that it is selling off 15 aged care facilities in which over 2,300 elderly people reside, with ongoing financial viability a significant factor in the decision. The Victorian Deaf Society announced last week that it has sold its Melbourne nursing homes because, in the words of the Chief Executive:

... we had experienced significant operating losses ... in recent years.

Don’t these sales reinforce independent analysis that the industry needs substantial extra funding just to meet operational deficits? When will the minister accept responsibility for the adverse financial impact that the Howard government’s policies have had on aged care?

Ms JULIE BISHOP—I thank the member for Perth for his question and for the opportunity to inform the House that funding in aged care has reached a record level under this government. When we came to government, funding across the aged care sector was some $3 billion. In just seven years that figure has increased by 100 per cent. Today, in the current 2003-04 budget, $6 billion is allocated to aged care—some $4.5 billion of that sum in the form of residential aged care subsidies and grants.

The Salvation Army announced that it planned to sell off, by competitive tender, a number of its aged care centres as continuing services. It was not proposing to close any homes; it was a planned sale as a result of the army’s decision to refocus its mission to the financially and socially disadvantaged people in the community. To suggest, as the member does, that the decision was based on a funding crisis of some sort flies in the face of the Salvation Army’s own statements. In fact, on 1 March this year, Major Colin Haggard of the Salvation Army of the eastern territories indicated—in fact, stated publicly—that the Salvation Army would be spending ‘quite a number of millions of dollars to bring all our aged care facilities in New South Wales and Queensland up to state of the art’. There is clearly confidence in the sector expressed by the Salvation Army in its desire to expend ‘quite a number of millions of dollars’ to bring the facilities up to state of the art.

There is confidence in the sector. An estimated $821 million worth of new building refurbishment extensions was completed by the end of the financial year 2003. A further $940 million worth of new work was in progress as at the end of June 2003. This government has also commissioned Professor Warren Hogan to consider the underlying cost pressures and the operating and capital requirements of the aged care sector. After a very thorough analysis of the industry, Professor Hogan has presented his recommendations to the government and they will be considered in the context of the 2004 budget.

Mr Stephen Smith—I seek leave to table notes provided by the Salvation Army entitled ‘Aged care facilities divestment process’, dated 12 February, and a media release from the Victorian Deaf Society, dated 19 March.

Leave granted.

Building and Construction Industry

Mr NEVILLE (2.48 p.m.)—My question is addressed to the Minister for Employment and Workplace Relations. Would the minister outline for the House the historic opportunity that Australia has to reform the building and construction industry? Is the minister aware of any impediments to such reform?

Mr ANDREWS—I thank the member for Hinkler for his question and inform him that last week I announced in the House that, a year after the Cole royal commission had tabled its report, the government is determined to do everything within its power to fix the lawlessness in the building and con-
structive industry which Commissioner Cole had found. Indeed, I tabled a report by the interim building industry task force which indicated quite clearly that the culture of thuggery, intimidation and illegal activity is still rife within the building and construction industry—something which we are determined to stop.

The report met with considerable acclaim by building industry bodies. The Western Australian Master Builders Association said, ‘The tabling today in federal parliament of the building industry task force report is damning confirmation that the culture of industrial relations lawlessness is still alive and well in the industry.’ It is for that reason that I announced the establishment of the building industry task force as a permanent body. It has undertaken, and is currently undertaking, some 15 matters before the courts in Australia. That is in addition to some 31 actions which are still with the state and territory governments around Australia, arising from Commissioner Cole’s confidential report. Examples of the lawlessness in the activities in the building construction industry are set out in a series of case studies in this report. For example, there is a case study of a subcontractor who, in order to be able to continue to work on a building site, was forced to pay $7,000 for seven CFMEU t-shirts—that is $1,000 per t-shirt—simply for a subcontractor to continue to work on a building site in Australia. There are other examples in the building industry task force report.

I am asked about impediments to reform by the member for Hinkler. The greatest impediment, of course, is the Labor union bosses—the financial controllers of the Australian Labor Party—who are implacably opposed to any reform. Western Australian militant union boss Kevin Reynolds said on Friday, ‘The creation of a permanent building enforcement body for the building industry won’t change the way the union operates.’ This is one of the most militant unions in Australia. In fact, the CFMEU statement of principles on their web site says that the CFMEU will respect Australian law unless they don’t agree with it. The law is clear cut. It ought to be respected by all.

The Leader of the Opposition has to make a decision. He has to make a choice: whether he is going to simply follow the money trail from the union bosses or whether he is going to stand up for jobs and stand up for cleaning up this industry in Australia. Just a couple of weeks ago we had further examples of the attitude of this union. A report in the Herald Sun in Melbourne on Saturday, 13 March, said that 15 left-wing unions, including the militant Construction, Forestry, Mining and Energy Union and the Electrical Trades Union, had walked out of a vote in the Trades Hall Council and that vote was to denounce violence and thuggery in industrial relations in Victoria. So here you have the CFMEU and the ETU walking out of a vote, and the vote was there to denounce thuggery and violence in the unions and the workplaces of Australia—in particular of Melbourne and Victoria.

It is no wonder that the Leader of the Opposition and the Labor Party will not stand up to this. The CFMEU alone donated $316,926 to the ALP last year, and since 1994-95 the CFMEU has donated over $3.6 million to the Australian Labor Party. There is a choice for the Leader of the Opposition: either support the government’s reforms in this regard or continue to have in place the violence, thuggery and intimidation that goes on in the building and construction industry, with the resultant loss of jobs for Australians.

Education: Training

Mr Latham (2.54 p.m.)—My question is to the minister for education. Does the minister concede that last Thursday he fabric-
cated information in question time, telling the House that constituents of mine in Green Valley had written to me concerning university and TAFE fees—

Mrs Bronwyn Bishop—Mr Speaker, I rise on a point of order. The standing orders clearly state that, if the honourable member opposite wants to make an imputation of a serious nature, as he just did, then it must be by way of a substantive motion and not by way of question time. I ask that it be ruled out of order.

The SPEAKER—Order! It is fair to say that, in the way in which questions should be framed, they should not contain imputations, and I felt that that was an inappropriate imputation. I did not require the Leader of the Opposition to resume his seat, but I did think he could have framed his question in a way not to have implied that the minister had in fact fabricated the answer he had given.

Honourable members interjecting—

The SPEAKER—Order! The minister has the right to respond; the Leader of the Opposition has the right to ask his question. There are rules for the way in which questions are framed, and I invite the Leader of the Opposition to reframe that question.

Mr LATHAM—Thank you, Mr Speaker. My question to the minister for education is: does the minister concede that last Thursday he provided untrue information in question time, telling the House that constituents of mine in Green Valley had written to me concerning university and TAFE fees—

The SPEAKER—Order! Can I indicate to the Leader of the Opposition that I am not seeking to deny him the question, but I would have thought it possible to frame the question in a way that said, for example: ‘Why did the minister claim in question time yesterday’—or something like that.

Mr McMullan—Mr Speaker, I rise on a point of order. Can I ask you to reflect upon the consequences of your ruling. Let me just say two things: firstly, it is not unparliamentary to say someone misled the parliament; it is only unparliamentary to say they deliberately did so. That is what requires a substantive motion. I could say the Prime Minister misled the parliament about the energy for fuels bill and that would be in order.

The SPEAKER—The member for Fraser will come to his point of order.

Mr McMullan—That is the first part of my point of order. Therefore, to say someone said something that was untrue, the word ‘fabricate’ could carry the implication of deliberate, but ‘untrue’ does not and therefore, in my view, does not in any way breach the standing orders. Secondly, Mr Speaker, your ruling carries the implication that it is not possible in the parliament to get up and challenge a minister as to whether the answer he gave was untrue. That clearly cannot be the intention and never has been the intention of the standing orders.

The SPEAKER—Order! The member for Fraser will be aware that, in the first instance, he did not have a point of order. I had at no stage in any of the exchanges with the Leader of the Opposition implied that he had in any way used the term ‘deliberately misled’, nor had I in any way ruled him out of order on that basis. Secondly, what the member for Fraser raises ignores standing order 144. The only requirement that I had sought of the Leader of the Opposition was to abide by standing order 144, which requires that questions should not contain, among other things, ‘arguments, inferences, imputations, ironical expressions or hypothetical matter.’ I had, I thought, also indicated a way in which the question could be framed so it did not contain any inferences or imputations. I had not ruled the question out of order. For that
reason, I do not believe the member for Fraser’s point of order was valid, and I call on the Leader of the Opposition.

Mr LATHAM—Okay, so ‘untrue’ is not allowed?

The SPEAKER—It is an imputation, and that is why it is inappropriate within a question.

Mr LATHAM—Just to clarify, Mr Speaker, are you asking me to change the wording yet again. Is that the point of your ruling?

The SPEAKER—I did not believe the term ‘untrue’ should be used in the form of a question.

Mr LATHAM—Thank you, Mr Speaker. My question is to the minister for education. Does he recall telling the House in question time last Thursday that constituents of mine in Green Valley had written to me concerning university and TAFE fees and that I had neglected their needs, referring them to the member for Macarthur? Does the minister now admit that this information was untrue—that the family does not exist, that the letter was never written and that the minister should now apologise for misleading the House?

The SPEAKER—I will recognise the minister. I indicated to the House that this was a matter that I would check at the end of the sitting on Thursday, and I did so. But I will call the Minister for Education, Science and Training.

Dr NELSON—I thank the Leader of the Opposition for the question. My question is to the minister for education. Does he recall telling the House in question time last Thursday that constituents of mine in Green Valley had written to me concerning university and TAFE fees and that I had neglected their needs, referring them to the member for Macarthur? Does the minister now admit that this information was untrue—that the family does not exist, that the letter was never written and that the minister should now apologise for misleading the House?

The SPEAKER—I will recognise the minister. I indicated to the House that this was a matter that I would check at the end of the sitting on Thursday, and I did so. But I will call the Minister for Education, Science and Training.

Dr NELSON—I thank the Leader of the Opposition for the question. The answers are yes, no and no. But the most important thing to do, as always, is to focus on the facts.

Opposition members interjecting—

The SPEAKER—The member for Prospect! The very foundation of this institution is the facility we all have for free speech. That means we sometimes need to listen to things we do not want to hear. That applies to the chair as well as to everybody else.

Dr NELSON—As always, it is important to focus on the facts. As the Hansard clearly says:

It is very interesting to see the way the Labor Party is approaching the issues of training in Australia and in particular the pricing of them. For example, the Labor Party is railing against the possibility that university graduates, when they have finished university, might have to pay up to 25 per cent more back through the tax system for their university education—

Ms King interjecting—

The SPEAKER—I warn the member for Ballarat!

Dr NELSON—It continues:

to which the taxpayer has contributed three-quarters of the cost, and not pay a cent back until they are earning $36,000 a year. And yet there is not a word being said about changes to TAFE fees. For TAFE, students have to pay at the gate. They cannot get into TAFE until they have paid their TAFE fees and paid them up front. More than a quarter of the students who attend TAFE throughout Australia come from the poorest socioeconomic status suburbs in the country.

So a family in Green Valley writes to the Leader of the Opposition—and has two children. The first wants to do economics at Sydney University and the family is concerned about the possibility that the student might pay back $20,000 through the tax system once they have had their university education and in the first year will earn at least $37,000—and the Leader of the Opposition says, ‘Get the member for Jagajaga out there. We have to campaign against this. There’s no way we want people training to be lawyers and doctors and economists paying any more for their education whilst the taxpayer is paying for three-quarters of it.’ For the brother of the student from Green Valley though who wants to go to the South West Institute of TAFE to do electrical engineering, a 188 per cent increase in fees that have to be paid up-front with a family credit card and an interest rate of 16 per cent—and what does the Leader of the Opposition do? Not a word. He says, ‘Go and see the member for Macarthur if
you want something done about that.’ The situation is so desperate for these families—
Clearly the point here is that the Labor Party have absolutely no interest whatsoever in some of the poorest families in the country who have to pay their TAFE fees up front. There is a 300 per cent increase in TAFE fees imposed by their Labor cousins in New South Wales—and not a word is said by the Labor Party about that. There is a 25 per cent increase in TAFE fees in the state of Victoria, thanks to the Bracks government, just before they announced a toll on the Scoresby Freeway—and not a word about that or about a 50 per cent increase in TAFE fees in South Australia. The Labor Party say they are driving a social justice truck, but they most certainly—the Leader of the Opposition in particular—could be accused of being hypocritical.

Ms Vamvakou interjecting—

The SPEAKER—The member for Stirling is absent from the House and, in her absence, her seat is being occupied by the member for Calwell. The member for Stirling is one who rarely interjects and never attracts the ire of the Speaker. The member for Calwell, if she seeks to adopt her seat, would do well to adopt her manners as well.

MINISTER FOR EDUCATION, SCIENCE AND TRAINING

Censure Motion

Mr LATHAM (Werriwa—Leader of the Opposition) (3.04 p.m.)—I move—

Honourable members interjecting—

The SPEAKER—I warn the member for Batman! The Leader of the Opposition has as much right to the call as anyone else in this House. He will be heard in silence.

Mr LATHAM—Mr Speaker, I move:

That so much of the standing and sessional orders be suspended as would prevent the Minister for Education, Science and Training from making a statement to:

(1) correct the public record following his misrepresentation on Thursday, 25 March in which he fabricated correspondence from a Green Valley constituent of the Leader of the Opposition; and

(2) apologise for misleading the House.

Mr Hockey—This is the biggest issue in the country, is it?

The SPEAKER—I warn the Minister for Small Business and Tourism!

Mr LATHAM—The first obligation of a minister is to tell the truth to the House of Representatives. The first obligation is to tell the truth. In this case, here is a minister who clearly fabricated a case from constituents in Green Valley—

Fran Bailey interjecting—

The SPEAKER—I warn the member for McEwen!

Mr LATHAM—a minister who tried to form some embarrassment for me with a case that never happened. When the minister was caught out and was asked to come forward and make his apology and withdrawal today, he did not even have the integrity to do it. He went further and repeated the fabrication. He repeated the fabrication, pretending in his own mind that these things actually happened. We know that they never happened. There was never a constituent in Green Valley who wrote to me and said that they had two children—

Mr Barresi interjecting—

The SPEAKER—I warn the member for Deakin!

Mr LATHAM—who said that one was doing economics at Sydney University, and who said that they had to pay back $20,000 through the tax system. Then he fabricated the idea that I said to this constituent, ‘Get the member for Jagajaga out there. We have to campaign against this.’ Then he further fabricated the case and said that the constitu-
ent had a brother from Green Valley who went to the South West Institute of TAFE to do electrical engineering and had to face a 188 per cent increase in fees. Then he further fabricated the case and said that I had neglected my constituents, said that they had to go and talk to the member for Macarthur. The hide of this minister—having totally invented a case, having totally misled the House of Representatives—

Mr Tuckey interjecting—

The SPEAKER—The member for O’Connor!

Mr Tuckey interjecting—

The SPEAKER—I warn the member for O’Connor!

Mr LATHAM—he turns around and says, ‘The situation is so desperate for these families’—a family that does not exist! The minister is nodding over here, oblivious to the truth and oblivious to reality. He is complaining about the desperation of a family that does not exist. And this is not the first time this government has done it. It is not the first time this government has fabricated the circumstances of a family in the Australian parliament. We can all remember the notorious case of the Wright family, when Senator Vanstone, as a former minister for education, totally made up the circumstances of a family—totally invented the circumstances of a family that just did not exist.

Surely the students and parents of Australia have the right to have a minister for education who actually tells the truth in the House of Representatives. If you were a student making up stuff in the classroom, you would be failed. If you were a university student inventing things at university, you would be thrown out of the course. Surely the Australian people have the right to have a minister for education who actually tells the truth, who uses factual case studies, who is in touch with reality in the House of Representatives.

The great shame of this is that this is the government that wants to lecture government schools about values. The Prime Minister sits on the sideline, a negative whingeing carping commentator, picking on government schools, saying that they need to have better values. The Prime Minister lectures government schools, saying that they need to have better values, yet he has a minister for education with no values at all, with no association with the truth and who is totally out of touch with reality; a minister for education who is willing to come into the House of Representatives and totally make up a case, totally invent information, to try to discredit the opposition and to make a political point, when he knows full well that that family does not exist.

The SPEAKER—Order! I remind the member for Wannon of standing order 58.

Mr LATHAM—What is more, the minister for education has had three or four days now to correct the public record. He was asked at the end of question time on Thursday to table the letter. There was no letter. It never existed. It was never written. There are no such constituents. And he said across the chamber to members opposite, ‘It’s a hypothetical case; it doesn’t exist.’ Having admitted that it is a hypothetical case, that it does not exist, when he is asked about it today in question time, what does the minister for education do?

Miss Jackie Kelly interjecting—

The SPEAKER—I warn the member for Lindsay!

Mr LATHAM—He comes up to the dispatch box and reads out the fabrication word for word—he reads out word for word the invention in his own mind. This is a minister with no association with the truth. Surely this parliament deserves better than a government
that refuses to tell the truth and refuses to own up and apologise when it is caught out.

I say to the minister for education that he should have more integrity than this. I say to the minister for education that he should simply own up. If there were a student in a classroom who was caught out fabricating material and the teacher said, ‘Come forward and give us your confession about what you’ve done,’ you would expect that student to do so and then learn from the error. If it happened in a university or a TAFE college—the places which, supposedly, these mythical constituents attend—you would expect them to own up to the truth.

The minister for education will have his reputation damaged around the country at a time when this government is trying to lectures schools about values. Every time the minister goes to a classroom or the Prime Minister sits on the floor in a classroom and wants to talk about values, surely people have the right to expect from this government the truth in the House of Representatives.

And this is a pattern from a government that is caught out time after time. We have had so many instances in this House of ministers who just will not tell the truth. We have had it from former Minister Tuckey. We have had the Prime Minister himself caught out in the ethanol scandal last year. We have had minister after minister caught out failing to tell the truth in the House of Representatives—so much so that, on this side of the House, we have ripped up the so-called ministerial code of conduct. We have ripped it up and thrown it away. It is absolutely worthless.

This government has so thoroughly debased the truth and reality in the House, and the Prime Minister is now willing to sit there and allow to go unchecked a minister who has fabricated a case, a minister who said across the chamber last Thursday that it was hypothetical, that there is no letter, that there are no such constituents. When asked about it today, he comes forward and reads out word for word the fabrication. How long does it take for the minister to get in touch with reality? One day? Perhaps he could have woken up on Friday and said to the media, ‘Look, I’ve been caught out; I’ve totally invented this case.’ He had Saturday and Sunday to think about it and here he is back in the House on Monday—four days later—and he still has not got in touch with reality and the truth. I think it is shameful for this government to be lecturing good people in the government school system about values of truth, honesty and integrity if the government itself will not display those things in question time in the House.

And it is a serious charge. It is a serious charge that the minister was trying to put onto me, as a representative in south-west Sydney—that is, that I had been fronted by constituents of mine from Green Valley, where I had grown up, and they had a case that needed action and I said to them, ‘Go away and talk to the member for Macarthur.’ I take that as a serious matter. When the minister for education suggests to me that I am neglecting people in Green Valley, where I had grown up, and they had a case that needed action and I said to them, ‘Go away and talk to the member for Macarthur.’ I take that as a serious matter. When the minister for education suggests to me that I am neglecting people in Green Valley, where I had grown up, and they had a case that needed action and I said to them, ‘Go away and talk to the member for Macarthur.’ I take that as a serious matter. When the minister for education suggests to me that I am neglecting people in Green Valley, that I am neglecting my constituents, and on top of that he tries to make a political point about education policy, that is a serious matter to which opposition members will always respond. We will always respond to allegations that we have neglected our constituents, just as the minister should now respond to the truth that he has been caught out in the House of Representatives.

There is no such case of a family in Green Valley with two children. There is no letter that has ever been written to me through my electorate office or any other place. There is no instance where I have said to them, ‘We’d better get the member for Jagajaga out to...
campaign on the university matter.’ There is no such case where I said on the TAFE matter, ‘You’d better go talk to the member for Macarthur.’ And then the minister for education, at the end of this fabrication, at the end of this invention, pleads to the House, ‘The situation is so desperate for these families.’

What sort of minister says there is desperation for families that do not exist, desperation for families that he knows have been totally invented and presented to the House as a fabrication?

This is a minister who wants to moralise about having a brave heart; a minister who wants to moralise time after time about his integrity. If this minister had a brave heart and a decent mind, he would apologise right now. He would apologise for the fabrication, for the misleading of the House, for the bad example it sets for students right around the country—

Mr Cameron Thompson—I withdraw.

Dr Nelson (Bradfield—Minister for Education, Science and Training) (3.15 p.m.)—The Leader of the Opposition has moved this suspension on a number of grounds. The first relates to the Hansard and, in particular, what I said in response to a question last Thursday. The second is the issue of fees and charges for Australian students, particularly the children of struggling families in universities and in TAFE. The third substantive issue which is raised by the Leader of the Opposition is his indignation, which leads him to call for an apology.

There are a number of issues to address. Firstly, I will not again repeat the Hansard, which I read in question time. But it is quite clear to any fair-minded person—and I thought it was actually quite obvious—that it is an illustrative case. The Leader of the Opposition himself, just to go further into this, did an economics degree, as I understand it, at the University of Sydney and comes from Green Valley. It is an illustrative case of the many families throughout Australia who are finding it very difficult to get their children into TAFE at the moment.

I would like to introduce the Labor Party to five people. The first two people I would like to introduce the Labor Party to are Ben Hope and Ben Daly. Ben Hope and Ben Daly appeared in the 10 March edition of the Australian newspaper. The Australian that day, under the heading ‘Head start through beer competition’, showed a photograph of two students having a beer at the Royal Hotel in Sydney. The article read:

MONEY for HECS or a holiday—which would you choose?
Patrons buy four Tooheys products, get their entry card stamped, then place it in a barrel for a draw at the end of April.

Students Ben Daly and Ben Hope were all for the initiative.

Mr Ripoll interjecting—

The SPEAKER—The member for Oxley is warned!

Dr NELSON—The article continued:

Mr Hope, 24, who has a $20,000 HECS debt for a science degree with honours, said the $5000 was a “fair bit of money to save.”

He went on to say:

“This is daunting, but the fact that it will get taken out of my pay does make a difference”.

“Most students like beer and they don’t like debt,” Mr Hope said. So what was the verdict—HECS or holiday? “I think I’d take the holiday as I have the rest of my life to pay off my HECS debt,” Mr Hope said. “I may as well go out and have fun now.”

Mr Daly agreed: “I would prefer to relax after all this study than pay off my debt and go into the work force.”

So there we have constituents in the Leader of the Opposition’s electorate. The Labor Party are out there campaigning—the member for Jagajaga in particular—against any changes to HECS in Australia, where the students pay it back once they have graduated, through the tax system, and where the taxpayers pay for three-quarters of their university education.

The SPEAKER—I remind the member for Shortland of standing order 58, precisely the same standing order that I reminded the member for Wannon of.

Ms Gillard—Mr Speaker, I rise on a point of order. The issue is relevance to the motion under debate. We are dealing with a suspension of standing orders. The minister is on completely extraneous matters.

The SPEAKER—This is a motion to suspend standing orders. The issues canvassed were a number of education issues. The minister is in order and has the call.

Dr NELSON—I would like to introduce the Labor Party to another three people. The Leader of the Opposition thinks this debate is about him and his own sensitivities, and he is trying to deliberately misrepresent what is clearly an illustrative example.

Honourable members interjecting—

The SPEAKER—I presume that members on my left would want me to apply the standing orders just as I applied them to members on my right. The minister will be heard in silence, as the Leader of the Opposition was.

Dr NELSON—But the issue is really about everyday Australians, people who are struggling to make ends meet and who feel that in many ways they have neither power nor influence and certainly no ability to attract the attention of the Labor Party in relation to issues that are important to them.

Mr Crean—They don’t exist!

The SPEAKER—The member for Hotham is warned!

Dr NELSON—The next three people I will introduce the Labor Party to are Amy Hans and her two children, Lara and Jarrod. She has a third child, who has a disability, and a husband who earns $36,000 a year.

Ms Macklin—Mr Speaker, I rise on a point of order. I draw your attention to the terms of the suspension. It is about correcting the public record—

The SPEAKER—The member for Jagajaga will resume her seat! It is a frivolous point of order. The minister has the call.
Dr NELSON—Amy Hans is doing a diploma of youth work at the Shellharbour campus of TAFE. She has three children. One of those children has a disability. Her husband earns $36,000 a year.

Ms Roxon interjecting—

The SPEAKER—I warn the member for Gellibrand!

Dr NELSON—That is the repayment threshold for HECS under this government. So her husband earns $36,000 a year, and she is trying to do a diploma in youth work at the Shellharbour campus of TAFE.

Mr Adams—is she real or what?

The SPEAKER—I warn the member for Lyons!

Dr NELSON—The New South Wales Labor government has increased her TAFE fees from $710 to $1,038. That is close to a 43 or 44 per cent increase. That may not seem like much to the Labor Party and the Leader of the Opposition, who are giving absolutely no support to the families of young people trying to get into TAFE. Not a word has been said in opposition to these changes imposed by the New South Wales Labor government. Amy Hans’s husband will have to work for three days just to pay the increase. There is no HECS there. Amy Hans did a bit of research, to her great credit—The introduction of new TAFE administration fees research report: the full impact on students. The introduction states:

Our survey results show us of the 54 participants of the 102 students in the welfare faculty of the Shell Harbour TAFE campus, 45 per cent have only completed year 10 level of study at high school. A further 17 per cent have not achieved this level. This clearly shows TAFE is a second chance for many individuals. This is a deterrent for any mother or carer who has limited availability for commitment to further education or for those who are working part time and bettering their employment prospects through part-time training.

The conclusion of the study, which I will table, is that the majority of students will not complete their tertiary studies because of the financial hardship these changes will impose. The fact is that the Labor Party have a preoccupation with people training to be doctors, lawyers, dentists, vets, economists and scientists and with sending the member for Jagajaga out to universities to run barbecues funded by student unions with compulsorily acquired fees. That is their priority. There has not been a word from any of the Labor people—they may laugh—about an average 95 per cent increase in TAFE fees in the state of New South Wales. There could be up to a 300 per cent increase.

How are these students going to get access to TAFE? Does the Leader of the Opposition understand that families in New South Wales, including the electorate of Werriwa, are having to use credit cards to pay TAFE fees up front? If he does not believe that, he ought to have a meeting with the New South Wales Teachers Federation and the union which represents the leaders of TAFE. The reality is that with the Labor Party, as the Treasurer has pointed out, it is not what they say—they say they are driving a social justice truck—but it is what they actually do.

If the Labor Party want to apologise to anybody, they should apologise to these families for not standing up for them. Secondly, they should apologise to the taxpayers and the workers for the $36 million being screwed out of Centenary House here in Canberra. We would like to hear an apology to a certain taxi driver in Sydney. Most importantly, they should apologise to families and businesses destroyed in the recession we apparently had to have for home mortgage interest rates of more than 17½ per cent and business interest rates of 23 per cent.

Mr Sidebottom—Come on, Brendan, sit down. You’re a joke.
The SPEAKER—I warn the member for Braddon!

Dr NELSON—When the Labor Party apologise for that kind of thing, they might start to have a little bit of credibility.

The SPEAKER—I point out to the minister that, strictly speaking, under the standing orders, because there is a motion to suspend standing orders before the House, he requires leave to table the material he presented as the minister. Is leave granted?

Leave granted.

Ms MACKLIN (Jagajaga) (3.25 p.m.)—All the Minister for Education, Science and Training can do is sit there and laugh, because there is no family from Green Valley. There has not been a word from this minister about any family from Green Valley. Did he try to defend himself at all today? Not once did he say that he had been telling the truth last Thursday, not once did he talk about a family from Green Valley and not once did he try to produce a letter that showed that what he was talking about had anything to do with the truth.

What this minister has done in the last week or so is send out a framework for values in education for Australian schools and—surprise, surprise!—value 8 that he has distributed to Australian schools is nothing less than honesty. Obviously members of the government have no desire to follow through on this value. If the minister for education expects to see honesty pursued by students and teachers in our schools then you would think that we might see it in the House of Representatives. He says:

Honesty (Being truthful and sincere—

he has not bothered to try and find or express the truth, because there is no letter and there is no family—

requiring truth from others—

I think the children of Australia should expect the minister for education to be truthful—

and ensuring consistency between words and deeds).

We have heard the words in here, Minister, but we certainly have not seen anything that follows it up. There is no letter and no family, just a complete fabrication by the minister for education.

I do not know why we would bother looking at the ministerial code of conduct, because we know that this Prime Minister, and clearly this minister for education, take no notice of it. The ministerial code of conduct first and foremost says, ‘Ministers must be honest in their public dealings ... They must be honest when they are talking to the people of Australia here in the House of Representatives. When the minister comes in and tells a story about a family in Green Valley coming to the Leader of the Opposition, he should tell the truth. If he does not have any evidence of such a family, he should come to the dispatch box and make it plain that he has no evidence of such a family. Otherwise, he should apologise to the House for misleading the parliament. We know, of course, this minister has form. He has extraordinary form when it comes to telling the truth.

The most famous incident was back in the 1990s, when this minister said he had never voted Liberal in his life. He certainly got pinged for that one. He is getting pinged for this one as well. We happen to have a real story about a Macarthur constituent, which the minister might like to listen to. This constituent rang wanting to get a veterans card. He had approached Pat Farmer, the member for Macarthur, but he had been no help. The
Leader of the Opposition’s office asked Senator Stevens, who is the Labor duty senator for Macarthur, to help. She took up the case in June 2002. In March 2003 the constituent wrote back to the Leader of the Opposition to thank him for all his help and to say that he had received a veterans card. This is a true story involving the member for Macarthur and the Leader of the Opposition. Minister, if you want to come in here and tell stories, it is a good idea to have a few facts behind you.

The SPEAKER—Order! The time allotted for the debate has expired.

Question put:

That the motion (Mr Latham’s) be agreed to.

The House divided. [3.34 p.m.]

(The Speaker—Mr Neil Andrew)

Ayes……….. 59

Noes………… 77

Majority……… 18

AYES

Adams, D.G.H. Albanese, A.N.
Brereton, L.J. Burke, A.E.
Byrne, A.M. Corcoran, A.K.
Cox, D.A. Cream, S.F.
Crossio, J.A. Danby, M.*
Edwards, G.J. Emerson, C.A.
Evans, M.J. Ferguson, L.D.T.
Ferguson, M.J. Fitzgibbon, J.A.
George, J. Gibbons, S.W.
Gillard, J.E. Grierson, S.J.
Griffin, A.P. Hoare, K.J.
Hatton, M.J. Hall, J.G.
Irwin, J. Jackson, S.M.
Jenkins, H.A. Kerr, D.J.C.
King, C.F. Latham, M.W.
Lawrence, C.M. Livermore, K.F.
Macklin, J.L. McClelland, R.B.
McLeay, L.B. McMullan, R.F.
Melham, D. Mossfield, F.W.
Murphy, J.P. O’Byrne, M.A.
O’Connor, B.P. O’Connor, G.M.
Plibesek, T. Price, L.R.S.
Quick, H.V.* Ripoll, B.F.
Roxon, N.L. Rudd, K.M.

NOES

Abbott, A.J. Anderson, J.D.
Andrews, K.J. Anthony, L.J.
Bailey, F.E. Baird, B.G.
Baldwin, R.C. Barresi, P.A.
Bartlett, K.J. Billson, B.F.
Bishop, B.K. Bishop, J.I.
Brough, M.T. Cadman, A.G.
Cameron, R.A. Causley, I.R.
Charles, R.E. Ciobo, S.M.
Cobb, J.K. Costello, P.H.
Downer, A.J.G. Dutton, P.C.
Elson, K.S. Farmer, P.F.
Forrest, J.A.* Gambaro, T.
Gash, J. Georgiou, P.
Haase, B.W. Hardgrave, G.D.
Hartley, L. Hawker, D.P.M.
Hockey, J.B. Howard, J.W.
Hunt, G.A. Johnson, M.A.
Jull, D.F. Kelly, D.M.
Kelly, J.M. Kemp, D.A.
King, P.E. Ley, S.P.
Lindsay, P.J. Lloyd, J.E.
Macfarlane, I.E. May, M.A.
McArthur, S.* McGauran, P.J.
Moylan, J. E. Nairn, G. R.
Nelson, B.J. Neville, P.C.
Panopoulos, S. Pearce, C.J.
Prosser, G.D. Pyne, C.
Randall, D.J. Ruddock, P.M.
Schultz, A. Scott, B.C.
Secker, P.D. Slipper, P.N.
Smith, A.D.H. Somlyay, A.M.
Southcott, A.J. Stone, S.N.
Thompson, C.P. Ticehurst, K.V.
Tollner, D.W. Truss, W.E.
Tuckey, C.W. Vaile, M.A.J.
Vale, D.S. Wakelin, B.H.
Washor, M.J. Williams, D.R.
Worth, P.M. * denotes teller

Question negatived.

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

The SPEAKER—I will recognise the Treasurer, though it is unusual, but we are only taking up private members’ business, so if the House will accommodate me I will recognise the Treasurer.

Mr COSTELLO (Higgins—Treasurer) (3.37 p.m.)—Mr Speaker, when I was giving an answer earlier there was an interjection from the Manager of Opposition Business which I acknowledged, but I wrongly described her as the member for Gellibrand. She is in fact the member for Lalor. My apologies to the member for Gellibrand in those circumstances, who does not drink contact lenses.

The SPEAKER—The Treasurer has indicated where the member for Gellibrand was misrepresented.

Mr TUCKEY (O’Connor) (3.38 p.m.)—Mr Speaker, I seek leave to make a personal explanation.

The SPEAKER—Does the member for O’Connor claim to have been misrepresented?

Mr TUCKEY—I do, Mr Speaker.

The SPEAKER—The member for O’Connor may proceed.

Mr TUCKEY—During his censure motion the Leader of the Opposition stated that I had misled the House as a minister. I presume this statement related to an opposition question regarding my writing of a letter on behalf of my son to a South Australian minister with regard to the imposition of a fine in that state for an offence that did not exist in the state of Western Australia. When the question was asked of me, I admitted both to its authorship and that it was written on behalf of my son, as stated in the letter. I cannot see consequently that that could be categorised as misleading the House. Furthermore, on the issue of a reference to ‘constituent’, that can be defined from the dictionary as a supporter, and I can assure the House—

The SPEAKER—The member for O’Connor has indicated where he was misrepresented.

Mr PRICE (Chifley) (3.39 p.m.)—Mr Speaker, I seek leave to make a personal explanation.

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

Mr PRICE—I do, Mr Speaker.

The SPEAKER—The member for Chifley may proceed.

Mr PRICE—in the debate for the suspension of standing orders on honesty and telling the truth by the Minister for Education, Science and Training, in his contribution he said no member on this side had spoken about the increase in TAFE fees. I refer the minister to the speech I made on the sex discrimination amendment bill. I said this—I said a lot more but I will be brief:

Yes, the state government increasing fees—

The SPEAKER—The member for Chifley has dealt with the intention of the misrepresentation. He is aware that under a matter of personal explanation he has to indicate where he has personally been misrepresented. This is not a case of someone having singled him out for identification; it is a case of the group of members in the Labor Party having been singled out. I have allowed him to indicate that in fact he had been misrepresented, which is more generous than the standing orders provide.

Mr PRICE—Thank you, Mr Speaker. Can I just point out that it was not a generic description. He said ‘no member on the Labor side’, and I am a member on the Labor side.

The SPEAKER—I am well aware of what he said, and for that reason I had al-
lowed the member for Chifley to continue thus far, which is more generous than I ought to have been. He has indicated that he has in fact participated in a debate, and I believe the matter should be concluded.

PETITIONS

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

Human Rights: Falun Gong

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

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

a) Falun Gong (also known as Falun Dafa) - a practice of meditation and exercises with teachings based on the universal principle of “Truthfulness-Compassion-Tolerance”, practised in over 60 countries worldwide and having roots in traditional Chinese culture - has been subject to a systematic campaign of eradication in China since July 1999;

b) The Falun Dafa Information Center has verified details of 890 deaths (as at 25/12/2004) since the persecution of Falun Gong in China began in 1999. In October 2001, however, Government officials inside China reported that the actual death toll was well over 1,600. Expert sources now estimate that figure to be much higher. Hundreds of thousands have been detained, with more than 100,000 being sentenced to forced labour camps, typically without trial;

c) The implementation of this policy of eradication violates the Constitution of the People’s Republic of China, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights which China has signed, the Convention Against Torture and the Convention on the Prevention and Punishment of the Crime of Genocide, both of which China has signed and ratified; and

d) Australia is the elected Chair of the United Nations Commission on Human Rights for 2004 and the Commission will convene on 15 March 2004.

Your petitioners therefore request the house to initiate a resolution to condemn China’s persecution of Falun Gong at the United Nations Commission on Human Rights and request China to:

I. Unconditionally release all Falun Gong practitioners imprisoned for their spiritual beliefs, including those family members of Australian citizens and residents currently detained;

II. Allow unrestricted access into China to the United Nations rapporteur on torture in order to carry out independent, third-party investigations on the persecution of Falun Gong practitioners.

by Mr Albanese (from 260 citizens)
by Mr Bartlett (from 38 citizens)
by Ms Burke (from 47 citizens)
by Mr Byrne (from 187 citizens)
by Ms Corcoran (from 175 citizens)
by Mr Georgiou (from 4 citizens)
by Ms Hall (from 70 citizens)
by Mr Hockey (from 1,053 citizens)
by Mr Howard (from 328 citizens)
by Mr Hunt (from 30 citizens)
by Mrs Irwin (from 146 citizens)
by Dr Kemp (from 37 citizens)
by Mr Ian Macfarlane (from 200 citizens)
by Mr Leo McLeay (from 125 citizens)
by Mr McMullan (from 322 citizens)
by Mr Melham (from 416 citizens)
by Mr Murphy (from 748 citizens)
by Mr Organ (from 265 citizens)
by Mr Anthony Smith (from 45 citizens)
by Mr Somlyay (from 123 citizens)
by Mr Tanner (from 759 citizens)
Human Rights: Falun Gong

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

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

a) Falun Gong (also known as Falun Dafa) a practice of meditation and exercises with teachings based on the universal principle of Truthfulness-Compassion-Tolerance practised in over 60 countries worldwide and having roots in traditional Chinese culture - has been subject to a systematic campaign of eradication in China since July 1999;

b) The Falun Dafa Information Center has verified details of 890 deaths (as at 25/12/2004) since the persecution of Falun Gong in China began in 1999. In October 2001, however, Government officials inside China reported that the actual death toll was well over 1,600. Expert sources now estimate that figure to be much higher. Hundreds of thousands have been detained, with more than 100,000 being sentenced to forced labour camps, typically without trial;

c) The implementation of this policy of eradication violates the Constitution of the People's Republic of China, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights which China has signed, the Convention Against Torture and the Convention on the Prevention and Punishment of the Crime of Genocide, both of which China has signed and ratified;

d) Australia is the elected Chair of the United Nations Commission on Human Rights for 2004 and the Commission will convene on 15 March 2004.

Your petitioners therefore request the house to initiate a resolution to condemn China's persecution of Falun Gong at the United Nations commission on human rights and request China to:

I. Unconditionally release all Falun Gong practitioners imprisoned for their beliefs, including those family members of Australian citizens and residents currently detained;

II. Allow unrestricted access into China to the United Nations rapporteur on torture in order to carry out independent, third-party investigations on the persecution of Falun Gong practitioners.

by Mr Billson (from 144 citizens)
by Mr Charles (from 96 citizens)
by Mr Crean (from 74 citizens)
by Mr Danby (from 117 citizens)
by Mr Griffin (from 92 citizens)

Human Rights: Falun Gong

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

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

- China's policy of eradicating Falun Gong violates the Constitution of the People's Republic of China, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention Against Torture and the Convention on the Prevention and Punishment of the Crime of Genocide, and
- Australia is the elected Chair of the United Nations Commission on Human Rights for 2004 and
- The Commission will convene on 15 March 2004.

Your petitioners therefore request the house to initiate a resolution to condemn China's persecution of Falun Gong at the United Nations commission on human rights, and request China to:

I. Unconditionally release all Falun Gong practitioners imprisoned for their beliefs, including those family members of Australian citizens and residents;

II. Allow unrestricted access into China to the United Nations rapporteur on torture to carry out independent investigations on the persecution of Falun Gong practitioners.

by Mr Andren (from 279 citizens)
by Mr Cadman (from 103 citizens)
by Mr Farmer (from 248 citizens)
Human Rights: Falun Gong

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

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

- China’s policy of eradicating Falun Gong violates the Constitution of the People’s Republic of China, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention Against Torture and the Convention on the Prevention and Punishment of the Crime of Genocide, and

- Australia is the elected Chair of the United Nations Commission on Human Rights for 2004 and the Commission will convene on 15 March 2004

- The Falun Dafa Information Center has verified details of 890 deaths (as at 25/12/2004) since the persecution of Falun Gong in China began in 1999. In October 2001, however, Government officials inside China reported that the actual death toll was well over 1,600. Expert sources now estimate that figure to be much higher. Hundreds of thousands have been detained, with more than 100,000 being sentenced to forced labour camps, typically without trial;

Your petitioners therefore request the house to initiate a resolution to condemn China’s persecution of Falun Gong at the United Nations commission on human rights, and request China to:

I. Unconditionally release all Falun Gong practitioners imprisoned for their beliefs, including those family members of Australian citizens and residents;

II. Allow unrestricted access into China the United Nations rapporteur on torture to carry out independent investigations on the persecution of Falun Gong practitioners.

by Mr Laurie Ferguson (from 76 citizens)
by Mrs Irwin (from 29 citizens)
by Miss Jackie Kelly (from 180 citizens)
by Ms Ley (from 108 citizens)
by Mr Mossfield (from 105 citizens)
by Mrs Vale (from 148 citizens)

Australian Defence Forces: Medal

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

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

That a citizen who serves to defend the country does so with the highest patriotic motives in mind. They know they could be called to serve in war and lay down their life. After that commitment they may leave the service without any tangible recognition being given to them. Unless a member receives a medal for overseas service their first chance of gaining a medal is for long service after 15 years service, if the member serves that long.

The medal sought is not for service in the sense of long service but more for the individual who makes a commitment to serve the Nation.

Your Petitioners pray that the House will institute a medal for two years full-time or part-time service in the Australian Defence Force from 1 January 1946 to the present and future servicemen and women who serve and protect our Nation.

by Mr Anthony (from 200 citizens)
by Mr Fitzgibbon (from 7 citizens)
by Miss Jackie Kelly (from 228 citizens)
by Mr Melham (from 35 citizens)

Political Party: Donations

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

This Petition of certain citizens of Australia states that:

Each year, an estimated 19,000 Australians die from smoking-related illnesses. In dollar terms the annual health cost of smoking is put at $21 billion (Source: Counting the cost: Estimates of the social cost of drug abuse in Australia 1998-99). A Private Members Bill, presented in Parliament by Denison MHR, Duncan Kerr and seconded by the Liberal Member for Moore, Dr Mal Washer proposes it be made a condition of eligi-
ability to receive public funding under the Electoral Act that a political party refuse donations from the tobacco industry. This Bill presents an opportunity to end the embarrassment and awkwardness associated with taking tobacco money, while administering anti-tobacco advertising laws and health budgets which allocate taxpayer dollars to dealing with the consequences of tobacco-related illness.

Your petitioners pray that the House will pass the Bill, thereby making a condition of eligibility to receive public funding under the Electoral Act that a political party does not accept donations from the tobacco industry.

by Mr Bevis (from 16 citizens)
by Mr Stephen Smith (from 37 citizens)

Australian Securities and Investments Commission: NRMA Ltd

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

The petition of certain residents of the State of New South Wales who are members of National Roads & Motorists’ Association Limited (“NRMA”), draws to the attention of the House the representations made in the Information Memorandum issued to members of the NRMA prior to the demutualisation of NRMA Insurance in 2000, being:

- NRMA will be in a strong financial position after the Proposal is implemented
- Road service membership fees will not increase as a consequence of the Proposal
- The Proposal is designed to allow membership fees to be maintained without increase until 30 June 2001. Thereafter, it is expected that fees will be increased using the Consumer Price Index as a guide
- Existing road service benefits can be maintained
- The Proposal is also designed to allow current road and related motoring services and service levels to be maintained, if not improved

In the past year, NRMA has reported financial losses of over $51 million, and is currently implementing membership fee increases of over 40%, while at the same time reducing member services.

Your petitioners therefore ask the House to request the Minister responsible for the Australian Securities and Investments Commission (“ASIC”) to have ASIC conduct an investigation forthwith into whether or not the said representations were false, misleading and/or deceptive, in contravention of the Trade Practices Act, the Corporations Act, the ASIC Act or any other law, and if so, to take all remedial action necessary to make good the said representations.

by Mr Andren (from 74 citizens)

Medicare Services: Casey

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

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

- That the City of Casey is the fastest growing municipality in the State with a population of 201,607 persons;
- That Medicare is a valued service of the community and the ability to access this service is vital for all people within the City of Casey;
- There is no Medicare office within the boundaries of the municipality;
- The nearest Medicare offices for persons within the City of Casey are in Knox, Dandenong and Warragul;
- That the residents of Cranbourne require a Medicare office within the Cranbourne Park Shopping Centre.

Your petitioners believe that the lack of a Medicare branch within Cranbourne has resulted in Cranbourne residents being deprived of this important and vital service. We therefore pray that the House will immediately consider a Medicare office for the Cranbourne Park Shopping Centre.

by Mr Byrne (from 4,734 citizens)

Medicare: Bulk-Billing

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

The petition of the undersigned shows that we reject the Howard Government’s proposed
changes to Medicare. Under the changes many more families will not be able to access bulk billing and doctors fees will increase for these visits. Since the election of the Howard Government in 1996 the rate of bulk billing in Victoria has declined by 16%. We therefore request that the House takes urgent steps to restore bulk billing by general practitioners and reject John Howard’s plan to end universal bulk billing.

by Ms Corcoran (from 70 citizens)

Medicare: Bulk-Billing

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

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

• That the rate of bulk billing by GPs has fallen by 11% since 1996 and is now in serious decline;
• That this year 10 million fewer GP visits were bulk billed than in 1996;
• That the average out-of-pocket cost to see a GP who does not bulk bill has gone up by 55% since 1996 to $12.78 today;
• That public hospitals are now under greater pressure because people are finding it harder to see bulk billing doctors.

We therefore pray that the House takes urgent steps to restore bulk billing by general practitioners so that all Australians have access to the health care they need.

by Ms Corcoran (from 53 citizens)

Immigration: Asylum Seekers

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

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

‘That this Synod regrets the Government’s adoption of procedures for certain people seeking political asylum in Australia which exclude them from all public income support while withholding permission to work, thereby creating a group of beggars dependent on the Churches and charities for food and the necessities of life;

and calls upon the Federal government to review such procedures immediately and remove all practices which are manifestly inhuman and in some cases in contravention of our national obligations as a signatory of the UN Covenant on Civil and Political Rights.’

We, therefore, the individual, undersigned attendees at the Anglican Church at St Barnabas, Sea- ford and St Aidan’s, Carrum VIC, petition the House of Representatives in support of the above mentioned Motion.

AND we, as in duty bound, will ever pray.

by Ms Corcoran (from 17 citizens)

Health: Pneumococcal Vaccine

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

The undersigned petitioners wish to draw to the attention of the House that the innocent babies of Australia need the vaccine for Pneumococcal Bacteria to protect them from the devastating effects of this virus. These include disablement, vision impairment, hearing impairment, developmental delays and loss of fingers and toes through Septicaemia and or death. The vaccine costs $144.45 per shot and babies need 3 shots to immunise them against this virus.

We therefore pray that the House takes steps to ensure that the Government will change its mind and fund this immunisation.

by Dr Emerson (from 88 citizens)

Middle East: Israeli-Palestinian Conflict

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

The petition of certain citizens of Australia points out to the House the Israeli government’s construction of the so-called security wall inside the West Bank. Your petitioners state that:

1. the wall separates tens of thousands of Palestinians from their families, neighbours, employment, schools, hospital, water resources and land;
2. the wall continues Israel’s illegal annexation of Palestinian land;
3. the real purpose of the wall is to force Palestinians from their homes and land by making their lives unbearable and to prevent the establishment of a viable and independent Palestinian state in the West Bank and Gaza Strip.
Your petitioners therefore ask the House to call upon the government of Israel to immediately cease construction of the wall and to negotiate a just peace with the Palestinians.

by Mrs Irwin (from 540 citizens)

Health: MRI Machines

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

The petition of certain residents of the State of New South Wales draws to the attention of the House the refusal by the Federal Government to license a Magnetic Resonance Imaging (MRI) facility at the Concord Repatriation and General Hospital denies equitable access to vital health services for cancer, heart, orthopaedic, burns and MS patients.

Despite a commitment by the NSW Government to purchase a MRI machine, Concord Hospital remains the only teaching hospital in Sydney not approved to provide MRI diagnostic services via the Medicare system. This means Concord’s frailst patients are unable to locally access vital diagnostic services.

Your petitioners request the House to protect the public’s interest and provide equitable access to the Medicare system for inner western Sydney residents by licensing MRI diagnostic services at the Concord Repatriation and General Hospital.

by Mr Murphy (from 2,176 citizens)

Telecommunications: Mobile Phone Towers

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

This petition of certain citizens of Australia draws to the attention of the House the threat to the public interest and health from the failure of the Telecommunications Code of Practice 1997 to include a requirement for all telecommunications carriers to properly notify nearby residents and small businesses of the installation of the proposed mobile phone base station at 97 Majors Bay Road, Concord NSW.

We believe the description of the proposed base station at 97 Majors Bay Road, Concord NSW as described by Connell Wagner Pty Limited (A.B.N. 54 005 139 873) on behalf of their client Optus, is insufficient to describe whether the station falls within the definition of ‘low impact facility’ within the meaning of the Telecommunications (Low Impact Facilities) Determination 1997.

We believe Optus can place no reliance on the said Determination in seeking to construct the base station. We say that there is no evidence that the proposed base station complies with the Determination.

Your petitioners therefore respectfully request that the House protect public interest and health and that activity to construct the said base station be halted until it is established the base station poses no risk of harm to the public or otherwise breaches the Determination.

by Mr Murphy (from 47 citizens)

Petitions received.

PRIVATE MEMBERS’ BUSINESS

World Health Assembly: Taiwan

Mr BILLSON (Dunkley) (3.44 p.m.)—I move:

That this House:

(1) recognises:

(a) Taiwan is a thriving democracy of 23 million people, with a world-class health-care system that has contributed to one of the highest life expectancy in Asia, very low maternal and infant mortality rates, successful disease eradication and preventative health programs; and

(b) Taiwan’s strong commitment to international health security through provision of aid funding and expertise to developing countries in the form of permanent medical assistance programs and emergency response medical teams;

(2) notes that:

(a) the experience of SARS in 2003 shows the vital importance of seamless global coordination in responding to international health emergencies;
Taiwan’s containment and management efforts during the SARS epidemic in 2003 were severely hampered by its inability to access the expertise and coordination of the WHO, including the WHO’s Global Outbreak Alert and Response Network (GOARN);

the World Health Assembly’s Rules of Procedure formally allow, through several mechanisms, for the participation of observers, as distinct from states, in the activities of the organization without involving issues of sovereignty as evidenced by the role of current observers including Palestine, the Holy See, the Order of Malta, and the International Red Cross and Red Crescent;

support for Taiwan’s previous bids has come from many other governments, including the US, in the May 2003 Summit of the World Health Assembly in Geneva;

there is considerable public support of Taiwan’s participation in the WHO from major professional medical organizations; and

last year a private Members’ motion was moved in the Australian House of Representatives, supporting Taiwan in its 2003 bid to gain observer status in the WHA; and

Taiwan’s case before the WHA, a specialised health agency of the UN, based on scientific, humanitarian, and health security considerations; and

Taiwan’s participation in the WHA as an Observer, allowing it as a health entity to contribute further to the international community, bringing its population of 23 million to within WHO protection against future health emergencies of the type of SARS.

Today I seek this parliament’s support for Taiwan’s bid to be granted observer status to the peak governing body of the World Health Organisation, the World Health Assembly.

The WHO’s charter states:

The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition.

The health of all peoples is fundamental to the attainment of peace and security and is dependent upon the fullest co-operation of individuals and States.

Unlike many UN agencies, which are only open to sovereign states, the WHO is supposed to extend its benefits as broadly as possible to all peoples. Observer status at the WHA does not imply sovereignty or confer UN recognition on those admitted. As my motion outlines, there are already a number of organisations participating as observers, and this status has no sovereignty implications and in no way represents some kind of backdoor pathway to nation-state recognition by, or entry to, the UN General Assembly.

What are the legitimate health related arguments against Taiwan’s bid for WHA observer status? There are none. However, Taiwan’s exclusion from the WHO carries real costs in health terms. For example, Taiwan is excluded from the WHO’s Global Outbreak Alert and Response Network, the main information channel for health emergencies. It can be argued that Taiwan’s exclusion may have already led to increased domestic fatalities and international health risk. Best known is the SARS crisis of 2003, when Taiwan’s status delayed the arrival of any assistance from the WHO by seven weeks. Even then, the two inspectors who were sent did not contact the health minister of Taiwan. Seventy-three Taiwanese died. Similarly, in 1998 the WHO’s rejection of an appeal for assistance in dealing with an out-
break of a new strain of enterovirus, originating in Malaysia, hospitalised 400 and probably contributed to the deaths of 84 Taiwanese children and infants.

Of international significance and importance to Australia is Taiwan’s role as a transport hub for people moving around East Asia, with nearly eight million outbound and three million inbound travellers annually. It also hosts more than 300,000 migrant workers from other parts of East Asia. Moreover, it is a major trading nation, with enormous quantities of goods flowing in and out of the islands. This places Taiwan at the crossroads of any infectious disease outbreak in the region. In the control of communicable diseases, the greatest obstacle that Taiwan faces is the lack of direct and prompt access to information covering the policies and strategies of the World Health Organisation, to the recommended specifications for laboratory testing and to the technical details of control measures. The opinion of medical experts should be taken very seriously in this regard, and they are overwhelmingly in favour of Taiwan’s admission to the WHO. The Secretary-General of the World Medical Association stated in May 2003:

We should do nothing to prevent WHO scientists from liaising with medical professionals in Taiwan, providing them with basic communication. And the way to do this is to allow Taiwan observer status.

Between 1995 and June 2002, the Taiwanese government and NGOs disbursed over $US180 million through aid programs to 95 countries and regions, 93 per cent of which went to developing countries in Central and South America, Africa and West Asia.

In 2000, Britain’s Economist Intelligence Unit ranked Taiwan’s medical practice as second only to Sweden in the world. However, nonparticipation in the WHO limits Taiwan’s ability to share its considerable resources in the health field with other peoples in need. Taiwan’s admission as an independent health entity sidesteps the sovereignty question and is entirely in keeping with shared aspirations for a consensus and coalescence of views across the Taiwan Strait. WHO practice is to decide the admittance of new members or observers through consensus of all members. This private member’s motion aims to help build the coalition of support needed amongst WHA member states, to demonstrate that there are no sovereignty implications and to illustrate the health policy grounds for Taiwan being granted observer status to the World Health Assembly. I commend the motion to the House.

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

Mrs May—I second the motion and reserve my right to speak.

Mr KERR (Denison) (3.50 p.m.)—I commend the member for putting this measure forward. Taiwan is a thriving democracy. The circumstances whereby there is conflict regarding its entitlement to participate have their origins in the intense geopolitical conflict in the period leading up to Taiwan’s loss of the seat representing China in the 1970s. But those events are long past, and the global community, including Australia, now recognises China as the legitimate representative in that seat. We recognise that there is one China. But, that said, we do not fail to recognise a responsibility and concern for the people of Taiwan. They have a vibrant democracy and have carved a path which is different from that of mainland China. They have a very good health system, and they now seek to participate in the work of the World Health Organisation in circumstances where we would wish all countries and all peoples, whether or not they are recognised as states, to be effectively able to participate. This is not simply a matter of the wellbeing...
of the people of Taiwan, albeit that that must be their prime concern. It is a matter that affects everyone, because this is a global world. AIDS, SARS and other diseases know no international boundaries, let alone questions of statehood.

Taiwan does not seek any longer to represent the whole of China. It rather says that—in the same way as it has an economic and cultural office in Australia which does not mean that we recognise its independent sovereignty as such or any claim to represent the whole of China—there must be a way through so that it can participate effectively in the workings of the WHO. Whether the mechanism proposed in part 3 of the motion is the appropriate one really need not be the final conclusion of this parliament. But surely we as parliamentarians can urge the representatives of the People’s Republic of China not to stand too firmly on issues of statehood when really the fundamental issue that is being proposed is the capacity of Taiwan—which in practice represents 23 million citizens operating under a democratic regime with a different and distinctive health system—to participate in the work of the World Health Organisation.

It does no violence to our international recognition of China to accept the reality of the existence of Taiwan. Indeed, geopolitical realities are such that that entity is protected by declarations by the United States that, if violence were enacted against that entity, the United States would take measures to protect it. We are actually dealing with different realities on the ground, notwithstanding the diplomatic concerns that we all share in this parliament. We do not want to exacerbate those differences and those realities. We want to restore an open and effective functioning relationship.

This is the second occasion on which this motion has come before the House. I know that other members have written to the Minister for Foreign Affairs. Historically, the position of the Australian government has been to recognise that the WHO and WHA operate by consensus. Perhaps the best course that could follow this motion would be for us to make representations to the People’s Republic of China to suggest that, if the mechanism of observer status is not a preferred course, the People’s Republic of China could at least put forward some effective mechanism that would enable Taiwan’s participation to take place and would not in their view involve an issue of recognition of statehood.

We do ourselves as an international community great harm by excluding any significant population, particularly a well-travelled one such as the people who live in Taiwan. If there were an instance such as occurred recently when some 73 people died of a potentially epidemic disease in Taiwan, then resistance to representatives of the WHO travelling to Taiwan would represent a threat to the whole global health system. We really should put aside any political differences in this regard and find a non-political solution. (Time expired)

Mr FORREST (Mallee) (3.55 p.m.)—I commend the member for Dunkley. This is the second occasion on which this House has had a discussion on this matter. The first was some 12 months ago. From my perspective, for too long—and this question has been around for a long time—Taiwan’s participation in the WHO has been regarded as a political question. In today’s different world, in which—as previous members have mentioned—diseases know no boundaries, this is in fact a health care question. It is a health care question, the resolution of which is in Australia’s interests as well as the interests of those 23 million people who occupy the island of Taiwan.
There is provision through the World Health Organisation for observer status. I note the Holy See, Palestine, the Order of Malta, the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies all have observer status and all are organisations which are actively involved in this question of global health.

Many parliaments and congresses throughout the world have passed resolutions urging the WHO to consider provision of meaningful and constructive participation by Taiwan as an observer. Some of the comment that I have seen seems to suggest that Taiwan actually seeks membership or seeks in some way to spuriously enhance its position of sovereignty and statehood. That is not the question. That is the political aspect that I referred to earlier. This is a health question.

Taiwan, particularly the magnificent city of Taipei, is fast becoming a hub for the entry of commerce to Asia. I know, indeed, that a lot of my constituents are engaging in economic and commercial activity, so that travel is significant. We saw the threat that the SARS epidemic provided—and tragically far too many of the Taiwanese people were fatally affected by that disease. But it did provide an example of just how hamstrung Taiwan was in not having access to information and not being able to provide valuable information of its own. It does have a world-class health system and the Taiwanese people are to be commended for that.

My appeal as a member of this chamber is for the WHO to reconsider the previous decision to deny this access. Many parliaments have passed resolutions in support of this, including the Congress of the United States, the European Parliament, the Central American Parliament, the Belgian Chamber of Representatives and this parliament last year. It is interesting to note that, to add strength to this, the US House of Representatives passed a resolution that legally authorised a United States plan to endorse and obtain observer status for Taiwan. That went to the congress meeting in Geneva in May 2003 but still did not secure support from the WHO because it was far too focused on the political aspects. It is interesting to note that that strength of support came from the United States, which maintains a One China policy—as Australia does.

There is a way around this question. The imperatives are there. We cannot exclude a community with a population which matches the populations of almost 75 per cent of the member nations of the United Nations. It is an imperative not to be ignored. Diseases know no bounds, particularly some of these new strains of diseases. They are very highly pathogenic. There has been the transfer of diseases from animals to humans. The highly pathogenic avian influenza is an example of that. With the amount of traffic and transportation that that island has in world trade and commerce, the WHO must take more notice of the wishes of parliaments around the world that have expressed support for Taiwan’s bid for observer status. I commend the motion to the House. (Time expired)

Mr BRERETON (Kingsford Smith) (4.00 p.m.)—This motion is ostensibly about international health cooperation. It refers to Taiwan’s response to the SARS outbreak and supports Taiwan’s participation in the World Health Organisation. In a letter to members, the Taipei Economic and Cultural Office assert that there is no political aspect to Taiwan’s bid to join the WHO; they claim it is solely a health and humanitarian issue. The reality, of course, is that Taipei’s bid to join the WHO has a clear diplomatic purpose.

While it is perhaps coincidental that this debate is taking place on the day the new
Chinese ambassador presents her credentials, no-one should miss the political nature of this exercise. As the Chinese embassy has pointed out, Taipei’s bid to join the WHO is part of its efforts to expand Taiwan’s ‘international space’. This is indeed a small but significant part of a campaign that in the minds of Taiwan’s re-elected leadership may well be directed towards an eventual declaration of independence.

Ever since Gough Whitlam’s recognition of the People’s Republic of China, Australia has been committed to a One China policy. This has been the policy of the Whitlam, Fraser, Hawke, Keating and Howard governments. This has involved a clear and bipartisan recognition that Taiwan is legally part of China. Support for today’s motion is contrary to our One China policy. Observer status for Taiwan at the WHO is neither appropriate nor necessary. There is no reason why effective health cooperation with Taiwan cannot be achieved through informal channels.

The Taipei Economic and Cultural Office argue that much has changed since the beginning of the One China policy. They point out: ‘Taiwan has completely transformed itself in the 33 years since 1971.’ ‘It is a pluralistic democracy,’ they say, ‘nothing like the previous Chiang Kai-shek government.’ This is certainly true. Equally, one cannot underestimate the transformation of the People’s Republic of China. China is vastly different from how I found it when I first visited in 1974. I have been back many times since, and the changes I have witnessed on each occasion have been truly remarkable, as China has embraced the market and liberalised its society.

Change on both sides of the Taiwan Strait may ultimately facilitate a settlement of their differences. At the moment, however, the important thing is that neither side takes steps which increase the risk of conflict. It is incumbent on countries such as Australia—friends of China and the people of Taiwan—to encourage dialogue between Beijing and Taipei and discourage unilateral steps by either side. The Taiwan issue can only be responsibly determined through a process of dialogue which, within the framework of One China, carries with it the democratically expressed will of the people of Taiwan.

We must certainly discourage any threats of force, including China’s build-up of ballistic missiles opposite Taiwan. Equally, we must discourage Taiwan’s re-elected leadership from any unilateral moves to claim international status and independence. These are the messages that Australia should be sending. We must not, as this motion does, naively fall in with a backdoor ploy by Taipei to secure de facto international recognition. This motion should not be supported.

Mrs MA Y (McPherson) (4.03 p.m.)—In March 2003 severe acute respiratory syndrome, or SARS, broke out in Asia, and the impact of the SARS epidemic on Taiwan in terms of the human cost and the damage to the economy was high. Seventy-three people lost their lives. The tragedy of those lost lives is that they could have been saved. At the time Taiwan did not have access to the most timely SARS updates and could not receive necessary assistance from the WHO—so what occurred in Taiwan was a disaster that could have been averted had Taiwan been given observer status to the World Health Assembly, a position Taiwan has strived to achieve for its people since 1997, without success.

I congratulate the member for Dunkley for bringing forward what I believe to be a very important motion today. He and I had the pleasure of travelling to Taiwan last year and seeing for ourselves some of the resources and achievements in health that this country
is eager to share with the rest of the world. It has a first-class health system, enjoyed by 23 million Taiwanese. These people enjoy one of the highest levels of life expectancy in Asia. The country has eradicated infectious diseases such as the plague, smallpox, rabies and malaria. In fact, this country’s ongoing commitment to first-class health care is to be congratulated. The constitution of the World Health Organisation states: The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition.

The 23 million people of Taiwan deserve the support of the international community to join the WHO as an observer. Taiwan’s participation in the WHO would not in any way contravene the organisation’s constitution. It is my view that Taiwan is qualified to take part in the WHO. Being excluded from the WHO means that Taiwan cannot participate in the organisation’s global outbreak alert and response network, which monitors disease trends and shares health data amongst its partners.

During the SARS outbreak Taiwan requested assistance from the WHO. It took seven weeks for the scientists to arrive. In that period of time the number of SARS cases in Taiwan increased from three to 116 and eight people died. A disaster was unfolding and Taiwan’s response was severely hampered by its inability to access the expertise and coordination of the WHO. This should not be allowed to happen again.

Many governments around the world support Taiwan’s participation in the WHA as an observer, allowing it, as a health entity, to contribute further to the international community and giving the 23 million Taiwanese people access to vital information in the event of international health emergencies. The United States and the European Union, among others, have concluded that excluding Taiwan from such international bodies as the WHO is no longer intellectually sustainable. Both support Taiwan’s membership. From a global health perspective it makes sense for Taiwan to be part of the WHO. It is dangerous and irresponsible to exclude 23 million people, particularly in view of the fact that Taiwan is an island situated at the hub of Asia’s trade.

Millions of people visit Taiwan each year and millions of Taiwanese travel abroad each year. Many of those people visit my own electorate on the Gold Coast. We have tourists enjoying the sights and sounds of Australia’s premier tourism destination and we have hundreds of students undertaking university degrees and postgraduate studies. Taiwan is not an island cut off from the rest of the world. Let me say here and now that disease respects no political ideology or border. Being an island does not protect this country from disease. Keeping Taiwan’s 23 million educated and energetic people outside the WHO is a waste of human resources and a danger to both the Taiwanese and the international community.

Commonsense must prevail. With the growing threat of terrorism and the possibility—God help us—of biological and chemical terrorism, this country must be allowed to participate in the WHA as an observer, to ensure that, if there are any further international outbreaks of disease or any acts of terrorism on a biological or chemical level, Taiwan and its people have immediate access to the global outbreak alert and response network. The globalisation of infectious diseases is such that an outbreak in one country is potentially a threat to the whole world. This is a very good reason why Taiwan should not be excluded from the WHO.

Mr QUICK (Franklin) (4.09 p.m.)—In May this year Taiwan, our neighbour in the
Asia-Pacific region, will again place a bid for observer status in the World Health Organisation. Once again the Taiwanese people need and deserve our support. Taiwan is a thriving democracy with a world-class health care system and one of the most advanced biotechnological science industries in the Asia-Pacific region. Moreover, Taiwan, as our eighth largest trading partner and through close bilateral cooperation, including in the areas of scientific research and biotechnology, continues to be strategically important to our nation. Our Taiwanese friends will fight for their right to join the WHO as an observer. This will give them access to the WHO’s expertise in the prevention and control of contagious diseases and allow Taiwan to contribute more directly and effectively to improving the health situation in developing nations around the world. One wonders how we, as representatives of the people of Australia, could refuse to support them.

As I am sure all members remember, last year the spread of SARS throughout Asia resulted in a large number of casualties and loss of life. In Taiwan this highly contagious disease claimed 73 lives, due in part to Taiwan’s exclusion from the WHO and its global outbreak alert and response network. Furthermore, may I point out that, although China claims that Taiwan’s health care is under its control, China’s government has never offered any substantial assistance to Taiwan—including during the devastating SARS outbreak. Moreover, while China itself covered up the truth of the SARS outbreak within its own borders, resulting in the rapid spread of SARS to other Asian countries, the Taiwanese health authorities immediately reported Taiwan’s first SARS case to the WHO. It was, however, the inability of the health authorities in Taiwan to access the expertise and coordination of the WHO that severely hampered its efforts to control the disease and treat those suffering from it.

Fortunately the Asian region recovered from the catastrophic tragedy of SARS and the Taiwanese people have finally recovered from its enormous social and economic impact. However, if the SARS epidemic reoccurs in Taiwan, who should be held accountable for the potential death toll? With no opportunity to benefit from the basic human right reaffirmed by the WHO and no access to the expertise and cooperation of the WHO, should the Taiwanese people suffer again from losing their family and friends in the struggle against contagious diseases such as SARS? We in Australia can help the 23 million people of Taiwan to avoid a repeat of such a tragedy. We should apply all our efforts and express our determination to support the Taiwanese in their observer status application to the WHO.

Some people in this place have expressed concern that our support for Taiwan’s bid may contradict the beliefs of our One China policy. I stand here today to firmly point out that our support for Taiwan’s bid in no way conflicts with our One China policy. I disagree with the honourable member for Kingsford Smith and his dissertation today. Taiwan, casting all political elements aside, is seeking observer status in the WHO in the name of a health entity. Other observer status countries are the Holy See and Palestine, as well as such organisations as the International Red Cross and the Red Crescent. Taiwan is simply trying to rectify the current disadvantages facing public health within its borders due to its exclusion from the WHO and its many benefits.

Last year many parliaments and congresses throughout the world passed official resolutions supporting Taiwan’s meaningful and constructive participation in the WHO as an observer. These include the US Congress, the European parliament and the Philippines House of Representatives, one of Taiwan’s close neighbours. In addition, a large number...
of medical professions and organisations such as the World Medical Association, the International Paediatric Association and the British Medical Association also expressed their support for Taiwan’s bid for observer status.

Traditionally, our policy has been one of comprehensive engagement with Asia and we consistently encourage stability in the region. With direct flights from Taipei to Sydney and Brisbane now established and with over 10 flights directly between Australia and Taiwan every week, future outbreaks of highly contagious diseases in Taiwan or its neighbours have the potential to reach our shores. It is therefore in Australia’s best interests to support Taiwan to find a meaningful and constructive way to contribute to and participate in this vital World Health Organisation.

Mr JOHNSON (Ryan) (4.13 p.m.)—It is a privilege to speak in the parliament today on this motion. I wish to commend the member for Dunkley for bringing it to the House’s attention and to also commend those members who support it, as I do—and to express my disappointment that the former shadow minister for foreign affairs, the member for Kingsford Smith, disagrees with the motion.

I am the only member of this House with Chinese origins. My mother is Chinese and I am the first person in the nation’s history to be sitting in the House of Representatives with part Chinese heritage. So I speak in the parliament today as someone who has a great affection and a great love for the country of my mother’s birth, where I have half my heritage. I want to say to the people of China and to the government of China that they have no greater friend in this parliament than me, as the sitting federal member for Ryan.

I take this opportunity to extend my congratulations to the new Ambassador of China. The ambassador is presenting her credentials today. I wish her well in her time in Canberra as China’s representative and look forward very much to working with her to promote and advance the relationship between Australia and China.

I support the motion because, as speakers have already eloquently articulated, this is a question of health and humanity, of looking after the health of the people of the world to prevent unnecessary and easily avoidable deaths. This should be an across border and across politics issue. It is a question of global significance and requires the cooperation of all citizens of the world and the support and expertise of those in medicine and those trained in health care to do their job of protecting people’s health, irrespective of where they come from. I say to the people of China and Taiwan that this should be seen as an impartial not a political issue, as something that can enhance the relationship between the two countries and bring them closer to a solution of the dilemma that faces China-Taiwan relations.

As a member of parliament, I stand by the One China policy. I completely support Australia’s recognition of China, and Beijing as the sitting government of China. There will be no change in policy on that point. This motion does not in any way allude to a backdoor entry. As the member for Kingsford Smith alluded, this is not about some kind of side way in which Taiwan can officially enter into the diplomatic world and be granted formal status as a member of the United Nations; this is about gaining observer status at the World Health Organisation.

Apart from anything else, members of parliament should support this motion because it is completely in Australia’s national interest. The flow of people to and from Taiwan is significant. There are direct flights between Australia and Taiwan, so health is-
sues must the considered when dealing with this question. The flow of people to and from Taiwan potentially threatens the health of Australians, so it is important that anyone who has health related concerns is able to be detected. At the moment, Taiwan is in the extremely unfortunate position of not having the full support of the medical expertise of the World Health Organisation.

This motion is centred around SARS being detected in Asia and the delay in Taiwan receiving any help whatsoever from the World Health Organisation, which has a mandate to look after such issues. I put on record my support for this motion and stress strongly that this is all about a global health issue of international concern. Disease and illness know no borders. Because of the impact this could have on Australia alone, this motion requires the support of the Australian parliament. (Time expired)

Mrs IRWIN (Fowler) (4.19 p.m.)—The former Director-General of the World Health Organisation, Dr Brundtland, once said that ‘health for all’ is the major task of the World Health Organisation. At its 107th session in January 2001, the World Health Organisation executive board cautioned:

The globalization of infectious diseases is such that an outbreak in one country is potentially a threat to the whole world. The need for international cooperation on epidemic alert and response is greater today than ever before ...

Although the need is urgent, the ideal of a worldwide, comprehensive health security net is, unfortunately, still well out of reach. This is because there is still a population larger than that of three quarters of World Health Organisation members. A population of 23 million people are exposed to the threat of disease due to their exclusion from the WHO. The global SARS crisis of 2003 illustrates quite clearly how infectious disease can be spread quickly within a short period. It also shows the importance of the WHO’s Global Outbreak Alert and Response Network. The lack of a direct communications channel between Taiwan and the World Health Organisation meant that, despite its willingness to cooperate, Taiwan suffered quite seriously from the outbreak of the disease. After the first appearance of SARS on the island, more than six weeks passed before the WHO sent two experts to Taipei. As long as Taiwan does not have observer status at the WHO it remains vulnerable and leaves open this gap in the global health safety net. Article 1 of the World Health Organisation constitution states:

... the objective of the World Health Organization shall be the attainment by all peoples of the highest possible level of health.

The emphasis on the concept of ‘people’ reveals that, to achieve its objectives, the WHO must reach all peoples, regardless of state boundaries. That is why the constitution permits a wide variety of entities, including non-member states, international organisations, national organisations and non-governmental organisations, to actively participate in the activities of the WHO.

The World Health Organisation has made membership available to a number of states that were not members of the United Nations, such as Switzerland, which had been admitted to the WHO long before it was admitted to the United Nations in 2002. However, the WHO has correctly judged that these entities have all possessed functional independence and responsibility in health matters, irrespective of restrictions or questions regarding their sovereignty. In particular, article 18 states that the WHO shall:

... invite any organization ... which has responsibilities related to those of the Organization, to appoint representatives to participate ...

Five such entities, including the International Committee of the Red Cross, have acquired the status of observer of the WHO and are routinely invited to its assemblies. It is not
statehood that is important but rather the fact that the applying entity complies with the objectives of the WHO and that its purpose and activities lie within the field of competence of the organisation. Since Taiwan obviously meets these conditions, an invitation for it to participate in the activities of the WHO is clearly in keeping with the WHO constitution.

For the World Health Organisation to operate effectively, in particular when we face the prospect of rapidly spreading infectious diseases, it is essential that the WHO has the active participation of all communities. The exclusion of one significant community, for whatever reason, makes no sense at all. As citizens of the global village we are all at risk of infectious disease. We need the best defence to fight this threat, and that defence is the cooperation and participation of all communities within the World Health Organisation. I would like to thank Mr Roy Shu, who is in the gallery today, for providing me with the research for this speech.

Mr BARTLETT (Macquarie) (4.24 p.m.)—I rise to again urge that Taiwan be granted observer status in the World Health Organisation. I spoke on this last year, and I feel every bit as strongly about it now as I did then. Despite its many attempts to participate, despite widespread international support and despite the potential this has to improve world health and epidemic control, this very reasonable request continues to be denied.

I notice that the World Health Organisation’s executive board determined at its 107th session in January 2001 that the need for international cooperation on epidemic alert and response is greater today than ever before, due to increased population movements, growth in international trade and biological products et cetera. The need is greater than ever before, and the exclusion of Taiwan from this seems to make absolutely no sense at all. I notice as well that article 1 of the World Health Organisation’s constitution states that one of its key objectives is:

... the attainment by all peoples of the highest possible level of health.

Given that statement and given the contribution that Taiwan could potentially make, there is no sense at all in its continued exclusion. Taiwan’s participation would offer much to the international community. Its record on health, both within its country and internationally, is clear for all to see. From 1995 to 2002, Taiwan donated to the international community over $120 million in medical and/or humanitarian relief—to some 78 countries spanning five different continents. Four Taiwanese medical teams are currently stationed in Burkina Faso, Malawi, Chad and the Republic of Sao Tome and Principe, where they assist the respective local governments. Taiwan also works in cooperation with many disease prevention programs. For instance, it is involved in Care France’s AIDS prevention program in Chad and donates yellow fever vaccine to Senegal. The point is that Taiwan is a responsible international citizen when it comes to doing its bit and playing its role in trying to improve world health.

Sadly, its further contribution to improving world health has been frustrated time and time again. Despite its efforts, despite its goodwill and despite its attempts to constructively share its resources, it continues to be hampered. For instance, during the tragic SARS epidemic in 2003, it wanted to be involved but it was prevented because it was not able to participate with the World Health Organisation’s efforts to stop the spread of SARS. In August 1999, I understand that it wanted to be involved in the medical rescue work in Turkey but it was not able to be involved because that was happening through the World Health Organisation. On and on it
goes. We could quote numerous other examples of where Taiwan was capable, was equipped and was willing to help but was unable to help because of that obstruction.

A further point I would make is that Taiwan’s participation as an observer in the World Health Organisation is widely supported by the international community. I will just run through a few organisations who in recent years have stated their support for this: the World Medical Association, the International Paediatric Association, the British Medical Association, the Lancet, the Standing Committee of European Doctors, the International Congress of Traditional Medicine and the Philippine Medical Association all have made comments of support for Taiwan’s bid to be granted observer status. Many governments and political organisations as well have made this point and have passed resolutions of support: the United States Congress, the European Parliament, the Central American Parliament, the Belgian Chamber of Representatives, the Dominican Republic House of Representatives, the Uruguayan Chamber of Representatives, the Philippine House of Representatives and the May 2003 summit of the World Health Assembly in Geneva.

The point is simply this: Taiwan’s admission is widely supported, it is justified, it would assist the 23 million people of Taiwan and it would help in world efforts to improve health and eradicate communicable diseases. Its obstruction has not been for health reasons; sadly, it has been for political reasons. It needs to be reversed and Taiwan needs to be given the access that it deserves—and that the people of the world want to see for Taiwan.

Mr DANBY (Melbourne Ports) (4.29 p.m.)—I have spoken before on a motion similar to this one, and I am pleased, having recently been to Taiwan, to speak to this motion. Taiwan is a nation of 23 million people and has one of the most successful economies in our region, with average growth of eight per cent for the last 30 years. It has quite a conservative financial approach to things, but Taiwan has suffered relatively little, compared with others, from the Asian financial crisis. Taiwan may still be called the Republic of China and its constitution may not have been formally changed, but the Taiwanese government—quite intelligently—no longer claims that it is the legal government of the whole of China. It is willing to discuss relations with China—as is the Dalai Lama in another context—including mutual recognition on the basis of equality.

One problem with this issue of the World Health Assembly, pandemics and SARS is that pandemics, like SARS and other diseases that could possibly spread across this world, are not something that can be addressed by a central economy or a politburo giving orders et cetera. These diseases, whether AIDS or SARS, spread across boundaries regardless of the politics of countries and have to be considered from the point of view of the health of the world community. We are all put at risk by countries that do not address these issues seriously.

Taiwan has undergone a process of democratisation since the early 1990s, and the 2004 election was the third fully democratic presidential election since President Lee Teng-hui reformed the old one-party system in 1994. The political scene in Taiwan is now divided into two camps: the pro-unification centre right Kuomintang—the KMT—and the pro-independent centre left Democratic Progressive Party, DPP, of President Chen Shui-bian. Even the KMT no longer actively promotes reunification with China. In December 2003, KMT leader Lien Chan said that while the KMT opposed to immediate independence, it did not wish to be
classed as pro-unification either. Its platform was changed from promoting the eventual reunification of China to preserving the status quo and leaving Taiwan’s status to be settled by future generations.

The 2004 election was the closest in Taiwanese history, with President Chen receiving 50.25 per cent of the vote to win by less than 30,000 votes out of 12 million votes cast. The KMT is challenging the result in the court; nevertheless, there have been no serious disturbances, and the people of Taiwan and their democratic political system have shown an essential maturity and stability in dealing with this situation. It is a great credit to them that this great political contest has been fought. Referendums have come and gone and have been lost because not enough people voted in them. The result is being submitted to a court, the president has said that he will go along with the results—as you would expect of any democrat—and the opposition leader has also said that he will abide by the decision of the courts.

This is a successful operating democracy that Australians look on with great favour. There should be some sensible way, as outlined in this motion, of addressing Taiwan’s health concerns and getting international assistance at times when there are major international health pandemics like the recent case of SARS. It did not help anyone for the Chinese ambassador to the United Nations in Geneva to say, after the last World Health Assembly, ‘The vote is decided; who cares about your Taiwan?’ This is provocative and unnecessary. All Australians—and, I am sure, most people in the region—want good relations with China. It is a great civilisation. We want to have good relations with Taiwan at the same time. We do not want any provocation. I think the fact that the referendums were very moderate in Taiwan shows that they are relatively restrained. We do not want any more provocations from the government in Beijing either. There should be some practical way of addressing the issue of handling pandemics in the East Asian region. (Time expired)

Mr CADMAN (Mitchell) (4.34 p.m.)—I am delighted that we are debating this motion, and I want to thank the member for Dunkley for deciding to confront this issue. From the time that it first came to my attention that Taiwan had been denied even observer status in a World Health Organisation effort to control and manage the dreaded spread of SARS, I was incensed. I felt that it was an absolute denial of participation in a basic human right. It is morally indefensible that observer status in WHO should be by consensus and that the people of Taiwan should be denied access to basic medical information and participation. Taiwan is a highly developed, highly scientific community and its involvement would be welcomed by the rest of the world.

In global terms, there has been much increased contact between people, and the capacity for chemical and biological terrorism has increased. We need every freedom-loving democracy to be involved in managing these human rights issues and broader security issues. Taiwan, with 23 million people, is a hub for transportation in the whole of Asia and South-East Asia. The traffic, transport and movement of people through Taiwan mean that it is critical that Taiwan be involved with the international community on issues such as these—particularly health related issues. I understand that Taiwan are only willing to become a member of WHO if all political issues are set aside. They do not seek full membership but observer status only, joining the Holy See, Palestine, the Order of Malta, the International Committee of the Red Cross, and the International Federation of Red Cross and Red Crescent Societies.
I understand that there was a vote taken in 1974 about whether the Palestinian Liberation Organisation was to become a member of WHO. It was passed on a show of hands, but that was claimed to be a process of consensus. So the PLO, a proclaimed terrorist organisation, is a member of WHO and Taiwan is denied membership. To put it in terms of Australia, comparing the population sizes of mainland China and Taiwan is like comparing the population of Australia with half the population of Fiji. I do not know why mainland China is worried about Taiwan receiving something as simple as an observer status to a very important world medical humanitarian body. It would be like Australia objecting to half the population of Fiji entering into a conference on the control and management of transmittable diseases in the South Pacific. It is about as ridiculous as that.

The WHO is a professional organisation and should never become a political organisation—and nor would Taiwan want it to be. The World Medical Association, the International Paediatric Association, the British Medical Association, the Lancet, and the Standing Committee of European Doctors have all proclaimed the necessity for Taiwan to become an observer at the WHO. There have been many parliaments and congresses that have endorsed a resolution calling for Taiwan’s meaningful and constructive participation in the WHO. They include the United States Congress, the European parliament, the Central American parliament and the Belgian Chamber of Representatives.

We have discussed this many times here in this chamber, and I am delighted today that we are re-endorsing that process. I want to call on the people of mainland China who manage things there to understand that 87 per cent of the people who voted in these referendums recently passed in Taiwan did not want to use force; they want a peaceful relationship with mainland China. In two motions, with a great turnout of people, there was a high percentage of approval. In response to the question:

Would you agree that our Government should engage in negotiations with Mainland China on the establishment of a “peace and stability” framework for cross-strait interactions in order to build consensus and for the welfare of the peoples on both sides?

Of the participating voters 84.9 per cent agreed that that motion was the heart and soul of the people of Taiwan. The United Nations and the WHO should endorse that process. (Time expired)

Mr ORGAN (Cunningham) (4.39 p.m.)—I welcome the opportunity to speak in support of the member for Dunkley’s motion on Taiwan’s membership of the World Health Organisation and observer status at the World Health Assembly. I fully support the motion, but I understand the Chinese Embassy sought over the last couple of days to have it withdrawn. I understand that the Minister for Foreign Affairs was approached on this matter; that various members in the debate have been directly approached; and that a similar motion is not being debated in the Senate because the opposition would not support bipartisanship on this issue. I received a letter from the Chinese Embassy last week calling on me to oppose the motion.

Taiwan has a thriving democracy, and the recent elections are evidence of that. Fortunately our democracy is strong, and we are here today debating this important issue in the parliament. I have spoken on Taiwan on a number of occasions in this place, including on the issue of the SARS crisis. My support for this motion goes beyond politics and international diplomacy. Despite what the member for Kingsford Smith said, I strongly believe that this is a humanitarian issue, a matter of basic human rights, a matter the
people of Australia would expect this parliament to support without question, for it concerns the right of individuals wherever they may live—in this case, the 23 million people who inhabit the island of Taiwan—to access appropriate health care.

When the world is faced with pandemics like SARS, bird flu, HIV-AIDS and hepatitis, it is the responsibility of the international community to work together to halt the spread and find cures. No country should stand in the way of cooperative actions which save lives, and not one life should be lost in the name of international diplomacy, maintaining the status quo, or upsetting the territorial claims of other sovereign states. Yet China stood in the way of the people of Taiwan getting the help they needed during the SARS crisis—that is not denied—and they are still standing in the way.

This issue directly involves Australia and it involves responsibility and truth. China’s view on Taiwan is clouded in political rhetoric, authoritarian ideology and a rewriting of history. The history of the island of Formosa, or Taiwan, is one of occupation by aboriginal people some 12,000 to 15,000 years ago, with colonisation since the 1600s by various powers such as the Dutch, Spanish, Japanese and Chinese. Colonialism is the basis for China’s claim over Taiwan.

I read with some amusement on the weekend the announcement that American rock band Guns n’ Roses are still working on their long awaited album titled ‘Chinese Democracy’. It has been some 13 years in the making—a very long time—and, rightly, fans are getting anxious, just as the international community has been waiting a long time for Chinese democracy to appear. Despite President Hu Jintao’s frequent use of the word ‘democracy’ when he was in this place last October, Chinese democracy is still a long way off, though there are occasional positive signs.

The fact that democracy does not exist is exemplified by the way in which China dealt with Taiwan in relation to the SARS crisis and membership of the WHO. Just as the Minister for Small Business and Tourism is fond of reminding us in this House with regard to the ALP, ‘It is not what they say, but what they do that counts’, so it is the case with China. The SARS outbreak revealed the worst with regard to that government’s treatment of the people of Taiwan. When SARS broke out in China, the government engaged in a cover-up. As a result hundreds of people died and thousands were directly affected by the pandemic.

With some one million Taiwanese working in China or with close family links there, it was no wonder that SARS quickly spread to Taiwan, where, once again, hundreds of people were affected. I understand that more than 70 individuals died. During the crisis China refused to allow the WHO access to Taiwan to assist them in dealing with the outbreak. This was unconscionable behaviour by the Chinese authorities. China proclaimed that Taiwan was a province of the motherland and that they would take care of the issue internally. But they did not, and as a result people in Taiwan suffered and died.

But China is not solely to blame in this matter; the international community, including Australia, shares some responsibility, for it has failed to work to overturn China’s vetoing of Taiwan’s entry into the WHO. We must remember that, during the WHO debate over this matter in May 2003, Australia abstained. During that debate a Chinese representative was heard to say with regard to Taiwan’s concerns, ‘Who cares about you?’ I hope that this May, in light of China’s behaviour during last year’s SARS crisis, the Australian government will support the basic
human rights of the Taiwanese people and use its influence to convince China not to oppose Taiwan’s entry into the WHO as an observer. This is the very least we can do.

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

GRIEVANCE DEBATE

Question proposed:
That grievances be noted.

Bass Electorate: Community Survey

Ms O’BYRNE (Bass) (4.45 p.m.)—In my electorate of Bass I recently completed a community survey that had an excellent response rate. Overwhelmingly, some of the main concerns of the people of Bass are on the themes of safety and security—but not always the safety and security that this government would have you believe. People are concerned about national security, but they are concerned about national security in the way that it impacts on their ability to provide a safe and secure environment at home. They are concerned about security within their own lives to ensure that their families are financially comfortable and secure in their health and wellbeing, as well as wanting a secure future for their children.

In the recent Senate committee report on poverty and financial hardship, A hand up not a hand out: renewing the fight against poverty, it was reported that Tasmania is the poorest state in the country, with a mean weekly income level 17 per cent below the national average. Tasmania is second only to South Australia with the largest number of the population living at or below the poverty line. This means that 29.6 per cent of families in Bass earn less than $500 per week. Out of 150 electorates across the country, Bass is placed at number 122. This means there are 121 electorates across the country that are financially better off, with fewer people who earn less than $500. Only 14.9 per cent of the population of Bass earn an income of more than $1,500 per week.

These figures are in stark comparison to the evidence in the Senate committee report that states that Tasmania is also a high-cost state in terms of the basket of essential goods and services required by all households, such as food, energy and transport. Obviously this is impacted on by the fact that many goods must be transported to Tasmania by either air or sea. Air and sea freight and transport charges can increase the cost of consumables relative to those on the mainland, and of course the GST adds 10 per cent to a slightly more expensive, or higher cost, item.

In Tasmania these costs are of particular concern if we are to take into consideration the findings in a recent report by Anglicare Tasmania, Bread and board. The report found:
... the cause of a financial crisis may be an interaction between low income and a range of bills and expenses. However, the battle to afford enough food to feed the family is probably the most confronting illustration of the depth of the crisis experienced by people seeking assistance. The reality of having literally nothing in the cupboard and no money to buy more until the next pay day is almost unimaginable for middle and higher income earners. Yet low income Tasmanians struggling to pay their fixed expenses or deal with an unexpectedly large bill can find themselves in the position of running out of groceries before the next pay period and needing to turn to ER agencies for help.

Not being able to afford food is particularly evident in families receiving Commonwealth government benefits. It is estimated that some 40 per cent of Tasmanian income units—that is, an individual person or a family—rely on government pensions and allowances to survive. According to the findings in the Anglicare Tasmania report:
General research on poverty has also consistently found that “being dependent upon government cash benefits is still the single key characteristic shared by those living in poverty” ... Sole parents, single pensioners, single people and couples on Newstart Allowance, Austudy or Youth Allowance are particularly likely to be living in poverty ... Relying on pensions and benefits, which are close to or below the poverty line, has been found to be a key factor in exposing people to the risk of financial stress and crisis.

These statistics place Tasmania in a perilous position in terms of the number of families that are struggling to ensure their own security. These statistics are even more frightening following revelations from the weekend’s leaked cabinet-in-confidence documents that detail the government’s proposals to cut the rate of pensions paid to sole parents, disability support pensioners and carers. Essentially, if the recipients of these benefits are not living in poverty already, then you can pretty well bet that they will be after the election of another Howard government or after this budget.

This government is consistently showing its true colours in dealing with people on low incomes. It truly believes that it should have no responsibility to provide any sort of decent level of income for people on welfare. However, while it is true many families living in poverty are recipients of government benefits, many more are what we are now recognising and frequently terming as the ‘working poor’. These are people who are working but are earning low wages, are working in part-time positions or in casual positions, or are working in low-skill and service industries, which the committee found resulted in a situation where they have little bargaining power with their employers.

The report also found that people defined as the working poor are increasingly finding a poverty of access to community services, due to moves by the federal government to user-pays models. An example used is that of the impact on families arising from inaccessibility to Medicare bulk-billing. Many families classified as working poor now not only struggle to afford visits to their family doctor but also are more likely to compound their health problems by avoiding visiting the doctor due to the cost.

Poverty plays an unacceptably increasing part in our feelings of insecurity and feelings of being unsafe. Oxfam Community Aid Abroad last year stated that poverty and despair, coupled with lack of opportunity for security and livelihood, create a breeding ground for conflict and violence. Long-term solutions to global instability must therefore necessarily address the root causes of poverty. While Oxfam is talking on a global level, this sentiment rings true on a local level as well. We only have to think about the poorest suburbs in our cities and look at the crime statistics within these suburbs compared to the crime statistics in the more affluent suburbs.

We must address issues of poverty if we are to provide a real feeling of safety and security in our communities and our homes. People in Bass have stated in the surveys they sent back to me that they would feel more secure with some basic infrastructure. They would like some more lights in the CBD so they feel a bit safer. They would like to have more money spent on that type of infrastructure. They would feel safer with a bigger police presence, particularly in regional small communities, and they feel that there needs to be a crackdown on street violence and vandalism. These are the types of things that people are concerned about when it comes to ensuring their families’ safety and security.

The federal government says that, in order to reduce poverty and not increase it, it has a commitment to increase access and affordability to essential services for all Australians.
and a commitment to not increase the existence of user-pays systems that discriminate and deny access based on cost. A focus on national security is important, but it is equally important to have a focus on community safety, safety in the home and security of the family unit, whatever that unit might be. This government makes a lot of noise about security and safety but it seems there is still no real agenda to make people safer in our streets, our neighbourhoods and our homes. There is a federal responsibility for community security, and this has to start with looking at the indicators of any antisocial behaviour, which unfortunately is more often than not centralised in areas that have a higher incidence of people living in poverty. We have to appropriately address the causal issues and influences of poverty to properly address issues of safety and security both at home and nationally.

The government also talks a lot about its commitment to families but, as we know, it neglects them. Its view of a family seemingly ignores the need for a roof over your head, the need for access to health and education, the need for a safe community and the needs of families to balance their role as a family with the requirement to work to provide for that family. Nowhere is that neglect more evident than in the neglect of child care. Lack of places means lack of access, which in turn means lack of opportunity.

The current waiting lists mean that people cannot take up work options because they cannot resolve their care responsibilities. I have recently been in contact with one of my constituents who is currently bringing up her two children but struggling to find child care. She says that she has been in her current job for almost three months. Her employer paid for her to move over to Tasmania but it would cost her several thousand dollars—money that she does not have—to move back to Victoria, as well as all the hassle involved with relocating her kids. Without going into the myriad problems she has had in the collapse of her child-care options, she says:

The only options that I can see that I have are to either quit my job and stay home to look after them, or find care in Launceston (a bit over half an hour drive each way), which would mean an hour trip twice a day, getting up an hour earlier, higher petrol costs and my children having to go to a new school out of the area, as I cannot afford to move state again, and I have signed a lease on my home. I would not even be guaranteed that I would be any better off in relation to childcare in Launceston anyway! I am really not sure what else I can do that I can afford. I called the Child Care Hotline, a division of Family and Community Services, and the staff admit to a shortage in child care places, as well as having received many complaints (“the list of complaints is a mile long”), however could not advise of any plans to improve this situation. Nor did they know who the Minister was ...

We are seeing this sort of situation time and time again—people getting the opportunity to work and finding that they cannot get full-time care, they cannot get flexible care or they cannot get care that responds to their casual employment or the fact that their shifts change. If this government is sincere about families then it has to address poverty and it has to address access to and the affordability of those things that make a healthy family and a healthy community possible. As the Anglicare report states, with decent incomes people will be able to make decent lives for themselves and their families.

Employment: Mature Age Workers

Mrs GASH (Gilmore) (4.54 p.m.)—I am indebted to the Treasurer and the Prime Minister for raising the subject of mature age workers. It has given me the chance to speak on a matter that affects many Australians and is certainly an issue in my electorate of Gilmore. Gilmore has an ageing population that appears in the top quartile of the latest avail-
able census figures. The group most affected are in the age group generally described as baby boomers—that is, those aged from about 45 to 65. The government is aware of the hardships faced by mature age unemployed people and appreciates that older Australians typically have skills, experience and loyalty on their side and are as keen as their younger counterparts to find work.

In the late eighties and early nineties industry in Australia went through a period of restructuring to improve efficiency. Many workers were paid out and some organisations may have been streamlined. The process was often referred to as quality assurance, but in many cases it was a method of trimming the labour force. Other developed economies such as the United States underwent similar adjustments. The United States coined the term downsizing but, as its results became apparent, the term ‘dumbsizing’ entered the industrial lexicon.

Many companies found that in their haste to streamline they had inadvertently shed much of the collective knowledge of company culture and systems. At the time, the global economic environment was not in great shape, and Australia was no better. Who can forget the recession we had to have? Companies desperately looking for a way out of shrinking profits and tough times saw that the wages bill was the largest account in the general ledger. People opted for redundancy, enticed by generous packages for early retirement. What some people did not take into account was their young age, a lacklustre equity market and the fact that they were going to live for a very long time. These people are casualties in this process of change. Workers who have prematurely left employment for a variety of reasons now find there is a social, emotional and economic cost to their decision.

I will describe one such case. Barry Cruwys is 56 years old and has been self-employed for most of his working life. He has been out of work now for about 18 months and desperately wants to work, but no-one seems to want to employ him. Barry started working life as a machinist and, after being made redundant in 1972, tried his hand at being a milko. He sold that business and moved to Coffs Harbour, where he and his wife operated a general store. After selling that business he turned his hand to carpentry until work ran out four years later. He then drove buses for two years before buying franchise rights in a retirement village in Coffs Harbour.

At age 52 his marriage broke up, but he and his ex-wife remained in a business partnership until 2002, when he sold the business, separated from his wife and moved to the Shoalhaven. Barry started looking for work but struck the pattern experienced by nearly all unemployed mature age workers—nobody wanted him. He was either too experienced or did not have the right qualifications. For Barry it must have been galling to see jobs go to young people with little experience and an academic qualification.

Barry took on extra studies. He began a certificate in welfare but found that too depressing, and changed to an IT qualification. Barry also works as a volunteer, both with Neighbourhood Aid and Community Transport, and does some voluntary bookkeeping. He has even been given a bravery award by the Governor of New South Wales for rescuing a girl in a petrol station explosion. On top of that he knocks on doors looking for work, searches the newspapers and is currently being mentored in job search techniques with the Campbell Page company. He is not prepared to let this beat him and works to maintain his dignity and sanity. Although he feels he is being pushed down the path of a second-class citizen in terms of accepting
any sort of work, he is not prepared to dis-  
count his experience or expertise.

Barry is still positive despite the knock-  
backs. He thinks that employers should rec-  
ognise the assets a mature age worker can  
bring to an enterprise, and all he wants is a  
chance. But I think the problem is much  
deeper than that. Barry has a healthy work  
ethic, high standards and wants to be able to  
pay his own way. He is prepared to under-  
take training to keep up with the demands of  
the workplace and he has a wealth of experi-  
ence that could benefit any number of busi-  
nesses.

So why are Barry and many more like him  
being passed over? Consider for a moment  
that employers may be challenged by their  
own mortality and do not want to be re-  
minded that they too will be getting on in  
age. An excerpt from a discussion paper  
from the Council on the Ageing and National  
Seniors Association says:

The challenge for government is to tackle the  
current problem of mature age unemployment and  
create an environment which encourages older  
people to continue working. The American Asso-  
ciation of Retired Persons (AARP) says the risk is  
that unless the quality of jobs improves baby  
boomers who can afford to retire will, and the  
result will be a shortage of workers.

Mature age employment in Australia is currently  
a major concern for the NSA.

There are many reasons why people aged 45  
to 65 are not working, but my concern is for  
those that do want to work and cannot secure  
an opportunity. I believe that a key reason for  
that is that traditionally Australians have not  
valued our elderly highly enough. It almost  
seems that we are too proud and too ob-  
sessed with being young. Are we in denial  
that we could similarly age and face the  
same constraints in later life? It does seem  
that anything that does not fit the ideal of a  
youthful image is to be shunned. That ideal  
has permeated our industrial culture, where  
most employers prefer a younger work force,  
effectively ignoring the raft of skills that  
many older workers have.

What some employers are failing to grasp  
is that customers are also growing older, and  
maybe they would prefer to do business with  
people their own age. What is needed is a  
cultural turnaround. Government can only do  
such much and, as the old saying goes, you can  
lead a horse to water but you can’t make it  
drink. What would it take for business to  
change its attitude to older workers? How do  
we change the misconceptions that older  
people are difficult to get on with, resent au-  
thority, are not flexible enough to change and  
are prone to sickness? Nothing could be fur-  
ther from the truth. These are popular but  
fictitious stereotypes.

Evidence suggests that mature age work-  
ners are more loyal, committed, cooperative  
and hard working. According to the group  
Diversity@work, workers aged between 55  
and 69 stay in their jobs longer than do their  
younger colleagues. Over the course of a  
year, 25 per cent of workers aged 20 to 25  
will change jobs; in the same period only  
five per cent of workers in the 55 to 69 age  
group will change their jobs. Older workers  
also have better attendance rates than their  
younger counterparts. A study by the World  
Health Organisation found that people over  
45 took fewer sick days, while the Australian  
Bureau of Statistics reported that in 1998  
only 14 per cent of all employees who were  
absent on sick leave belonged to the age  
group of 55 or over.

As the work force shrinks, employers will  
have to face up to the reality that they need  
older workers. But why wait until then? Why  
shouldn’t businesses challenge the status quo  
now? We need to help employers see the  
absolute goldmine of skills and talents that  
these older unemployed people have and  
encourage them to take just a small risk in  
utilising them. If business itself does not
seek to address this issue with some action, the cost burden will fall onto the taxpayer in the form of social security support to the displaced.

Being an unemployed mature age worker can be emotionally tough. It can lead to sickness and emotional and social withdrawal. Imagine the benefits that would flow if we could take these people off social security, give them a purpose in life and reinstate their sense of value in the community and at the same time profit from their expertise. It is no longer an option for our industries to pursue the culture of youth; rather, they should carefully examine the way they operate and how social problems can be transferred to the rest of the community by their hiring practices.

I encourage business to take a proactive approach to this issue; that is where the change must come from. The signs of change are already upon us. If business can adapt to the changes necessary to broaden the workforce, it will avoid becoming the victim of demographics. By the way, Barry supports the Prime Minister’s philosophy of giving mature workers a fair go, but it is another matter for employers to share equally that sentiment. In Gilmore it is a very serious matter, and I am pleased to see that this government treats it as such.

Australian Federal Police: Funding
Aviation: Airport Security

Mr Byrne (Holt) (5.03 p.m.)—Tonight I rise to talk about two matters which relate to our national security. The first relates to the Australian Federal Police and its lack of resources and strategic planning and the other relates to very serious breaches of airport security which have arisen as a consequence of the way airport security in this country is structured. In fact, the way that airport security is structured at present and some incidents I will speak to the House about tonight are very similar to what occurred in America prior to September 11.

As my starting point I will touch on the AFP and feedback I have received from people working within that organisation. One concern that has been brought to my attention is that organisation’s lack of resources. In fact, I am advised that the AFP has not relinquished any tasks in the wake of September 11, yet it has gained additional responsibilities over the past years including those associated with people-smuggling, trafficking, identity fraud, child sex tourism, East Timor, the Solomons, CG Policing College, e-crime and obviously its brilliant work in Bali.

Currently, as I am advised, there is no long-term budget funding available for the Australian Federal Police and the Australian Protective Service and there are no long-term recruitment processes addressing either increasing responsibility or the natural processes of attrition. It is believed that there has been no change in strategic planning specifically identifying nominal numbers of employees, despite additional tasks being set for the Australian Federal Police. I understand also that no consideration of future numbers has been addressed. Numbers within the Australian Federal Police at present are approximately the same as they were during the mid-1980s—and, in my view, this is our frontline agency: the equivalent of America’s Federal Bureau of Investigation.

Again I am advised that, to date, there has been no implementation of a strategic integration model for the incorporation of the Australian Protective Service, which has led to uncertainty and declining morale amongst officers. The relationship between management and officers is and has been a major contributing factor to the high levels of attrition. That just touches on the lack of resourcing for the Australian Federal Police and it
flows into a very grave concern that I have and which I bring before the House tonight, and that is the issue of airport security and the commercialisation of protective security—and I will detail to the House what that means.

Currently the capacity and the direction of airport security are determined by the budget constraints of private sector interests. The Australian Protective Service is an agency that is easily identifiable as an example of excellence in policing and security work, as its overseas deployments continually indicate, yet it is being continually hamstrung by the commercial interests that employ and deploy it in operational roles within our airports. APS officers looking after airports in Australia are clearly majority funded by the private sector. Approximately 70 per cent of the APS budget is derived from the contractor, which is the airports corporations, and the remaining 30 per cent comes from government budget allocations. In the wake of September 11, such a situation was swiftly denounced and removed by both the American and German governments as it was seen to be a clear weakness in the defence and identification of terrorist activities.

It is farcical that law enforcement agencies with arrest powers can be traded as a commodity to those who are willing to pay for them. This clearly undermines the independence and, expressly, the integrity of Australia’s law enforcement capacity. This is a severe conflict of interest and is, without question—particularly according to those on the ground—potentially endangering the lives of Australians.

In this environment it is possible for the ludicrous situation to arise in which the responsibility for airport security can be abrogated by the government on the basis that deployment and utilisation are not their responsibility, despite these officers coming from a Commonwealth agency. In fact, in a more farcical situation which is due to the contractual key performance indicators, the Commissioner of the Federal Police effectively does not have control over his officers on the ground at the airports—as opposed to commercial entities like airports corporations, who have the majority say, if not the total say, in the deployment of Commonwealth officers. This undermines all that the Commonwealth should be promoting and I believe it undermines our national security, and I will give some examples of that.

Also, the APS has a level of specialist training known as advanced first response, which is used for deployment at locations deemed as being AFR worthy. However, it is possible—due to the rotational nature of the workplace—that stations deemed as requiring this level of training can quite often have non-AFR trained officers and personnel on active duty, and in some cases that is the majority of officers. The identification of AFR postings also raises some concern, as notable Commonwealth buildings—specifically Parliament House—are not listed as being at sufficient threat to warrant the AFR classification. I will touch on some examples of what has actually occurred at our airports as a consequence of protective security officers being employed by and accountable to the airports corporations and how I believe that poses a threat to our security at airports.

An APS officer was requested to do an appraisal on a bag in a terminal. The problem was a high priority due to a VIP being in the area. As the officer was approaching the area, he was physically stopped by the client—that is, by the airport corporation officers. The officer tried to explain what he was doing but was obstructed and threatened. So there is our first-strike officer doing what he or she was tasked to do and being stopped by the airport corporation, probably because
they felt that that was going to cause a scene at an airport.

Also, during a night shift, an APS officer noticed state police vehicles driving around one of our major airports and asked the supervisor what was going on. The supervisor then contacted the client—the airports corporation—to seek clarity, when he or she was told that there was a report of a trespasser airside and that that trespasser should not be there. The officer concerned—again, the first-strike line—actually learned more about the incident the following day on the news. So they are supposed to be there tracking these people down, but they are pushed away by the airport corporation management and then learn about it on the news.

In another example, officers attended to a violent confrontation which had occurred in a food court area. The area was cordoned off, the injured assisted and the offender arrested by the APS officer. The state police were 20 to 25 minutes off from attending this incident. The client, the airports corporation, then walked through the cordon and condemned the officers—this is at an arrest scene—indicating that they were not police officers and should return to their posts. It was explained to the corporation officers that the state police were some time off and that the APS were taking control due to the serious nature of the incident. The APS officer—this is the person who had made the arrest—was berated and obstructed from performing the task at hand. I have very rarely witnessed incidents where officers undertaking an arrest were actually obstructed. Generally, if that were to happen—and particularly if it were by members of the public—the person would be arrested. But because this member of the public was in fact the airports corporation or one of its staff, the APS were prevented from doing so. They were actually prevented from executing their tasks.

In another incident, an APS officer was walking around on patrol when he overheard a phone conversation about a counter-terrorist exercise involving the state police being held at the airport. The officer sought more information about it but was told that the exercise did not concern the APS—even though they are the front-line strike and should be dealing with it—and that if their involvement were needed they would be informed. Shortly after this particular incident, men with guns were observed on board an aircraft. So there you have the APS officer, who is armed, who is supposed to be responding to this incident, being told that there are people boarding an aircraft with guns. The sighting was reported by an observing APS officer, who informed the APS that the Army and state police were doing counter-terrorist training. This had not been conveyed to the APS officers beforehand and it could have ended in the loss of life. As the APS officers had not been informed, they could well have boarded the aircraft and tried to apprehend the people with the guns.

There was also a very serious incident which occurred, which has been very well reported in the Herald Sun, where a suspect bag containing traces of explosive compounds was detected by an APS officer. That immediately raised concern amongst the APS officers. The owner of the bag was actually able to escape into the sterile area, which prompted the APS officers to seek the authority to evacuate the airport—and this is at a major airport—and begin a search for the individual. This request was declined again by the client without a reason being given. So there you have APS officers who are tasked and entrusted with our national security—they have been designated by the department of transport security as being our first-strike line fighters—but who are being prevented from doing their jobs by the very people who pay them, the airports corpora-
This will result in a very serious incident happening. If we do not do something to fix up airport security, something very serious will happen in this country. (Time expired)

Economy: Fiscal Policy

Mr JOHN COBB (Parkes) (5.13 p.m.)—I rise to speak on an issue which I think has been somewhat overlooked. Currently we have an enormous debate going on about security, the war on terrorism and national security, and drought—all incredibly important issues. But the result of that is, I think, that one of the very big issues is being overlooked and not talked about and that is the state of our economy.

Back in 1996 when the Liberal-National Party coalition took office, a couple of the very big issues then were unemployment and high interest rates, and Labor had a high-borrowing, high-spending regime which did no favours to anyone. In fact, without doubt you can say it drove this country into a recession. As Paul Keating said at the time, he believed it was a recession we had to have. Whether we had to have it or not, that is certainly what he gave us. If you compare that with what is happening today—and this is a very big point—unemployment and interest rates are no longer the prime issues of concern in Australia. Small business—indeed all sections of the community and the economy—have an interest rate that they can deal with. This government has been extraordinarily mindful of these issues and certainly will remain so. If the economy is not under control then we cannot deal with many of the issues that come before us.

One reason that we can debate and do something about the health issues of the day, one reason that we can be mindful of terrorism around the world and make a contribution to stopping it, one reason that we can deal with the drought and do all these things without excessive borrowings is that this government has got the economy travelling as well as any economy in the world. We have the ability to find the extra money when it is absolutely necessary so we can deal with important issues such as terrorism, health and the drought. We have done this in a way that has not impacted upon interest rates. The last two Labor governments relied on debt and borrowings, and they would never have been able to deal with the recent crises, be they international or domestic, such as the drought and health, that we have had to deal with and that we have been able to deal with.

We did not reach this position by accident—not one iota of it happened by accident. We turned the economy around through hard work and very responsible policies. Not all of our policies were popular but all of them were necessary. In my electorate of Parkes alone, the unemployment rate has gone from 7.6 per cent down to 6.1 per cent since 1996. We could have made it even better. If Labor had not blocked industrial reforms at every opportunity in the Senate, Australia’s 1.1 million small businesses could be doing a lot better than they are today. Small businesses are the heart and soul of an electorate like mine; they are the template by which the moral and the financial good of the community can be measured.

It seems to me that, despite the problems left by the last two Labor governments, Labor have still not learnt those very basic lessons. After listening to the new Leader of the Opposition, I can say that, if the Labor Party were in government, they would put the economy right back to where it was. Industrial relations reforms developed by our government—whether to do with the wharves or small businesses—are responsible for quite a lot of the improvement in our economy, be that with jobs or interest rates. The trade area is another positive area. We have doubled trade in the last eight years because we have
taken the attitude that what is good for the world is good for Australia. We have also been able to deal on bilateral trade reforms while all the time pursuing the objectives of free trade.

The opposition leader often refers back to past Labor leaders. We can only tremble at the thought of what past Labor leaders would do for our economy now. We cannot afford to have Gough Whitlam back; this economy simply could not afford it. You only have to look at Graham Richardson, the former Labor senator and member of the Labor Party, who said, ‘Labor has a percentage of members who remember all of Whitlam’s greatness and none of his weaknesses.’ And his weakness was certainly in the financial arena. The member for Werriwa is obviously one of those people who only looks at one side of Gough Whitlam—that is, at his rhetoric rather than at what he actually did with the economy.

The member for Werriwa and most of the Labor Party have obviously forgotten what we in this government and a very large percentage of Australia will never forget—that is, the devastation forced on the economy by the Labor government. Small business would never want to return to that position. I think everybody forgets this. In the debate about terrorism, the drought and health, we forget what would happen to this economy and our ability to deal with these crises I have just mentioned if we returned to Whitlam policies. We would have massive spending increases on and massive borrowings for so-called free health and education. I think Labor forget that, even though these services are free, they still have to be paid for, and it is the Australian taxpayer and small businesses—in fact all businesses—who pay for them.

How would Labor pay for their ideas? These free services would be paid for by either increased taxation—tax slugs—or borrowings. There is something that Labor have never understood about borrowing. The last Labor government—as you would be well aware, Mr Deputy Speaker Causley—increased our national borrowings from $16 billion or $17 billion to $96 billion. The very basic truth is that interest has to be paid on that $96 billion, and when you put that into the money market you create an incredible demand and that demand will always drive interest rates up. The difference between the government having $10 billion or $15 billion in borrowings and having $96 billion in borrowings is that you have put an extra $80 billion on the money market; you have created competition which the rest of the economy does not want to have to deal with. So the people who simply want to buy a car or a house, the small business that wants to expand or the young couple who want to start a business are all hit with increased interest rates. The last Labor government made them compete with their $96 billion in borrowings that had to be serviced.

Any small business operator could have told the member for Werriwa that. They could have told Whitlam the same thing—that you cannot print money; it has to be earned and generated. Production and wealth have to be generated. We have spent so much time on trade, and why have we done it? Because unless you are bringing in more than you are sending out—you increase production—you cannot increase productivity and profits. The one thing that Labor has to understand is that, if you do not have profits, you do not have pensions.

Ms GRIERSON (Newcastle) (5.22 p.m.)—I rise to speak in support of the security of this nation. In a changed world where terrorism is an ever-present threat, I support the view of most sensible Australians, ech-
oed by the Australian Federal Police Commissioner, Mick Keelty, that in Australia our risk of being a target for terrorism increased because of our membership of the coalition of the willing in the war on Iraq. In the collective thinking of governments and security agencies, it certainly is only a matter of time. The Bali tragedy, where almost 90 Australians died, was close to our shore. But most Australians understand that it is a matter of where and when, rather than if, we will have a terrorist attack on our own soil.

The recent bombings in Madrid were a clear pointer to the way ahead for terrorists: target countries linked to the war on Iraq, do as much harm as possible and gain maximum attention to the terrorist cause. The weapons of mass destruction used by terrorists are not the sophisticated and expensive military hardware of traditional wars. Instead, they are homemade bombs activated by mobile phones and placed in backpacks and innocent-looking parcels or cars in places where as many people as possible can be harmed or killed.

The bombings in Spain well illustrate that the risk of terrorist attacks has increased in the transport sector—aviation, rail and shipping. In Australia, since the September 11 disaster in New York, the scaling up of security in airports has been evident to all the travelling public. As a member of the aviation security inquiry being undertaken by the Joint Standing Committee of Public Accounts and Audit, I know more needs to be done and hope that the audit committee’s report, when it is released later this year, will make a useful contribution in achieving improvements and performance assurance in aviation security.

Protecting the rail systems in our major cities from terrorist attacks, though, is a very different challenge—one our minds have been directed to since Madrid. Undoubtedly it has been discussed at recent meetings of our security and police organisations, but, in a transport system where people leave and join at many points and where passenger supervision or control is minimal, achieving maximum security and protection from a deliberate and planned attack on our rail system will remain a very difficult goal. As is the case with all security, the challenges are many and the solutions not always easy but the task must be pursued rigorously by government.

I suppose that all Australians would understand the basic approach in any risk management process: identify the risk, put in measures to manage it and plan well for critical incidents and events. It seems self-evident, but when we apply that model to maritime security it is also self-evident that the Howard government has been wearing blinkers when it comes to shipping around our coasts and in our ports. As the member for Newcastle, a port city, coming to Canberra this weekend I flew over an armada of 52 bulk cargo ships waiting off our port to load coal. I watch the grain ships and container vessels berth in our port every day, loading and unloading their cargo to proceed around our coastline. I also see the bulk carriers load fertiliser, explosives and chemicals from the Orica owned Incitec plant on Kooragang Island and set forth on their journeys around our coastline. I know that these ships are rarely Australian ships, and I know that the crews and owners of those ships are mostly foreigners. In fact, of the 52 ships waiting off our port, there was only one Australian owned ship. The Iron Yindi is the only ship in the floating city off Newcastle that is Australian registered and Australian crewed. My best wishes go to all on board.

Our coastal trade is supposedly protected by law through the cabotage system, which dictates that shipping of domestic cargo between domestic ports must be carried out on
Australian flagged ships. However, as is well known in the House, the current government exploits loopholes in the cabotage system and freely provides single and continual voyage permits to foreign ships with foreign crews to undertake these voyages. Last year alone, the government issued 1,000 of these permits to foreign ships to carry more than 10 million tonnes of domestic cargo. Add to this the known problem with flag of convenience ships, where the real owners of ships are virtually impossible to determine, and the risk to our ports increases dramatically.

In the Sharp-Morris Independent review of Australian shipping: a blueprint for Australian shipping, it was noted by the authors that our ports and shipping industry need to comply with the International Ship and Port Facility Security Code by July 2004. The maritime security legislation passed last year set requirements for ports and shipping operators that must be implemented by then. However, the report rightly points out that most operators and ports have already implemented similar measures as part of the everyday safety culture that exists within the industry. The report also notes that ‘the subject of seafarer identification is critical to the ultimate effectiveness of the ISPS code’. The report expresses grave doubts concerning the identification of seafarers either on board or on shore, noting that this remains a significant risk factor with awareness of any missing crew men being totally dependent on information provided to authorities by the ship’s master. Conclusion VIII of the report’s section on maritime security states:

The Review notes the apparent inconsistency between the Government’s policy for coastal shipping, i.e. to obtain the cheapest priced shipping services by accessing foreign ships, and its policy of strengthening border protection.

The Review notes measures to be undertaken by the US Government to limit access to its coastline to those vessels and crew from nations regarded as having a high degree of security. The Review received evidence that Australia risks losing access to US markets due to the use of foreign flagged vessels and crews that do not have the high degree of security required under their strengthened border protection regime. Evidence was provided confirming that increased security would result in increased costs that will be borne by the shipping task. Australia faces the challenge of remaining competitive, as some competitor’s governments will meet all or a portion of the increased security costs.

Unfortunately that is not the case in Australia, where costs will be borne by the industry. But finally this month, March 2004—2½ years after the terrorist attacks of September 11, a year after declaring war on Iraq—the Minister for Transport and Regional Services has discovered the need for a proactive approach to maritime security. So what does he announce? A review. A bit late, I would have thought. Cynically, it appears that this may be just another delaying tactic to save the government from shouldering any cost for maritime security. What we already know regarding maritime security is that DOTARS is barely able to cope with the new transport security imperative imposed upon it. Customs is seriously underresourced, AMSA is seriously underempowered and there is little or no Australian Federal Police or Protective Service presence in regional ports.

We know that Customs is unable to fulfil its extensive and increased responsibilities. X-ray equipment for containers is not operational full time in 24-hour ports. Only three per cent of shipping containers are X-rayed. Only rummage searches are conducted of ships; full ship inspections are rare. Regional port staff are unable to inspect ships due to staff shortages. Unfortunately, it is a situation that continues. The minister has finally worked out, though, that the fertiliser shipping trade around our coastline is completely in the hands of foreign vessels. He also now concedes that ships carrying oil, explosives, gas, chemicals and fertilisers are potential
bombs. Welcome to the 21st century, Minister. We are glad that you have joined us. What a pity he has taken no notice of the maritime industry or the opposition in their consistent calls to protect Australia’s shipping industry, even before the security risk increased dramatically as a result of terrorism.

For ports like Newcastle, although I welcome an extensive review of maritime security, I hope that the industry and the state port corporations are not left carrying the entire cost burden of the security review recommendations in the same way that Newcastle regional airport has had to absorb the entire cost of increased aviation security measures. I must acknowledge here the wonderful job done by the security staff at Newcastle Airport and the professional and positive way they deal with passengers in an increasingly busy regional airport.

But it would not be correct for the government to expect the states, the industry and the ports themselves to bear the entire cost of maritime security. Since the September 11 attacks the government has spent only $115 million of the $2 billion it has allocated for improvements to maritime security. Apparently the minister and the Howard government think maritime security amounts to only 10 per cent of the security threat to this nation. As an island nation reliant on ports for our trade, that is a ludicrous situation. We remain particularly vulnerable, and clearly ships, just like planes, do make lethal weapons. Yet less than one per cent of visiting foreign ships are fully inspected and less than three per cent of the containers on board those ships are inspected in our ports.

The ALP recognises the importance of a strong and viable shipping industry, using Australian seafarers under the Australian flag and conditions. It is committed to a review of the permit system, which is currently abused to allow so many foreign ships of indeterminate ownership to carry domestic cargo around our coastline. I await the review of maritime security with great interest. In concluding, I wish the Maritime Union of Australia well in their meetings in April to decide on their four-year plan. Their ongoing support for maritime security and their intimate knowledge of port and ship operations have been significant contributions to the development of port security plans around this nation.

**Aston Electorate: Scoresby Freeway**

Mr PEARCE (Aston) (5.32 p.m.)—I rise in the House today to grieve about the ongoing betrayal of the people of Aston and the outer eastern suburbs of Melbourne in relation to the Scoresby Freeway—and not just the Scoresby Freeway but also our other local roads. I know, Mr Deputy Speaker Barresi, that this issue is close to your heart as well. It is an issue that is having an impact on each and every person who lives in the outer eastern suburbs of Melbourne today. It is an issue that is going to have an impact on them for decades to come.

In talking about the Scoresby Freeway—and I emphasise the word ‘freeway’, because that was the original intention; that was the agreement that was reached between the Commonwealth and the state of Victoria before Labor did their appalling and deceptive backflip and decided to make it a tollway—I think it is important to set the context of why this road of national importance is so important to each and every one of us. The eastern suburbs of Melbourne produce 40 per cent of Melbourne’s jobs. The building of the Scoresby Freeway—and again I emphasise the word ‘freeway’—will have an enormously positive effect on our economy and will generate extra jobs for each and every person in Melbourne. Current estimates tell us that building this freeway will add an ex-
tra $5 billion to the Victorian economy—but only if it is a freeway. This is also an important quality of life issue for local residents, for all of us who live in the eastern suburbs. It is about getting heavy transport off our local streets. It is about reducing air and noise pollution that we simply do not need to put up with. Most importantly, it is about making our local roads safer for local residents. That is why I am keeping up the fight to get this freeway built.

The other important issue in this discussion is that this is a decision that has been made by the Labor government of Victoria in the context of rising taxes. People forget that in 2002-03 Labor in Victoria increased payroll tax by 2.7 per cent. In 2003-04 it has gone up 3.9 per cent. Land tax went up 27 per cent in 2002-03 and 17 per cent in 2003-04. Stamp duty on conveyances went up 11.5 per cent in 2002-03. Gambling taxes have gone up 7.7 per cent in 2003-04. Insurance taxes went up 16 per cent in 2002-03 and 11 per cent this year. Motor vehicle taxes went up 5.9 per cent in 2002-03 and 9.4 per cent in 2003-04. Here you have a Labor government that are jacking up all the state taxes and saying that they cannot afford to build this freeway because of the international downturn in the markets and the bushfires et cetera. What they are not telling you is that they deceived the people of Victoria, they deceived the people of the outer east, by promising before the last state election to build this freeway. They have now done a disgraceful backflip.

A range of people are involved in this decision, but there are four people in particular who have conspired to make this happen. The first person is the Premier of Victoria, Mr Bracks. For the benefit of the House I want to read from a letter that Mr Bracks sent to each and every person in the eastern suburbs of Melbourne before the last state election. It was addressed to me personally.

In the letter he said, ‘As your Premier I have led a Labor government that focused on the fundamentals.’ He went on to say:

Labor will build the Scoresby Freeway on time and on budget. These are not just election time promises, they are my firm commitments to you and your family and they will be honoured.

As we know, Mr Bracks is one of the people that has conspired in this appalling backflip. Another interesting point about Mr Bracks is that, during the leaders’ debate on ABC TV on 8 November 2002 in the lead-up to the last state election, Ian Henderson, the person who was chairing the debate, asked this question of Mr Bracks: ‘Would you categorically rule out putting any more tolls on new or existing roads?’ The answer from Mr Bracks was, ‘Yes, I will.’ That answer was ‘not depending on this’ or ‘depending on that’; the question was categorically ruled out. In an earlier interview with Neil Mitchell on 24 September, Neil Mitchell asked:

Is that the basic message: no tolls under your government?

Mr Bracks replied:

No tolls on the Scoresby or Eastern Freeways.

Mr Mitchell asked:

No shadow tolls?

Mr Bracks answered:

No. That is our stated position. We have this in the forward estimates.

We know what Labor’s forward estimates are all about: they do not mean a damn thing.

The other person that has conspired in this decision is Peter Batchelor, the Labor state transport minister. In September 2002, he said, ‘There won’t be tolls, because there is no need for tolls.’ In May 2002, he told the Sunday Age that there would be no change in the government’s commitment to keep Scoresby toll free. I will also tell you about some of the famous quotes of Mr Batchelor.
when he was carrying on about the Kennett government introducing tolls. In a press release in 1996, he said that tolls were an ‘outrageous interference in the rights of individuals to freedom of movement and represent an entrance fee to the city’. This is all from the state Labor transport minister. But the best quote comes from the Victorian parliament Hansard on Wednesday, 3 November 1999. Mr Batchelor said:

The government—that is, the Labor government—will be economically responsible and will pay for the things it builds. Unlike the previous government and the secret proposals it wanted to inflict on Victorians, the government will build lots of things and will pay for them.

Mr Deputy Speaker Barresi, as you know, Labor do not build lots of things, do not pay for things and do not stick to their promises.

The other person that is implicated in this appalling backflip is the state Labor Treasurer, Mr Brumby. So far, their surnames all start with B. I do not know why it is. It is the three Bs—Bracks, Batchelor and Brumby. Mr Brumby is part of this conspiracy as well. Only the other day he was again on 3AW news trying to mislead the people of Victoria. He said, ‘This year in Victoria there is only one federally funded road project.’ That is what the state Labor Treasurer said. Mr Deputy Speaker, I tell you that, in Victoria, we currently have 10 projects that the federal government is funding, plus the Roads to Recovery projects, the 72 black spot projects and, of course, the $95.4 million in untied local road grants—all that is on top of the 10 projects. So you get this continual deception from the Labor Party.

The fourth person that is implicated in this is the federal Leader of the Opposition, Mr Latham. I read an article from the Knox Journal newspaper of Wednesday, 24 March. The article said that, during talkback calls to a Melbourne radio station, RACV government and corporate relations manager David Cumming phoned in to ask Mr Latham whether he would make sure that the state government adhered to the Scoresby Freeway being toll free. Mr Latham said he would not interfere with a state government decision. So federal Labor just turns its back on the people of the eastern suburbs. Mr Latham would not confirm whether the opposition, if elected to government, would redirect funds to the Scoresby Freeway. He said, ‘We’re waiting to see if there is any resolution of that dispute and will obviously play a role with road funding in Victoria thereafter, but it is not a matter that I have been involved in. We’ve got to wait and see what happens.’ It is very disappointing that the leader of the Labor Party in the federal parliament has not been involved in it and does not want to be involved in it. He has turned his back on the people of the eastern suburbs of Melbourne.

Labor are not interested in helping the people of the eastern suburbs of Melbourne. They are not interested in making sure that their political party stick to the promises and commitments they make. There is one thing for sure that comes out of this disgraceful backflip in Victoria from Labor, and that is that, in an election year, we know the value of Labor’s words. We know the value of them throughout Australia. Every Labor promise on any issue is a Scoresby promise. It is a Scoresby promise: a promise not to be trusted. Every time we hear a Labor promise, it is a Scoresby promise. (Time expired)

Health and Ageing: Aged Care

Mr MOSSFIELD (Greenway) (5.42 p.m.)—My grievance today goes to the concerns expressed in the aged care sector about the lack of government finance to provide adequate aged care services to our rapidly ageing population, as well as to the government’s delay in tabling the Hogan report.
The aged care sector is desperately waiting for the Hogan review into funding inadequacies of the aged care sector so that its recommendations can be considered and a response prepared before the May budget. This is very important. The sector wants to have an input into the final deliberations of the government before the May budget, not after the door is closed. It wants to get in first. But this report has been sent off to an interdepartmental committee, causing further delays, and hidden from public view, so there cannot be any debate about it at the moment.

There has been media speculation that the review contains controversial recommendations for further reforms based on a user-pays system and more radical policies such as auctioning of aged care beds. We have seen press reports to this effect, with an article by Louise Dodson in the *Sydney Morning Herald* on the 8th of this month. She wrote: Nursing home places could be auctioned to private industry like taxi plates under a radical plan being considered today by federal cabinet to raise funds to expand the number of aged-care beds. The auction plan is considered a more politically palatable user-pays option by the Government than introducing accommodation bonds—which raise the spectre of people losing their family home to pay for the care of elderly parents.

I think we all recall the strong protests against the Howard government when they tried to introduce this in 1997.

The government has continually failed to rule out either of these two options—that is, the accommodation bonds or the auctioning of nursing home beds. Here are just two examples of where the government had the opportunity of ruling them out but failed to do so. Firstly, in a question that the federal member for Canberra and shadow minister for ageing and seniors, Annette Ellis, put to the Prime Minister on 17 February, she asked the Prime Minister whether he would rule out the extension of accommodation bonds. The Prime Minister said:...

... accommodation bonds are not part of current government policy.

A further question was then asked: would the Prime Minister rule out the extension of accommodation bonds in the future? His response was:

I have given an answer and I have nothing to add ...

So, quite clearly, the Prime Minister was not prepared to come clean on just what the government’s intentions are relating to accommodation bonds. Then we have had the more recent example of the government fudging on this issue. A question was asked by Stephen Smith, the acting shadow minister for ageing and seniors, of the Minister for Ageing:

My question is to the Minister for Ageing. It follows on from my question to the minister yesterday about the auctioning of aged care places as part of the government’s response to the Hogan review. Does the minister agree with Catholic Health Australia which says that such auctioning of beds will only result in ‘costs will be passed on to the residents in higher fees’. Does the minister agree with this analysis? If not, why not?

As in the case of the Prime Minister, the minister refused to rule out the introduction of auctioning and failed to rule out the consequent increase in cost to the residents. So that is the background.

We have seen funding allocated to roads, education, health, veterans and the sugar industry. They have all received their election year sweeteners, but the elderly can wait their turn. The government is still sitting on the Hogan report, while the industry is starved of funds. This funding shortfall in financing aged care accommodation is caused by the growing gap between the federal government’s funding and the cost of providing residential and community care. Some organisations, such as the Salvation
Army, have already closed some of their facilities.

The industry advises that residential and community care services have grown in recent years, as funding has been made available to provide more beds and more hours of service, but without consideration of quality and the cost of accreditation. Research carried out by La Trobe University has shown that $405 million has been taken out of the finances provided by the federal government for residential aged care during the term of the Howard government. Approximately $120 million has been taken out of accommodation care over the same period. This has resulted in providers absorbing this shortfall by restructuring, cost-cutting and simply reducing the face-to-face contact with patients.

The industry expresses concern about rising costs for providing aged care which have not been accounted for in the Commonwealth own purpose outlays formula. For example, for wage costs, even though residential aged care nurses are paid 12 per cent less than their counterparts in the public hospitals, the rising cost there has not been taken into consideration. Insurance costs have not been taken into consideration. Compliance costs and workers compensation have not been taken into consideration. The rises involved under those headings and government administration, new regulations and, of course, the costs of refurbishing or replacing older buildings have not been taken into consideration.

The Commonwealth’s use of the Commonwealth own purpose outlays formula to finance the aged care industry is on an annual basis. This formula does not keep pace with real staffing and other costs of running a service. The formula has two components: wages, which make up some 75 per cent of the cost; and other costs, which make up the other 25 per cent. The wage component increases are based on the safety net adjustment provided to Australia’s lowest paid workers. This is for the highly skilled nurses who work in the aged care industry. The SNA bears no relationship to wage movements in the sector, particularly nurses’ wages. Wage rises above the SNA are supposed to be offset by productivity increases. But how can this be achieved? We have already seen funding cuts forcing the industry to rationalise their care for older people. We have seen that further productivity increases in this labour-intensive industry would mean a further dilution of personal care for patients.

Independent researchers estimate that some $500 million needs to be provided to the sector to restore the standard of care our elderly citizens are entitled to. As a bare minimum, a 10 per cent increase in the prices paid for community care is required to ensure the viability of these aged care services. What the industry is seeking at the moment will only restore the status quo. What is needed to provide for the future of the industry is for the indexation method of funding to be replaced by an alternative indexation system that reflects the true costs of increases.

In any organisation, but particularly in the aged care industry, people are its most important asset. Nurses in particular practice the full range of care, incorporating preventive health breakdown, rehabilitation, palliative care, mental health and counselling. Due to the low wages paid to nursing home staff, particularly nurses, they are applying to go to other organisations where the wage rates are better. I cannot overemphasise the question of the underpayment of our very skilled staff in the nursing home industry. The peak bodies have given us a lot of information on these issues. I just want to refer to some of the points they have made. For example, they say:
Nurses in all sectors of health and aged care systems apply their knowledge and skills to assist people to respond in a healthy way to the situations they are in and they also manage the environments in which nursing care occurs so that the best outcome of care can be achieved. 
Registered nurses also manage most of the aged care services both as clinical leaders who set care standards ...

We have to realise that the aged care industry has changed considerably, with people now living longer and entering nursing homes at an older age—around 80 years of age. Serious illnesses such as dementia are major problems.

In conclusion, what we need to do is give nurses in the industry parity with the public hospital sector. We need to promote work in the industry and the advantages of working with older people in this area. We need to protect nurses in aged care from being driven from the sector by relentless questioning of their clinical and management decisions. There is a great need to look after the interests of the people working in this industry and I cannot overemphasise the need to pay nurses a reasonable wage. 

_Farrer Electorate: Apple and Pig Meat Industries_

Ms LEY (Farrer) (5.52 p.m.)—I wish to raise a critical issue in this afternoon’s grievance debate. It is an extremely important issue for the people that I represent, even those who are not directly involved in the industries concerned. Those industries are the apple industry and the pig meat industry. I want to talk about the recent import risk assessment process and how that is impacting on those farmers in my electorate and neighbouring electorates—in fact, I think there may be 41 electorates in Australia where apples are grown.

I will begin with the apple industry. When I talk to representatives from that industry, particularly in the town of Batlow, in the east of my electorate, their remarks are sad—they are disappointed, frustrated and angry because they have been fighting this fight since, I think, 1999. Every time they put the argument to bed, they think they have made their case strongly and powerfully and they think they have protected their local industry. That is not to say that they are not prepared to face competition from overseas, because competition is not the issue here—disease is. What they have said to me lately is that Biosecurity Australia is leading them right over the edge of the cliff with this.

I am very proud to represent these people. Many growers in the community of Batlow belong to the Batlow fruit growers co-op, which was founded in 1922. Interestingly enough, in 1927 the minutes of the board meeting of the co-op showed the chair thanking the federal government for their diligence in not allowing New Zealand apples into Australia. I hope that soon the chair of the present board may be able to write to Biosecurity Australia expressing the same level of appreciation. The decision on these issues does rest with the independent arbiter—Biosecurity Australia. The disappointment that the growers I represent feel is with that organisation. They have reasons to be disappointed and to feel uncertain about the scientific evidence on which Biosecurity Australia is proceeding.

This matter is in the hands of Biosecurity Australia, and they are the only body that can change the earlier decision. The decision which scares the apple growers in my area is the one that means that New Zealand apples will be allowed into this country. With New Zealand apples will come the disease fire blight, which is a disease which is devastating for apple orchards. I do not represent many, if any, pear growers, but I know those in the neighbouring Goulburn Valley, just into Victoria, are equally concerned, because fire blight simply wipes that tree out,
whereas it is a long and lingering death for an apple tree—you can cut off the affected wood and struggle on for a few years, but it is all downhill.

From what I understand, there are three protocols that must be satisfied in order for New Zealand apples to be imported into Australia. In other words, if the imported apples can go through these three protocols, then apparently the level of risk is sufficiently low. I want to talk about each one of those protocols. Biosecurity Australia appears to be saying that if you inspect the apples and you do not find any evidence of the disease then that is okay; if you dip the apples in chlorine you will kill the disease; or if you store the apples in cold storage for six weeks you will kill the disease—those are the three protocols. I wish that Biosecurity had talked to the apple growers of Batlow before coming up with these protocols.

The first protocol is visual inspection. I think there are 13 peer reviewed scientific papers that have demonstrated that fire blight has been isolated in orchards where there are actually no visible signs of the disease but it has been proven to be there. In their risk matrices I believe they have said that the risk that fire blight is in the orchard as a whole might be high but the risk that it is in a particular tree or on a particular fruit is actually low, and they therefore spread that low risk amongst the apples as a whole. But what growers are telling me is that it will be concentrated in the orchard in a hot spot and so that group of apples will be picked and harvested and packed and processed together and will end up in the same container. Of course, when they arrive in Australia—if that is what is going to happen—they will be acting as a very concentrated area for the bacteria causing fire blight to reproduce and cause all sorts of trouble. I really want Biosecurity Australia to come and inspect the apple orchards in my area and see how this would actually work in practice.

The second protocol they use is chlorine dipping. I understand that the bacteria reside in the bottom fold of the apple, at the end of the core. When you dip the apple in chlorine an air bubble in that area often means that that part of the apple is not touched by the chlorine dip, and so the bacteria simply go through the process and survive. Added to that, I understand that there is some recent scientific evidence that there is some doubt about whether chlorine actually does kill fire blight. This new scientific evidence indicates that the bacteria are quite unaffected by chlorine.

So, on two out of the three protocols, I have to say to Biosecurity that they are not doing that well. The third protocol is cold storage. I think they are saying that, if the apples are stored in cold storage for maybe six weeks, that is going to depress the bacteria to a level where they will either have gone to sleep almost permanently or been killed. But I have got some information here about a fire blight epidemic in south-west Michigan in the US, and I will read briefly from it:

Southwest Michigan apple orchards suffered severe fireblight damage this spring following unusually warm, humid, and wet weather in May. Fireblight is a highly contagious disease of apples and pears caused by a plant-eating bacterium. ... The fireblight epidemic ... is as severe as anyone can remember. Many acres of high-density ... orchards have been destroyed with the death of almost all the orchard trees. From 350,000 to 450,000 apple trees will be killed and 1,550 to 2,300 acres of apple orchards will be lost.

This is what is happening in Washington state in the US. How does that relate to us? It relates to Biosecurity’s protocol, because these apple orchards have been under snow—I believe it is above the top of the trees for the entire winter period. I think they
are in about as cold a type of cold storage as you could get. But, clearly, from what I have just read, fire blight emerged with savage vengeance when the snows melted. We really need to ask: is this working?

Members of a peak grower body for the apple and pear industry were travelling in Europe recently—we have the Pink Lady trademark in Australia and they have global management of this trademark—and they visited Italy and southern France. Fire blight got into northern Italy four to five years ago and, needless to say, that is that—it will never leave. According the farmers there, it is gradually going to destroy the orchards, the fruit and the farm businesses. When our visiting Australians told them about our current import risk assessment process they just had one question: why? Why would we be crazy enough to even consider relaxing our protocols to allow New Zealand apples into Australia, to allow fire blight into Australia?

We have an extension until 23 June 2004 for submissions for this process. Until that date, the jury is out. I am not going to say that Biosecurity has made up its mind, because it has not. The submissions can be challenged on the science available. I believe the Senate inquiry is doing a great job on that front. Anybody with any scientific evidence needs to present that evidence to the inquiry so that we can have independent scientists—experts—assess that new evidence. We can then present it and say, 'This is not a good thing.' I really want to say that this is not a good thing for the growers that I represent.

I have not left myself a lot of time to talk about the pig meat import risk assessment but that does not mean it is not equally important, and I may take it up another time. QAF Industries, in the town of Corowa in my electorate, employ 1,000 people. To the highest standards possible, they are very good at what they do. They are also concerned about disease in relation to the import risk assessment. The disease they are concerned about is PMWS, which is currently ravaging most countries in the world and costing them many millions of dollars in control measures. There is no cure and Australia is one of the three countries in the world that is free of this condition, Finland and Belgium being the other two. I urge Biosecurity Australia—I believe that this is only a draft import risk assessment—

Ms O’Byrne interjecting—

Ms LEY—No, it is not. It is the final IRA report, which was released on 19 February 2004. The appeal period closed on 22 March 2004. Again, I am hopeful that this particular level of science has presented sufficient evidence to Biosecurity Australia that an appropriate level of protection on the entry of an exotic disease has not taken place and that we therefore need to reject the set of import protocols that allow this a chance to happen in just 10 years. It is too high a risk to take to say, ‘If it happens, it won’t happen for 10 years.’ This is very distressing for the pig meat industries that I represent and I am very concerned about it. I do hope that Biosecurity Australia will consider carefully new advice. (Time expired)

The DEPUTY SPEAKER (Mr Barresi)—Order! The time for the grievance debate has expired. The debate is interrupted and I put the question:

That grievances be noted.

Question agreed to.

BILLs RETURNED FROM THE SENATE

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

Greater Sunrise Unitisation Agreement Implementation Bill 2004

Customs Tariff Amendment (Greater Sunrise) Bill 2004
Mr PYNE (Sturt—Parliamentary Secretary to the Minister for Family and Community Services) (6.03 p.m.)—I move:

That business intervening before order of the day No. 22, government business, be postponed until a later hour this day.

Question agreed to.

**FAMILY ASSISTANCE LEGISLATION AMENDMENT (EXTENSION OF TIME LIMITS) BILL 2003**

Consideration resumed from 27 November 2003.

The DEPUTY SPEAKER (Mr Barresi) (6.03 p.m.)—I advise the House that the Senate has returned the Family Assistance Legislation Amendment (Extension of Time Limits) Bill 2003 and has resolved to press its requests for amendments previously rejected by the House. It is my duty, on behalf of the Speaker, to draw the attention of the House to the constitutional question this message involves. The House has never accepted that the Senate has a right to repeat its requests for amendments to a bill when the House has rejected the requests. There are no House standing orders covering a situation for consideration of pressed requests, suggesting a belief, in the minds of those framing the standing orders, that the House would not, in the normal transaction of business, require procedural rules of this kind. It is a matter of constitutional propriety as between the houses based on the provisions of sections 53 to 57 of the Constitution. Legal opinions supporting the argument that the Constitution does not empower the Senate to press requests have been advanced by Quick and Garran, who were intimately involved in the development of the Constitution, and by eminent constitutional lawyers, past and present. I draw the attention of the House to the arguments which are summarised in *House of Representatives Practice*.

In 1983, the action of the Senate in pressing requests was taken as failure to pass proposed legislation and included as the basis for a simultaneous dissolution of both houses. However, there have been occasions in the past when the House has refrained from determining its constitutional rights. The message has subsequently been considered. There are, of course, situations where negotiations between the houses concerning amendments to bills—that is, proposed changes to bills which the Constitution permits the Senate to make—are unresolved. The standing orders of the House provide for situations of this kind. They provide for a stage at which, if the requirements of the House are not met, the bill in question must be laid aside or a conference with the Senate sought. Standing orders would need to be suspended to enable acceptance of the Senate amendments or alternative amendments. It has been considered to be inappropriate to suspend standing orders to continue the process of disagreement.

It is important that the House has regard to the constitutional implications and is not taken to have determined its privileges simply by the act of consideration of a Senate message. However, it should be open to the House to take whatever course it thinks appropriate in situations where the Senate purports to press its requests for amendments to proposed legislation. This could involve a range of options extending from declining to consider the message to considering the message and making or not making the amendments requested by the Senate by one means or another. It rests with the House as to whether it will consider Senate message No. 361 insofar as it purports to press the requests that were contained originally in Senate message No. 350.
Mr PYNE (Sturt—Parliamentary Secretary to the Minister for Family and Community Services) (6.06 p.m.)—I move:

That:

(1) the House:

(a) endorses the statement of the Speaker in relation to the constitutional questions raised by message No. 361 transmitted by the Senate in relation to the Family Assistance Legislation Amendment (Extension of Time Limits) Bill 2003;
(b) notes that, in the past, the purported pressing of requests was accepted as a failure to pass proposed legislation in the terms of section 57 of the Constitution;
(c) asserts that, in considering this constitutionally unsound practice of the Senate in purporting to press its requests, the House refrains from any determination of its constitutional rights in respect of Senate message No. 361;
(d) declines to consider further the requested amendments which the Senate has purported to press; and

(2) the message returning the Bill to the Senate convey the terms of this resolution.

I will not speak at length on this motion. The opposition and the government have been in consultation with respect to it. However, I commend you, Mr Deputy Speaker Barresi, for your statement to the House on behalf of the Speaker. Shylock in the Merchant of Venice would have referred to you as ‘A Daniel come to judgment’, and with that, I commend this motion to the House.

Question agreed to.

OCCUPATIONAL HEALTH AND SAFETY (COMMONWEALTH EMPLOYMENT) AMENDMENT (EMPLOYEE INVOLVEMENT AND COMPLIANCE) BILL 2002

Second Reading

Debate resumed from 26 June 2002, on motion by Mr Abbott:

That this bill be now read a second time.

Dr EMERSON (Rankin) (6.08 p.m.)—Almost all the bills I have spoken on since becoming the shadow minister for workplace relations are bad for our country—bad because they tear away the safety net of conditions of employment for working Australians, which has been established over a period of more than 100 years, and bad because they are driven by anti-union ideology rather than good public policy. Parts of the Occupational Health and Safety (Commonwealth Employment) Amendment (Employee Involvement and Compliance) Bill 2002 are driven by the same anti-union ideology. It is almost as if the government just cannot help itself.

There is an opportunity within this bill to achieve some valuable reform in respect of health and safety for our Commonwealth public servants. I am certainly a strong defender of the Commonwealth Public Service, having been a member of it. I spoke at a CPSU conference just yesterday and reassured Commonwealth public servants that they will have under a Latham government a very strong advocate and supporter in me as minister not only for workplace relations but for the Public Service as well.

Labor acknowledges that the bill contains some useful provisions, as we did in 2000 when a very similar bill was proposed by this government. Labor made it clear that it supported the bulk of the bill but was opposed to those blatantly anti-union parts of the bill which sought to restrict the role of unions in occupational health and safety. Sadly, the government has forsaken the opportunity to re-present this bill in a form that would have been acceptable to all parties. The government’s lack of commitment to this bill is shown by the fact that it has let it sit dormant for almost two years—since its introduction in June 2002—and the substance of the bill
also makes that lack of commitment apparent. While the government has tinkered with some of the provisions that concerned senators in 2000, most of the objectionable provisions remain intact. As a consequence, Labor will be moving amendments to this bill tonight to remove those provisions. We will also be considering further amendments in the Senate.

I want to address the important question of the role of unions in the Public Service. The bill is clear in its aim to limit the role of unions in workplace health and safety in the Public Service. The minister’s second reading speech states this in the following terms:

This bill will enhance consultation between employers and employees by facilitating a more direct relationship between them. The current prerogative role of unions ... is being removed.

Unions can still be involved at the request of an employee, and that type of provision is not new. In its second wave legislation, which was defeated in its entirety in 1999, the government tried to add an invitation by an employee to union right of entry requirement. Although that provision failed, the government is now trying to get the same provision through in respect of public sector health and safety issues. This is true to form for the Howard government. If it cannot get the reform it wants, it tries the same reform on a smaller target. I should use the word ‘reform’ advisedly, because you could hardly describe many of the proposals that come forward in the workplace relations area under the Howard government as reform. They are more change than reform—and change that is driven by an anti-union ideology, an ideology that is hostile to the very notion of collective bargaining and the right of working Australians, whether they are employed in the public sector or the private sector, to be represented by a union, if that is their choice. It is so ironic that the government talks about choice all the time, except, of course, when employees choose to be represented by a union. The government consistently puts legislation into this parliament and practice into Australian workplaces that deny them that basic right to be represented by a union if they so wish.

So, as I have pointed out, if the government cannot get the changes that it wants in full, it tries to do the same on a smaller target. This is exactly what it has done with the Building and Construction Industry Improvement Bill 2003. It has packaged up its failed second wave changes and aimed them specifically at the building industry, identifying the building industry as a stalking horse for its wider industrial relations agenda. It is hoping to first get Senate support for its industrial relations changes in the building industry and then to expand those second wave changes to the entire Australian workforce. We may remember well when the former workplace relations minister was asked whether, if he were able to secure the passage of the building and construction industry bill, he would consider extending its provisions to other industries and he replied that he would be stupid not to.

The provisions in this bill are also not surprising in light of the government’s secret plans to cut unions out of public sector bargaining altogether. How do we know that? These plans were revealed in a leaked cabinet submission in December 2002, under the same previous workplace relations minister. The then minister was developing a proposal to require that all new Public Service positions and all promotions be subject to the acceptance of Australian workplace agreements—or AWAs. So dispense with the long-established merit principle in the Public Service and throw that out of the window: you do not get a promotion if you are the right person for the job—if you are meritorious; you only get a promotion if you agree to accept an AWA.
It is ideology gone mad that in the Public Service a minister would seek to introduce a change which in effect said, ‘The merit principle is out the window. The good guys and the good girls are the ones who accept an AWA. They get the promotions and those who insist on being represented by a union or on bargaining collectively will not get promotions.’ What sort of principle is that? What sort of incentive is that to introduce into the Commonwealth Public Service? I think it is a stinking rotten incentive. It is a stinking rotten incentive that is designed to further politicise the Australian Public Service, which we have seen so comprehensively on this government’s agenda since 1996. It was then, of course, that it assured the Public Service, before the 1996 election, that there would be no forced redundancies, that job losses in the Public Service would not exceed 2,500 and that this would be done entirely through natural attrition. The result, once the government got elected, was that more than 30,000 jobs were slashed in the Public Service, mostly through forced redundancies. That was one of the earliest of many broken promises on the part of the Howard government.

The then workplace relations minister, the current Minister for Health and Ageing, began the process of doing that by taking to cabinet a submission which would require public servants to accept AWAs as a condition of their promotion, in pursuit of the government’s mad ideological right-wing agenda. Part of the same proposal was that the government was going to ban all union collective agreements: they would only agree to non-union agreements—again, ideology gone mad. The government wanted to create a situation where there could be no union agreements in the Australian Public Service. What a disgrace—so much for choice. Employees just could not choose to be represented by their union if that proposal became policy. Moreover, there is not a lot of good faith bargaining inherent in that approach.

I had the honour today of introducing on behalf of Labor a private member’s bill that would restore good faith bargaining in the Workplace Relations Act—a provision that was removed by this government in 1996 so that it no longer became a requirement on the parties to bargain in good faith. What government would consider that good policy? In fact, privately a number of large corporations have said to me that they would like to see reinvented into the Workplace Relations Act a requirement on the parties—employers and employees, as represented either individually or by unions—to bargain in good faith. It is a perfectly reasonable request, yet this government removed that requirement in 1996, creating a situation where lockouts have become a blight on the Australian industrial landscape, where workers have been locked out by employers for 15, 20 and even 25 weeks. They have been starved into submission and put in a situation where their families have broken down and where they have been forced to sell their homes. This is the sort of change that this government considers to be a reform. It is not a reform; it is a completely retrograde step. So there is not a lot of good faith bargaining there, and the provisions in this bill that restrict the involvement of unions in health and safety issues are just another part of the same mad right-wing ideological agenda. Labor will not support these provisions.

I now move to the area of compliance and penalties. Labor does support those parts of the bill that strengthen the enforcement aspects of occupational health and safety for Commonwealth employees. We agree with the government that there is merit in increasing the levels of penalties in the occupational health and safety act and introducing civil pecuniary penalties for Commonwealth employers, in addition to refining existing
criminal penalties. This dual criminal and civil system of enforcement is also consistent with state occupational health and safety systems. Labor accepts that introducing a civil stream of enforcement can expedite prosecutions. Under the current criminal only system, very few prosecutions are brought at all. The Senate inquiry into the 2000 bill found that, from 50,000 reported accidents and 1,770 investigations, only nine prosecutions had been brought. This is exacerbated by the immunity of the Commonwealth and most Commonwealth authorities from prosecution. As a result, it appears that the criminal penalties under the current act have little deterrent effect at all. An important aspect of this new dual system is that the bill will add a new provision, which was not in the 2000 bill, to make it possible to secure a pecuniary penalty order against the Commonwealth or a Commonwealth authority.

I now turn to the issue of consultation. Labor notes that the bill before us is different from the 2000 bill in respect of some of the provisions relating to health and safety committees. The amendments take account of some but not all of the concerns raised by Labor senators in respect of the 2000 bill. The current provisions will be considered in the context of these changes in the Senate.

This bill is disappointing because it shows yet again that the government is unable to separate ideology from policy development. It consistently wants to put ideology ahead of good public policy. We could have had a bill before the House tonight that would have gained Labor’s unqualified support, but the government’s obsessive hatred of unions is stronger than its desire to see an improved health and safety regime for public sector employees. As a result, Labor will be moving amendments to this bill and will be considering it in further detail as part of the Senate’s processes. The government may or may not accept those amendments—again putting the future passage of this bill in jeopardy.

I urge the government to take out those pernicious provisions that relate to removing unions from occupational health and safety in the public sector. Removing unions is a completely unnecessary move. Unions have a role to play in monitoring and enforcing occupational health and safety in the public sector, just as they do in the building and construction industry and other industries. But the government want to remove the rights of unions and the role of unions in protecting the health and safety of their members on work sites in the public sector and anywhere they possibly can around Australia.

You are left in the very invidious position of questioning the government’s commitment to ensuring strong enforcement of workplace health and safety in this country when, wherever this issue arises, even when the government bring in legislation, they insist that in the course of it they remove any genuine role for unions in enforcement. I fear that in those circumstances the government will go in the same direction that they are going with the building and construction industry bill, saying that they will put in their own enforcement agency. The truth of the matter is that in the building and construction industry bill the government’s enforcement agency will be designed simply to ensure that it has as much control over the activities of unions as possible but not genuinely to ensure high standards of workplace health and safety in this country. So we do have grave reservations about the reasons for the government’s insistence that the role of unions in health and safety compliance in the public sector be greatly diminished. For that reason we are moving amendments. I will move those later on, when we get to the consideration in detail stage of the debate.
Mr CADMAN (Mitchell) (6.24 p.m.)—The Occupational Health and Safety (Commonwealth Employment) Amendment (Employee Involvement and Compliance) Bill 2002 is a real change to the ethos of occupational health and safety and follows further efforts by this government to bring to the workplace environment genuine consultation between employers and employees. The consultation envisaged in this legislation extends to the area of occupational health and safety and offers real choice for employees. The attitude of the previous speaker and the Australian Labor Party seems to be that the choice must be a choice for the union. What we are saying is that it must be a choice for the employee—the person who is actually in the workplace should have a choice of who helps them prepare an occupational health and safety program.

As always, this government looks at the role of the person in the workplace. It does not matter what the industry is—it does not matter whether it is in the Public Service or in the private sector—this government is insisting that the individual employee is the most significant person that is covered by provisions of workplace conditions and occupational health and safety. Under these proposals, what would happen is that employers would be required to develop a safety management arrangement in consultation with their employees. Those employees, if they wished, could involve the union movement. It would be a choice for the employee; it would not be a choice for the union.

Why is there this fetish in the Australian Labor Party that the union must be involved no matter what? Whether the employee wants it or not, the union has to be in there: they want a mandated approach—so that unions are mandated in there. That is their objection to this legislation. Reading through the provisions of the bill and the proposed amendments put by the Australian Labor Party, the proposed amendments require that the union be involved. This has, I might say, been quite an unusual approach to legislation and I have been chasing through pages of these lines: instead of a generalised objection to the legislation, they say:

(2) Schedule 1, item 8, page 5 (lines 1-14)—Omit the item

(3) Schedule 1, item 11, page 5 (lines 28-29)—Omit the item

—and it goes on and on like that, saying ‘Omit the item’ over and over again.

But when you come to analyse the items that are being omitted by these proposed amendments, you find that it is all the freedom clauses—the clauses that allow freedom for the employee—that are being removed. The definition is being removed—the definition of who may be involved in a process and what associations and groups can be used to consult to establish an occupational health and safety plan. All of the provisions that specify freedom and choice for the individual in the workplace—the people that are actually on the job—are being removed. The impact of all of the amendments proposed by the Australian Labor Party—and there are 40 of them—is simply to restore the union movement’s mandated control.

Despite consideration of the bill in the Senate, where senators, including Democrat and Labor Party senators, have had a chance to look at it, all these proposed amendments really do is prove that the union movement is back running the Australian Labor Party. Since 1996 the union movement has donated nearly $40 million to the Australian Labor Party. The union movement and Centenary House are the greatest supporters of the Australian Labor Party. One is the result of a rort; one is in exchange for manipulation and control of the Labor Party organisation. It is a tragedy that in this legislation, where the
safety of individuals and their workplace conditions are so critical—things about which they should have a say—the Australian Labor Party wants to hand all those conditions right over to the union movement and preclude the individuals from having a say. The experts are outside the workplace, sitting in an organisation called a union, which will come in—mandated, according to the Australian Labor Party—and tell the employees, the people actually doing the job, what is best for them with regards to occupational health and safety provisions. Now that is just not on.

I quote Dr Emerson, who said on 31 January this year at the national conference of the Australian Labor Party:

The Labor Party and unions are in partnership once again.

That summarises the Labor Party’s approach to significant legislation. One can look at the building industry and look at the CFMEU and their involvement in the building industry and one can say, ‘There is absolute control of occupational health and safety provisions by the union movement, but accidents are still happening, bills are not being paid and employers evidently are not doing what they should do’—and that is with absolute union control. So what is the benefit of the CFMEU in that industry? The same applies to all involvements of unions. It should be a choice of the individual employee, judging the quality of the service and advice they can get from the union movement—or from anybody else, for that matter—to help them to understand and to design workplace occupational health and safety provisions.

The Labor Party has said already that it would again mandate union control in this area in the Public Service. One only has to look at the situation in New South Wales with the building industry, where WorkCover comes in and runs a building site and ad hoc decisions can be made on health and safety, to see what is proposed by the Labor Party’s amendments. On the other hand, since coming to office we have had some of the best improvements in workplace conditions ever: a 13 per cent real improvement in wages and salaries, with fewer strikes and 1.3 million jobs created; it is better for everybody. So here we have better conditions and better opportunities for everybody in the workplace, and the Australian Labor Party wants to roll all that back. This is roll-back in another arena. ‘Roll-back’ used to be the Labor Party’s catchcry for the GST, and it has dropped that; but this is roll-back to where every aspect of the workplace will be union controlled. That will diminish the intelligence and the capacity of those in the workplace to understand what the needs are and to translate them into a plan for occupational health and safety.

Nobody in Australia would doubt the capacity of Commonwealth public servants to do this for themselves. Above all others, they would be better equipped to understand what their needs are and to devise a plan with their manager and put it in place—calling on the union only if they want to and not having it mandated. The reforms in this bill focus on two key issues of improved employee involvement: first, getting employees concerned about occupational health and safety; and, second, introducing a new innovative compliance process which is a mixture of the legal processes that until now were part of the compliance process. It is really significant that we make those changes.

The specific requirements in this bill are for employers to comply with their duty of care with workplace arrangements and then there are the compliance and enforcement processes. The current monopoly of unions will be removed by this legislation. There will be greater opportunity for all employees to be actively involved in occupational
health and safety matters. Employers will be required to consult all employees, not just unions, about the development of occupational health and safety arrangements. Safer workplaces will be achieved with a practical knowledge based program. Also, employees will have access to the type of representation they want—not what the union wants, not what the Australian Labor Party wants, but what the employees actually want.

When the Senate last looked at this—and it was booted out of that place, of course, by the Australian Labor Party; but we have come back with more changes and more negotiation—Democrat Senator Andrew Murray commented on the useful advances contained in the bill and remarked on union misuse of power under occupational health and safety. And the abuse of power by unions in connection with occupational health and safety issues is rife throughout the building industry and many other industries. It would not matter if they were actually getting results, but they are not. Last year the accident levels in New South Wales were up by 14 per cent. The control and involvement of the union movement are not having any impact, so why not change things and ask the people who are actually employed how improvements can be made and develop employee-driven, employee-employer cooperative arrangement changes to occupational health and safety? That would get results.

The minister in his second reading speech on the 2002 bill said:
This bill includes some additional changes to provide further protections for employees. Some amendments are also included to strengthen the compliance provisions.
That is what has happened and that is a very sensible approach. In my home state of New South Wales not only is occupational health and safety an absolute disaster—with people walking on to the job and conducting inspections whenever they wish, holding up sites, stopping work on sites and producing terrible results—but also in the whole of the workers compensation process there are further problems with companies having to pay back the whole of the workers comp claim within a period of three years. With regard to what is really happening with workers comp—and that is an occupational health and safety factor which is remote from the consideration of this chamber but it impacts on the way people behave in the workplace and on what the provisions for occupational health and safety are—it is more as though an insurance company is making a loan to the company involved and then, over a three-year period, gathering that back and charging a fee for allowing the company to use their services.

I think this whole area needs careful attention and I commend the government on the changes that it has made and is making. This is a most important bill and a most important change in workplace culture and the way that safety in the workplace is looked at. The government’s determination to have safe workplaces has not changed, but this legislation is saying that what it has been doing up until this stage has not worked. No matter how many unions are involved, no matter how strengthened their powers may be, until you have employees involved with employers nothing will work.

Mr Emerson, the opposition spokesman on these issues, has said that union involvement is crucial and is the most critical part of the whole process. It does not seem to matter which union it is. Any union, any occupation, any job—one size fits all: ‘Get the union in there and everything will be right.’ That is not so. The funding process, as I have already mentioned, is the critical factor in why the Australian Labor Party wants to have the union movement involved in occupational health and safety. The union movement—and Andrew Ferguson, I know, is related to people here in the chamber—
The DEPUTY SPEAKER (Mr Bar-ressi)—Order! The member for Mitchell will refer to other members by their correct title or their seat.

Mr CADMAN—No, he is the union rep—a brother to these two members here. He is in the CFMEU in New South Wales. The attitudes are very similar; the family is the same, but he does not happen to be in the chamber. In his role in New South Wales, he is very happy to have union involvement and union control.

This bill retains the current institutional mechanism of designated work groups, health and safety representatives and health and safety committees. It does not take that away. But the amendments would provide for more direct relationships, and that is what we are on about: more direct relationships between employers and employees. Civil proceedings for breaches of the act are introduced, including new remedies such as remedial orders and civil pecuniary penalties, and new measures such as injunctions and enforceable undertakings are also available. The Australian Labor Party say they do not mind the improved compliance and enforcement procedures but they just want to have the union movement there as well. I just do not see the logic of that process unless they are captured by the union movement. The criminal offences would be retained for the most serious breaches of the act and for those breaches most appropriately dealt with by the criminal justice system, and that is proper. If people are going to abuse employees in matters such as the safety of their environment and what the employees are asked to do then there should be a criminal justice system available to people pursuing these matters. The penalty levels for the breaches of the act are also significantly increased.

In conclusion, I repeat that this government have created 1.3 million new jobs. We have increased real wages by 13 per cent. That has been brought about by bringing a new ethos to the workplace, by bringing about the opportunity for employers and employees to work together. The Minister for Transport and Regional Services, the Deputy Prime Minister, spoke today about the improvement in the productivity on the waterfront. That is also an indication of the way in which improved relationships in the workplace will get great results, both for the employer and for the employee.

This is another area that has not worked in the past. Under the old systems of occupational health and safety, we have not succeeded in getting a better result. The increase in accidents and the deaths and disasters in New South Wales under the CFMEU show that the old way does not work. Bob Carr has tried for years to improve that system in the building industry there, and it has not happened. The accidents are still happening. What a hopeless arrangement that is. Why would you persist and want to put into federal legislation a system that is patently wrong and which patently disadvantages employees? To me that is an incomprehensible approach. It is a dark-age approach. It is an approach that says we are captive to the union movement, right or wrong. With bad results, we are captive; with good results, we are still captive. The Australian Labor Party approach on this bill is just another example of their dog-in-the-manger union control—right or wrong. The member for Rankin was right when he said in his speech earlier that they will be back to the union movement. The Labor Party are demonstrating it time and again.

This government will continue to put in place a framework in workplace relations and occupational health and safety which will create real advantages for employees. We have done that. Nobody can dispute that. Instead of wages going backwards as they
did under the Australian Labor Party, we have improved wages. We have better job opportunities. We have created more jobs. We have given people real salary increases and there have been fewer strikes. So that is the process that this legislation continues. It is proposing a new and a different way. It is something that we will keep arguing for and something that we believe will ultimately be beneficial to everybody in Australia.

The union movement does have much to offer, but it should only be there—it should only be part of a process—if the employees genuinely think that there is an advantage in that happening. It is time for the union movement to look at itself and decide whether it is meeting the needs of its members. It does not have an automatic right to be there. It must demonstrate that it has the ability, the understanding and the knowledge to make a contribution to occupational health and safety. If the union movement can do that, it will be invited in by the employees because the value of that process will be patently clear.

I completely support this legislation. I think it is excellent. As I have outlined, there are problems in my home state in the building industry, where subcontractors are deemed to be employees and suddenly huge bills are dumped on contractors for workplace things that they have never even contemplated—where these people, who are self-employed and should be seen as self-employed under Commonwealth law and state legislation, are being penalised. It is no wonder that the state of New South Wales is in such a mess and going backwards so fast. We as a Commonwealth do not want to follow that pattern. We believe there is a better, more wholesome way—a way that gets results. Our track record after this time in office has demonstrated that this will be a solution. Just as there have been solutions in other areas, changes to occupational health and safety will also get great results.

Ms HALL (Shortland) (6.43 p.m.)—After listening to the previous speaker in this debate on the Occupational Health and Safety (Commonwealth Employment) Amendment (Employee Involvement and Compliance) Bill 2002, one could be forgiven for thinking that the current occupational health and safety system that operates within the Australian Public Service is not working. I strongly believe that the occupational health and safety system that is currently employed within the Australian Public Service is one of the best systems that operates anywhere. I am very familiar with the way this system was introduced in Australia and I think Australian public servants have benefited enormously from the system that operates now. It is a system that works well and it has actually improved occupational health and safety practices within the Australian Public Service.

This legislation seeks to change a system that is working—a system that has improved the occupational health and safety outcomes in the Australian Public Service, a system that has delivered what it was supposed to deliver. We have constantly seen innovative processes being adopted that will improve workplace safety, because occupational health and safety is about workplace safety; it is about ensuring the safety of workers in the workplace and ensuring that a minimum number of workplace injuries occur and that there are hopefully no workplace deaths.

Occupational health and safety is of vital importance within the Public Service. It is an issue that needs to be dealt with from the perspective of creating a safe workplace and putting in place the right and proper structures and legislation to ensure that is exactly what happens—that we have a safe workplace for all public servants. As I have al-
ready pointed out, the current system is doing that pretty well. Unfortunately for Australian public servants, many of the changes outlined in this legislation are not driven by the desire to improve the workplace by improving occupational health and safety within the Australian Public Service; rather, they are driven by ideology—and ideology is not going to create a safer workplace.

Nothing makes me sadder than hearing Australian workers constantly denigrated in this place because they are members of a union. This government tries to make it sound like unions, unionism, workers involved in unions and family members involved in unions are some sort of a disease. To be quite honest, unions have played a very vital role in workplace occupational health and safety in Australia and, I emphasise very strongly, within the Public Service. As a person who spent many years working with injured workers, I know just how important it is to have in place the right structures to ensure workplace safety. I truly believe that the measures outlined in this legislation will not deliver that improved workplace safety. I think any changes that are made to any legislation should be an improvement and not a step backwards, and they should not be driven purely by ideology. They should be driven by a concern to have a safe workplace for the men and women working there. The government should take into account the effect a workplace injury caused by an unsafe workplace will have on the lives of workers who are injured, on our community and, in this case because we are talking about the Australian Public Service, on the government.

When the then Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service, Mr Abbott, outlined the rationale for the legislation in his second reading speech, I was very pleased to hear that one of his first comments was that this legislation would create ‘workplaces free from work related death, injury and disease’. That comment came with good sentiments, but unfortunately I do not believe that the overall impetus of this legislation will take us in that direction.

There are some provisions within the bill that I think are very good and that I support. Obviously, the improved compliance regime is welcome, as is the dual civil and criminal penalty system that will come in with the compliance and the enforcements. That is a very positive aspect of the legislation, but I truly do not believe that the other changes within this legislation will deliver what is outlined in the purpose of the bill. I read that the purpose of the bill is to change the roles. The purpose of any legislation that deals with occupational health and safety has got to be about creating a safe workplace, but I believe that the purpose of this legislation is about changing the role of the unions in the workplace in relation to occupational health and safety. That will not deliver a safer workplace. Rather, it is catering to the government’s preoccupation with and hatred of unions.

In his second reading speech, the minister also said that the bill will shift the focus of occupational health and safety regulation away from imposing solutions and towards enabling those in the workplace to work together. I have got news for the minister: workplaces do not operate the way he believes they do in his fictional world. Workers do not always make the right choice for themselves. If workers are under pressure to deliver a certain outcome for their employer, be it in the Public Service or in the private sector, they often push aside their own occupational health and safety needs to deliver what they are asked to deliver. There are many reasons for this.
There are public servants in this House tonight, and I am sure if each and every one of them looked at their own work environment and the pressures that they have been placed under in different ways—and some of them are very subtle—they would realise that they have compromised their own health and safety needs on many occasions. That is quite common and to some degree it is a measure of the fact that these employees wish to please, that they enjoy their work and that they want to deliver the outcomes their employers would like. But it also really reflects the fact that quite often workers are worried about retaliation, about the consequences of maybe getting up and walking away from their computer, taking the break that they should be taking and not having their brief or their paper delivered on time. These are the subtleties that exist within the workplace and within the Public Service.

I believe we have outstanding public servants in the Australian Public Service; I also believe we have just about got it right with our occupational health and safety arrangements at the moment with workplace committees and involving the unions in that process. It is important to note that, whilst we talk about unions as if they were totally removed from the process, the majority of public servants are members of those unions. The people on those occupational health and safety committees are the workers who are working within those workplaces.

I think it creates quite a false picture if you try to separate those people in a union who are workers in the Public Service and make them sound as if they are totally removed from the process, because they are not. The unionists that are involved in occupational health and safety in the Public Service workplace have received special training in occupational health and safety. They have special knowledge. As such, I believe they are in a very special position when it comes to negotiating safe workplaces for workers. I think it is very important to keep that in mind when we are talking about this legislation.

The previous speaker mentioned New South Wales. I would like to quickly turn to an example of a workplace that operated in New South Wales. It was a non-union workplace. Unions were not allowed. If you were a unionist, you were not employed in this place. I would have to say they had the most appalling occupational health and safety record of any organisation I have come across. The example I would like to share with the House concerns a worker from that organisation. The worker was on a semi-construction site and he got a steel rod through his leg. Because there had already been so many accidents that particular week, if an ambulance had been called and that worker had been taken to hospital in the ambulance, it would have immediately ensured that the WorkCover authority would have visited that place. So the other workers had to somehow get this man with a steel rod through his leg into a car and take him to the hospital. The hospital was absolutely appalled that they had moved this worker and taken him to the hospital. These are the kinds of things that happen in workplaces where you do not have proper occupational health and safety. This same workplace had people welding in the rain. Anybody who knows anything about safety knows that that is something that you do not do.

To get back to the legislation that is before us and to relate it to the example I just presented to the House, unions play a vital role in ensuring that there is a safe workplace. We should not allow our philosophy, our ideology—our own personal preferences—about unions to drive what is thought best for the workers in an industry. What is best for the workers in the Public Service is to have their
union in there, arguing on their behalf on occupational health and safety matters.

I noted that the minister in his contribution to this House referred to creating a more flexible workplace. Flexibility is fine if it is true flexibility. Going back to what I was saying a little earlier about workers and their involvement within the workplace, I would argue very strongly that it does not create flexibility. Rather, it skews the relationship that those workers have with their employer and places greater pressure on them to perform in unsafe circumstances. Briefly, the primary role of this legislation is the elimination of the role of unions in representing employees in a safety matter. I think I have dealt with that pretty fully today. It is a change in the management of occupational health and safety away from joint policies towards the development of a safety management arrangement. As I said, I can see that a more flexible compliance regime, as opposed to other kinds of flexibility, has got some benefits with the expanding of the scope and the levels of penalties.

I think there are some concerns about the vagaries of safety management arrangements that are referred to here. I also have some concerns about self-regulation. I always have great concerns about any form of self-regulation, because every time I look at it and examine where it is operating there are usually some flaws in the process. As such, I feel that that does create some concerns, particularly with an issue as important as occupational health and safety.

It has been noted by previous speakers that the Senate committee looked at the 2002 bill and expressed serious concerns. There was a rejection of the reduced role of unions under the occupational health and safety act. There were a number of comments about the ideological rhetoric associated with labour market opposition and about unions and union-backed members of health and safety committees. But it is important to note that, when you look at the lower workers compensation claims, these committees have really delivered. I think that the Comcare system, the federal occupational health and safety system, is really outstanding. It is something that other governments have looked at because of the success of the system. The Senate committee also gave qualified support for the more flexible dual civil-criminal system. Senator Murray from the Democrats expressed some concerns and acknowledged the place of unions in the maintenance and advancement of workplace health and safety.

My concluding comments are: think carefully about any changes that are driven just by ideology, not by the needs of workers and the desire to create a safe workplace. Think carefully about changes that are about eliminating unions, changes that are based purely on ideology and not on fact. I caution the government very seriously about proceeding with this legislation, because I strongly believe that it is going to create a situation where our Public Service that has such a fine safety record will move away from that and will end up with a far inferior safety record to the one it has now. It will put pressure on its workers. It will create an environment that is not in the best interests of the government or the workers. If you end up in a situation where you have more claims and poorer workers compensation outcomes then you have a system that is not working.

Mr HUNT (Flinders) (7.03 p.m.)—This bill is a snorter. The Occupational Health and Safety (Commonwealth Employment) Amendment (Employee Involvement and Compliance) Bill 2002 is a ripper. It does two things. Firstly, it is about improving safety for Commonwealth employees—something about which I am sure all members of this House are in unanimous agreement. Secondly, it does this by bringing
about and providing free choice. So it achieves a desirable end through an ideal means.

I came to this House as a metalworker, as a storeman, as somebody who had earned a wage in business and also in government employ. Through those different lines of activity I have seen some of the best and worst of the workplace. I am not an enemy of unions, but I have seen some unions which have played a very important role and I have seen union activity which has been utterly contrary to all good practice. I have been in a situation where, for working quickly as a storeman, I was threatened with an accident. I remember it very clearly. It was one of the defining moments of my youth. When working as a storeman and packer at Consolidated Liquor in Huntingdale, I and all of the people who were working quickly had messages given to us in a very clear and open way. That was not about occupational health and safety; that was about a work-to-rule notion. That was about a notion that those who worked with higher productivity in some way threatened.

This bill is not about breaking unions or anything like that. It is about dealing with two things: firstly, improving safety for Commonwealth employees and, secondly, doing so through providing an appropriate, tailored means for each individual workplace. Given that it is about the Public Service, I wanted to make these comments. I think we have an outstanding Public Service in Australia. There are areas of inefficiency and there are areas of great expertise. I want to put on record my particular thanks to all those people who make sacrifices and forgo salaries which they could otherwise make in the private sector by choosing to pursue issues of national importance and by having a belief in the country through the Public Service. There are many people in many different sectors within the Commonwealth Public Service who make sacrifices and who take for themselves opportunities which might bring less financial remuneration than they might otherwise have had. But they do so because of a belief and because of the capacity to have an influence on the affairs, the progress and the events of the nation.

We have to acknowledge that sometimes, in looking at safeguards, we make a trade-off with excellence. Sometimes this trade-off is unnecessary. By imposing a one-size-fits-all rule there can be an unnecessary trade-off. This bill seeks to redress that problem. It does so in a way which is, I believe, progressive. If I am asked to define my philosophy, more than anything else it is what you might call a progressive philosophy. I go back to the very words on which the Liberal Party was founded—Menzies’ words. To paraphrase: we chose the word ‘liberal’ because we believed in a progressive society and a progressive philosophy. That is what I believe in and that is what I believe this bill does. It does so by allowing for tailored responses to individual workplaces.

The background to this bill is simple. The Occupational Health and Safety (Commonwealth Employment) Act 1991 was designed to limit the effects of physical injury and illness in the workplace. It provided a legal basis and a set of standards for activity. It was an important step forward. Under the act, a duty of care was prescribed for employers and workers to outline their health and safety responsibilities, but this was done in a structured and inflexible manner. This bill will further improve protection for employees of the Commonwealth by allowing for tailored responses within each individual workplace and set of circumstances. It confirms the government’s determination to provide safer workplaces but ones which, at the same time, are more appropriate and more efficient.
The importance of the bill is sixfold. There are six core elements as to why the Occupational Health and Safety (Commonwealth Employment) Amendment (Employee Involvement and Compliance) Bill 2002 should proceed with full haste and pass through both houses of this parliament. Firstly, the bill is important because workplace, health and safety measures can be further improved at the Commonwealth level. How do you do this? You can do this by allowing employers increased flexibility to negotiate strategies for safer workplaces with their employees. Together, they work towards a common understanding—one that takes into account the conditions of the individual workplace rather than the conditions imposed by a third party. It is about assessing between employer and employee what is actually necessary to resolve the situation in any one workplace.

Secondly, this bill is important because employers will be required to develop safety management arrangements in direct communication with employees. It is not only about the exchange of information but also about the dialogue. It forces the two sides to get together. So it is not some hypothetical concept; it is about the people in the workplace at the managerial and the administrative levels working together to understand, consult and produce a set of outcomes. Thirdly, the bill is important because, currently, there is a typical one-size-fits-all approach to occupational health and safety for Commonwealth employees, which was characteristic of the legislation of the early 1990s. This fails to recognise the fact that so many Commonwealth workplace situations can be unique. They each have their own set of circumstances and factors.

Fourthly, the bill is important because, under current legislation, employers and employees cannot work together directly on health and safety conditions where there is a union presence. That is an extraordinary provision. It is an extraordinary constraint and prohibition that, where there is a union presence, direct negotiations between employer and employee are prevented. This bill seeks to overcome that patently absurd constraint on the conduct of relations between employers and employees. Fifthly, the legislation is important because it encourages compliance with occupational health and safety requirements. Whilst there is flexibility, it comes with a strong background. There is a clear, potent enforcement mechanism behind it—that is, it provides for civil and, in some cases, criminal penalties. These penalties have been increased and, interestingly, the ACTU have generally supported these increases. In that situation, yes, there should be greater flexibility but, no, that flexibility should never be an excuse for ensuring that there is a lack of safety. Sixthly, and finally, the bill streamlines the annual reporting requirements of Commonwealth agencies. In essence, it is about producing a set of results, not a process of red tape.

Those are the core elements of this bill and the reasons why it is important. Above all else, it is about allowing employers and employees to define and design their own set of safety regulations but to do so with a very clear set of penalties in the background if anybody squibs it. That is the way this bill operates, and it does so through applying an approach and a philosophy of generally greater freedom. Those are the two important things: safety and freedom—but with a clear set of penalties as a backdrop in case anybody tries to or does abuse the situation.

In conclusion, there is one additional reform which I would like to see in the future. I think that there is a lack of flexibility within the Commonwealth Public Service in the ease with which people can flow in and out of the service. There is an enormous amount to be gained within the private sector.
from having people from the Commonwealth Public Service flow in and out of it and an enormous amount to be gained within the Commonwealth Public Service from having a greater inflow and outflow of people from the private sector. The walls between the two should be far more permeable. That is an important step forward. Sure, we need to develop expertise, but each can benefit from having the experience of the other within it. Commonwealth Public Service employees should spend more time in the private sector and private sector employees would benefit from working within the Commonwealth sector. Together, that creates greater understanding between business and government. So, in addition to this bill, I would strongly urge—and it will be one of the things I work towards during my time in this place—that there be greater permeability and interchange between the private sector and the public sector with regard to employment experiences.

As I said at the outset, I think the reforms in this bill are tremendous. I am delighted to support the Occupational Health and Safety (Commonwealth Employment) Amendment (Employee Involvement and Compliance) Bill 2002. I thank all of those people in the employ of the Commonwealth who commit to this country, who work for the country and who believe in the country. I commend the bill to the House, and I urge its passage.

Mr LAURIE FERGUSON (Reid) (7.14 p.m.)—The member for Flinders describes the reforms in the Occupational Health and Safety (Commonwealth Employment) Amendment (Employee Involvement and Compliance) Bill 2002 as tremendous and speaks of the bill as a ‘snorter’. The government do not seem to have been too excited about the legislation, though, because after the bill lapsed in 2000 they did not get around to reintroducing it until June 2002. He might get some late-night excitement from this matter, but it does not seem to have been a big priority of the conservative government.

I note the veneer that the member for Flinders provided in his speech. He talked about his industrial relations background. He talked about the progressive nature of some elements in the Liberal Party. He said that it was not about ‘breaking unions’. He said that it was an absurd constraint that the employer and the employee could not work together. I am always thankful in these debates that the member for Mitchell makes a contribution, because this veneer and facade that the member for Flinders puts forward is totally destroyed by the member for Mitchell in any debate about industrial relations.

Here today he essentially covered the building industry. I want to take issue with him on those matters. We have just been through a royal commission which spent $60 million of Australian taxpayers’ money. In New South Wales, where I reside, a series of prosecutions was launched against the CFMEU. The ‘tremendous’—that was the word that he used—outcome was that, of the 26 prosecutions and 49 charges that were laid, one succeeded and the total fine was $2,000. So $60 million was well spent, I would say!

It is interesting to note that, in that royal commission, the question of occupational safety got short shrift. Braham Dabscheck, Associate Professor of the School of Industrial Relations and Organisational Behaviour at the University of New South Wales, in the Sir Richard Kirby lecture on 20 August 2003, said:

The Royal Commission devoted most of its resources and energy to investigating an issue which was not the most important—unions and their impact on industrial relations—and substantially less and/or limited resources and energy to an issue which was most important—occupational health and safety. An issue of less
importance was thoroughly investigated; the most important issue received substantially less investigation.

He further noted:

In adopting a ‘no public hearings’ stance on occupational health and safety, Commissioner Cole protected employers from the ‘public gaze’. The industry experiences 49 deaths and over 14,000 injuries each year... Imagine, for a moment, if the employers or principals of the companies of workers killed in the last year had been required to testify in public hearings about their approach to and administration of occupational health and safety. Imagine, for a moment, say 49 individuals, one after the other, day in day out, trying to deflect the opprobrium of their occupational health and safety failures. Such hearings would have cast employers in a poor light and had the potential to demonstrate a positive role for unions. That is the reality of the industry that the member for Mitchell talks about. The reality is that there is a death a week. The reality is that, when Dean McGoldrick was killed in Sydney, the company had a $20,000 fine placed upon them. It was estimated that, for every time they breached it, there was an $8,000 saving for the company. That is the reality, despite the rhetoric of the member for Flinders about how we will all get together and have a few cups of tea and some biscuits and that will be a good way to increase communication between the two parties. The reality is that, if the employer is faced with that objective monetary gain from noncompliance, and small penalties, they are basically not going to adhere to it. The situation in that death was that the person was on a roof without protection. There was no adequate safety harness, there had been no training and the ropes were worn and frayed. That was the picture in that particular situation.

In Canberra, we had the Canberra airport construction hangar falling down most drastically, with 54 employees facing very serious safety threats and 14 being taken to hospital. This is the reality—this is the truth. This is the way it works essentially in the real world. The member for Mitchell comes in here and talks about how it is bad with the unions having so much involvement and that proves that we should have not have union involvement. The truth is that this is a very dangerous industry and anyone with half a brain would realise that, if there were not these kinds of controls and union intervention in the field, it would be an even worse situation.

In this industry, on 17 March—not in 1882 but in 2004—we had a situation in Sydney where an unlawful worker on his second visit to this country, after having worked for six months basically suffered an injury at South Strathfield and died as a result. There are two aspects to this: the failure of the immigration department to police adequately the way in which tourist visas are being utilised for illegal work in this country, and the reality of that worker’s death. To give you some indication of how constant this problem is, that was on 17 March and, since then, we have had the case of a South Korean who was illegally working in the country and who is currently in a coma and fighting for his life at Royal Prince Alfred Hospital after a similar situation. So for people to be hung up and preoccupied in this field with diminishing the role of unions is absolutely ridiculous. That preoccupation is ideologically driven. It has no sense. It is essentially about trying to undermine any kinds of union rights in this country.

As a member of parliament, on a number of occasions I have had to take up with state workplace authorities issues to do with safety on jobs. Very rarely do the workers who ring me up say: ‘Please give the company my name. Please tell them that I am the one that complained to you, because the employer is just so open to discussion about these matters. They are so willing to repair an unsafe situation if I raise it with them.’ The truth is that, each time that I have had to
do this, I have had to construct a facade about former employees complaining to me or people in the transport industry dropping materials et cetera. That is the truth. If there is no union involvement on these safety conditions, there is not going to be any real activity whatsoever.

The member for Mitchell talked about concepts of absolute union control. He talked about ad hoc decisions by WorkCover. That is not the reality. The situation is that it is a daily struggle on sites to accomplish any safety. Talking about the $60 million royal commission—which was taxpayers’ money spent by the current government—it is very interesting to note that the academic commented about the lack of interest in occupational safety, but it is worse than that. The outcome of that royal commission was, of course, this Building Industry Task Force. What has been their reaction to occupational health and safety—this ‘snorter’ of an interest by the government; this preoccupation of the government with safety? What has been the response of this industrial task force?

Having ignored the issue in the actual hearings, Commissioner Cole established this body. I ask you: what did they do about the situation of the death site of Joel Exner? He was another one. He was 15 years of age and he died on his third day of work in this industry. What was the response of this glorious task force? They went to the site of his death—they actually did visit. They got into cars and went there. Did they make inquiries as to why he had died, the nature of his experience and the impact upon his family? Did they liaise with the family? No; they went to this very building site to inquire of the employer—the contractors—whether any unpaid lost time had been made up by the employer when the workers struck again because of the failure of the employer to improve safety on that site.

That was the Building Industry Task Force’s total reaction to occupational health and safety in this industry at the site of the death of a worker. They did not go out there and do anything constructive about his death—to investigate it or see why it happened. They went out there just to harass people and make sure that the employees who had been on strike and had taken industrial action because the situation had not improved had not been paid for this industrial action—the most dreadful thing that could have happened in that situation! That is the preoccupation of this government.

As I said, it is typified by how long it has taken them to bring in this legislation. It does not seem to have been a very high priority, despite the positive aspects of it. Of course, Labor does associate itself with some of the positive aspects. There is an increase in the level of penalties; the dual criminal and civil system; the way in which prosecutions might be expedited by the civil stream and the reality that many infringements have gone unpunished because of the difficulties of the criminal stream. So there are positives there, but Labor essentially says that we should not be preoccupied with ideological requirements such as the fact that some dictum exists which says that we have to be against the unions, squash them in every circumstance, make sure they have no say on the site and make sure they are not a party to anything. That should not be the priority; the priority should be to actually do something about occupational health and safety.

The member for Mitchell is a regular contributor on these matters. You can be assured that he will always come in and speak on all of the government rhetoric saying, ‘Let’s get together and work and be constructive; we’re not dedicated to smashing the unions.’ But I know he will join with me in wishing Ray Harty the best in the count in the Baulkham Hills Shire Council election over the week-
end. It is the best result that Labor has accomplished in the member for Mitchell’s electorate in the last 100 years. It is interesting to note that it is highly probable that one of the successful councillors will be Ray Harty, who has a very strong connection with the CFMEU on safety and training matters.

As I say, there are many positive aspects to this legislation, but the government’s continued preoccupation with trying to minimise any union involvement in trying to guarantee some kind of safety on the site is driven by ideology. It is not driven by practical realities in the Public Service or indeed in industrial relations in this country.

Mr BRENDAN O’CONNOR (Burke) (7.24 p.m.)—I also rise to oppose the Occupational Health and Safety (Commonwealth Employment) Amendment (Employee Involvement and Compliance) Bill 2002 and to raise concerns that Labor has with a number of the provisions. Although I commend some of the provisions, unfortunately this bill is imperfect—it has something to offer, but it is inextricably connected to provisions that would diminish the capacity for employees and their representatives to highlight health and safety matters in the workplace.

Given the history of this bill and its predecessor, you would have thought now that, if the government were serious about enacting legislation that would improve health and safety in the workplace, it would attempt to reach agreement with the opposition in order to bring about those beneficial provisions to which I refer. Unfortunately, that has not happened in this case. In this term, and no doubt in earlier terms, of the Howard government, I suppose we have been getting used to an approach whereby the government seeks to bring in a bill which is predominantly motivated by its enmity towards unions. That is unfortunately one of the underlying motives of much of the legislative package or plans that the government seeks to put in place.

As a result, because of the government’s narrow and ideological pursuit of registered organisations of employees and its alleged fear that unions have too much say, unfortunately we tend not to reach agreement. Not only do Labor fail to reach agreement with the government, but, given the fact that we do not hold the balance of power in the Senate, in this term, in the industrial relations arena and in the related occupational health and safety realm, except for a very few occasions the government has failed to reach agreement with the opposition and the minor parties and Independents. That is a telling thing.

I understand that the government often raise the argument that the Democrats support a certain bill—I suppose that for them it may well be that the Democrats and other minor parties and Independents are litmus tests as to what is acceptable, or certainly what will pass through the Senate. However, again, in this instance, the Democrats’ spokesperson on occupational health and safety matters, Senator Andrew Murray—who is often lauded by the government as being balanced and reasonable—has been on the record in his opposition to this bill because of its efforts to diminish the unions’ role in health and safety matters.

I am beginning to understand where this government is at when it comes to its hatred of unions and its obsession with them. Although on the one hand it boasts that there are historically low rates of disputation, on the other it seems to want to argue that the country is overrun by militant union officials. I do not know how it expects anyone to reconcile those two images: on the one hand, the government wants to boast the lowest industrial disputation figures in recent memory; on the other hand it wants to exaggerate
the prevalence of anarchic militant behaviour on the part of unions. The fact is that this government is obsessed with unions and, as a result, this bill will unfortunately not pass.

Labor do support those parts of the bill which strengthen the enforcement aspects of OH&S for Commonwealth employees. We agree with the government that there is merit in raising the penalties in the OH&S act. Indeed, we also support the idea of introducing civil pecuniary penalties for Commonwealth employees in addition to refining or improving upon the existing criminal penalties. We accept that introducing a civil stream of enforcement can—and I think would, in many instances—expedite prosecutions. There certainly are provisions in this bill that we would immediately seek to support. However, as earlier speakers on this side of the chamber have said, unfortunately we have the same areas of concern that we had with the bill that was introduced in 2000. We are concerned that there will be unnecessary impediment to the unions’ role in health and safety.

I would have thought that, if the government were to exempt one area from its attack upon organisations of employees, it would be occupational health and safety. The one area where I would have thought we could achieve bipartisanship on industrial matters and matters to do with occupational health and safety would be on whether or not we are going to reduce the likelihood of someone being injured or killed in the workplace. I would have thought that that area would be sacrosanct to parliamentarians presiding over laws for the betterment of safety in the workplace. But, unfortunately, like so much of the legislation put forward by this government, there is always an attachment, there is always a condition. The condition in this instance is to diminish unnecessarily and unfairly, I would argue, the role of unions. In the end, the unions are there to protect the interests of their members. When it comes to these matters, I could not imagine anyone credibly arguing that that should not be their role. Beyond the industrial relations implications, beyond the illogical approach by the government to stymie the unions’ role in health and safety matters, I would have thought it would be convinced that the greater the cooperation of all parties in this area, the better.

This bill deals with some elements from a report commissioned by the UK parliament as a means of reducing the incidence of workplace deaths and injury. I am not sure if this has been introduced into the debate, but the 1991 act is similar to the Robens model. The Robens model arose out of the report in the United Kingdom on health and safety matters and was commissioned by the UK parliament. Essentially, it was an approach that recommended greater self-regulation in the workplace through a collaborative approach between workers and employers, which Labor does not disagree with at all. The model recognised the role unions would play—either through union officials or employee representatives—and the principle of freedom of association, which was an important part of Robens’s approach.

It is not contradictory to oppose some elements of this bill and support that approach; indeed, it is consistent. We also ask that the government reconsider, in light of what has been said not only by us but, as I mentioned earlier, by Senator Murray. He indicated in an earlier Senate report his concerns about the proposed legislation. He said:

A key area of concern to us is the place of unions in the maintenance and advancement of workplace health and safety. Unions supplement the regulatory and inspectorial roles of State H&S departments in an irreplaceable way.

Senator Murray’s conclusion was that he believed that the unions were in an irreplaceable position in terms of collaborating in
order to reduce the likelihood of injury or death at the workplace. He went on to indicate that, yes, we had to ensure that health and safety matters were not being used improperly by anybody, whether it be a union or an employer, but that, whilst it needs to be addressed:

... the way to deal with those abuses is not to clamp down on legitimate useful or effective union H&S activity.

I think Senator Murray was quite correct when he concluded that it was not the preferred option to do away with the rights of unions as currently allowed. Unfortunately, this government has continued to place an impossible condition, as far as Labor is concerned, in this bill. It reminds me of the conditions we see in other bills. One example is in relation to education funding, where universities will be given money, provided they do not give any of those moneys to registered student organisations on campus. The government will provide education funding to universities on the basis that they implement Australian workplace agreements.

We have this supposed primary policy of the legislation being enacted but always with the condition that somehow we have to look to diminish the rights of workers at their workplaces—or, indeed, to diminish employee organisations. Again with this bill we see the government looking to do the right thing. I commend them for some of the provisions in this bill, and we are on the record for indicating our support for those provisions. But, unfortunately, they are not able to escape their ideological trappings and therefore place conditions which are not acceptable to Labor and other parties, as we will find soon in the Senate.

I will finish by asking the minister and the government to reconsider the bill—to redraw it to take out those onerous provisions that are not necessary for the improvement or enhancement of health and safety in the workplace. I implore the government to consider the fact that health and safety in the workplace is too big an issue to be playing partisan politics with. There is no need, I contend, for some of the provisions that would diminish the capacity of unions to play a role on behalf of their members. I concur with Senator Murray's comments that union involvement only adds to the benefit and does not detract in any manner. Unless the amendments moved by the shadow minister, the member for Rankin, are passed, I cannot see this bill being acceptable at all to Labor, and therefore I ask members to oppose it.

Mr ORGAN (Cunningham) (7.39 p.m.)—The Occupational Health and Safety (Commonwealth Employment) Amendment (Employee Involvement and Compliance) Bill 2002 is clearly yet another example of this government's lack of concern for workers and irrational determination to reduce the power of trade unions. Trade unions have a long and proud history in this country of protecting workers from unsafe workplaces and of standing up for workers against management or bosses who place more value on profit then they do on life itself. Such an attitude can never be condoned, and it is the area of seeking safer workplace practices for workers which causes unions the most concern and brings them into conflict with management, especially when it is a case of balancing cost versus safety.

The then Minister for Employment and Workplace Relations, Mr Abbott, told us in his second reading speech on 26 June 2002 that:

The amendments in this bill will provide enhanced protections for Commonwealth employees at work and reflect the government's commitment to achieving safer workplaces.

Noble sentiments indeed. The minister said that it would do that by shifting the focus on
occupational health and safety regulation in Commonwealth employment away from imposing solutions and towards enabling those in the workplace to work together to make informed decisions about workplace safety. When this government talks about moving away from imposing solutions to such vital workplace issues, workers of Australia should be very concerned, especially when we consider the disgraceful record of the Howard coalition government in defending and enhancing workers' rights and conditions.

The government aims to supposedly improve workplace occupational health and safety by replacing the current prescriptive elements requiring an employer to develop an OH&S policy in consultation with unions with a situation where developing safety management arrangements is done in consultation with employees. So, instead of using occupational health and safety expertise built up by unions and their membership over many years, the government intends to throw employees back on their own resources, albeit supported by training courses. Instead of requiring a comprehensive OH&S policy, the Commonwealth will now require itself—because the Commonwealth is really the body which the minister refers to as ‘the employer’—to make safety management arrangements. These arrangements will include non-mandatory and non-exclusive matters like risk identification and assessment, training and—guess what—a health and safety policy. Talk about a circular argument. And note that reference to risk assessment; it is a subject I will return to a bit later in this speech.

Of course, it is not all down to employers and employees. The government is too smart for that. In June 2002 the minister also told us:

... the Safety, Rehabilitation and Compensation Commission is gaining the power to advise on matters to be included, and employers will be required to heed such advice in developing safety management arrangements.

The problem is that the element of compulsion is not included. The explanatory memorandum to this bill makes this quite clear. It says:

While employers would not be compelled to comply with advice from the Commission in relation to safety management arrangements, they may find themselves in breach of their duty of fundamental care to their employees if they choose to ignore the Commission’s advice ...

And this, the minister claims in his explanatory memorandum, will deliver reduced injury rates, reduced costs of workplace injuries and lower workers compensation insurance costs to government, business and enterprises. How or why that should be is not explained in the so-called explanatory memorandum, or, if it is, the explanation is so convoluted that it defies an ordinary person to find it. Indeed, I suspect there is no logical or valid explanation, because the explanatory memorandum goes on to say that benefits to employees include the ‘possibility’ of safer workplaces. ‘Possibility’ is what it says—not reduced injury rates, not reduced costs of workplace injuries, just the possibility of safer workplaces. And will this bill provide ‘enhanced protections for Commonwealth employees at work and reflect the government’s commitment to achieving safer workplaces’? It does not from my reading of the provisions.

Let us now turn to the intention to remove unions from the process. In his second reading speech the minister told us:

This bill will enhance consultation between employers and employees by facilitating a more direct relationship between them. The explanatory memorandum is a fair bit more forthright. It says that the claimed ‘improved protection of the health and safety of
Commonwealth employees at work will be achieved by:

- Recognising the primacy of direct employer and employee relationships by facilitating genuine consultations between employers and employees through a more direct relationship, in part by removing mandatory third party intervention.

That piece of gobbledegook is code for cutting unions out of the OH&S process. Let us just recall that the government’s intention in this piece of regressive legislation is to shift the focus on OH&S regulation in Commonwealth employment away from imposing solutions and towards enabling those in the workplace to work together to make informed decisions about workplace safety. Working together to make informed decisions: that is a likely story—I do not think.

Working together implies no more than that it requires a level of equality which simply does not exist between employers and employees. Employers have power; employees do not. It is as simple as that. That is why trade unions began in the first place, and it is why they continue to exist, despite this government’s best efforts to marginalise them. Who has the power to draw up safety management arrangements in a workplace when one of the key issues is risk assessment? Employers. It is inherent in the idea of risk assessment. Do not think for one moment that this bland phrase means reducing the risk to workers—that is not what it is about at all. Risk management is a simple equation: how much will it cost to remove the risk versus how much will it cost if we get caught? Under this bill that equation results in $242,000 in the case of civil breaches. In other words, if a safety improvement costs more than $240,000, it is not justified because it is cheaper to cop the fine—and that is the government’s commitment to achieving safer workplaces. It does not look as shiny and as bright as they try to present it as being. Perhaps that is why the ACTU was not impressed by the proposed changes—except for the increased penalties, like that $242,000 I mentioned a moment ago, which is up from $100,000 under the present act.

I note the report of the then Senate Employment, Workplace Relations, Small Business and Education Legislation Committee tabled in May 2001. Paragraph 1.26 of that report comments:

The Committee majority sees the intention of the legislation to exclude from the health and safety committees that will be established in workplaces, union officials who are necessarily representing members in a workplace.

This bill is about getting rid of unions from the occupational health and safety process within Australia—it is nothing more and nothing less.

The Community and Public Sector Union, the union which represents a huge number of Commonwealth employees, is onto this scam. It has pointed to a paper ‘Workplace arrangements for health and safety in the 21st century’, presented by Professor David Walters to the July 2003 conference on OH&S regulation held by the National Occupational Health and Safety Commission. In his working paper, Professor Walters outlines international research that quite clearly shows the following things: firstly, active and organised workers’ representation is effective in ameliorating workplace hazards; secondly, better standards are achieved in unionised workplaces than in non-unionised workplaces; thirdly, trained representatives stimulate and participate in workplace OH&S structures and procedures, tackle new OH&S issues and get things done; fourthly, workforce participation in health and safety decisions was one of several factors related to lower claim rates; and, fifthly, empowerment of the workforce was one of the factors shown in Canadian studies to be one of the organisational factors consistently related to lower injury rates. Empowerment in this
situation included the presence of unions and shop stewards, union support for worker members of joint health and safety committees and general worker participation in decision making.

As the CPSU concludes:
It is clear from the available research that health and safety outcomes are dependent on high levels of worker participation and union support. Based on the research outlined above, removing the role of unions and replacing this with a management-driven process means current levels of health and safety in the workplace will decline.

The Community and Public Sector Union know why the government is pushing for this so-called reform. They say:
The justification offered for this change is the standard ideological position of the government to reduce participation of workers through their unions and restore management prerogative. In this case in particular, the evidence is powerful that the proposed changes will lead to less safe and less healthy workplaces.

As a unionist of long standing, I have to agree with the CPSU. Prior to being elected to this place, I was a union delegate at the University of Wollongong for a number of years. At that institution, the management, workers and unions had a long history of working together to address occupational health and safety issues. Most of that work was noncontentious, with all parties realising the importance of the issue. For over a decade, I was involved in discussions about OH&S issues regularly. Whether it was in regard to dangerous workplace sites where, for instance, ponding of water on regularly used pathways could result in falls—and I know because I was a victim of such a fall—or whether it was bad lighting or other workplace environmental issues, the fact was that these were important issues that needed to be addressed. A process needed to be put in place to address them and the university, with the aforementioned parties, had put in place and refined such a process over a long period of time. For example, chemical laboratories on campus had got on top of the OH&S issue in large part very early on. With staff and lots of students having to deal with dangerous chemicals and radioactive materials, the University of Wollongong—and, I would suggest, universities throughout Australia—was forced to ensure that worker and student safety was paramount at all times. Prevention is better than cure—we often hear that said—and in these increasingly litigious times this still remains very relevant to this debate.

At the University of Wollongong in the eighties and during the nineties, I know from my own experience that we had OH&S committees at institutional level and department and unit level. They remain in place and in my experience are constantly being refined and improved upon, usually as part of various quality management and legislated programs. Whilst some members of these committees were union members, many were not. The involvement of the unions, however, was very important, as previous speakers in this debate have pointed out. For example, the unions protected workers who may have been afraid to raise certain occupational health and safety issues with their immediate supervisors—this happens—especially if there were blatantly dangerous practices. Workers could take such issues to the union and protect themselves from personal repercussions. Does this new system ensure this? I suspect not.

The fact is that most occupational health and safety issues are already dealt with one on one in the workplace—between workers and fellow workers or between workers and management or supervisors. The involvement of the unions as a third party is not mandatory and often does not occur, because it is not needed. There are plenty of examples where issues come up every day and workers between themselves or with their
supervisors deal with them. There is no mandatory involvement of the union in such issues, as the government would have us believe. But the unions are there as a safeguard—and a very necessary safeguard.

With a large turnover of management personnel common in many institutions throughout Australia, the aspect of continuity and corporate knowledge is also an issue in regard to OH&S. At the University of Wollongong, for example, we had one member of staff who had worked in the geology department and their labs for over two decades and developed extensive experience and expertise in the occupational health and safety area. Through both personal interest and regularly working with dangerous materials and environments, he took on various institutional responsibilities in this area. He took on many of these responsibilities not in order to seek any sort of reimbursement but merely because he felt a responsibility and he was the only one willing to put his hand up at the time. As a permanent employee, he also had a commitment to the institution. And he just happened to be a member of a union. He was the chair of the OH&S committee for many years. In cases where issues came up, staff and management knew of his expertise and would consult him. His skills and expertise were available to the university at no great cost, apart from allowing him to attend various meetings and perhaps a training session every now and then. I suggest that this system—the system presently in place—was and is a relatively cheap and efficient means of dealing with occupational health and safety issues on campus and in various institutions and organisations throughout Australia. You have union and non-union members working together with management and achieving results. For the government to now seek to cut unions out of the equation is just plain stupid.

My experience in working at the University of Wollongong and before that at industrial sites such as the Port Kembla steelworks, the Kemira coalmine and the Thirroul brickworks made it quite clear to me that workplace safety is always a priority. It must be resourced and workers and management must have the power to enforce rules and regulations, because nobody wins when it comes to workplace accidents and deterioration in working conditions. As I said, it is everybody’s responsibility. Yet, as we have seen in recent years, the May 2002 commitment by the Workplace Relations Ministers Council to implement a strategy to make workplaces free from death, injury and disease has not worked. The only thing this legislation has going for it is an increase in penalties, and that is not a lot of use when the purpose they are intended for has been so watered down. This bill is nothing more than a further attack on trade unions, for no logical reasons, and I therefore reject it.

Mr WILKIE (Swan) (7.55 p.m.)—I rise to speak on the Occupational Health and Safety (Commonwealth Employment) Amendment (Employee Involvement and Compliance) Bill 2002. I would like to commend the previous speaker, the member for Cunningham, on his comments. Clearly this bill is nothing but union bashing and achieves no worthwhile outcomes for occupational health and safety in the workplace for Commonwealth employees. The health and safety of Commonwealth employees in their workplaces—whether those are departments, statutory bodies or government business enterprises—is a serious matter. This bill is fundamentally flawed, because it seeks to remove a crucial and influential mediator in regulating an employer’s duty of care to their employees. I am referring of course to the role of unions in workplaces. This bill is trying to legislate them out of existence on occupational health and safety
committees. Since 1996 the Howard government has been trying to chip away at the role unions play in our workplaces. Here we see another example of this anti-union stance.

The unions have a historical legacy in Australia. Their function and responsibilities have achieved many positive outcomes for workers. Achievements such as minimum basic wages, annual leave entitlements, equal pay, superannuation and parental leave are just a few examples of the battles fought and won by unions on behalf of workers. The 1983 accord between the ACTU and the ALP started a new phase of industrial relations in Australia. Award entitlements and enterprise bargaining were just two successful outcomes of that accord. Of course, since then the Howard government’s introduction of the Workplace Relations Act has undermined the accord and reduced workers’ entitlements under awards. That act seeks to limit the unions’ capacity to organise and pursue interests on behalf of their members.

The Occupational Health and Safety (Commonwealth Employment) Amendment (Employee Involvement and Compliance) Bill 2002 is another example of this government’s attempt to reduce the ability of unions to represent their members by eliminating union involvement in matters of occupational health and safety. As the ACTU Assistant Secretary Bill Mansfield said to the Senate Employment, Workplace Relations, Small Business and Education Legislation Committee when considering the provisions of this legislation:

Unions have made a significant contribution to improving the standards of occupational health and safety. In association with management, unions have introduced preventative strategies through their members’ activities at workplace level and through the activities of officers of the unions, who have particular responsibilities in occupational health and safety matters.

Mr Mansfield went on to say:
I believe unions can lay claim to being in part responsible for the success of the existing workers compensation and occupational health and safety arrangements in the Australian government employment area, which has a low incidence of injury and a low level of premiums.

Mr Mansfield went on to refer to statements from the occupational health and safety manager at Telstra, the largest agency covered under this legislation. He said:
... the performance of Telstra in occupational health and safety was in no small regard related to the involvement of unions in the occupational health and safety arrangements in that organisation.

I too can claim success in negotiating on behalf of workers in my previous employment with the Western Australian prisons department. I was the occupational health and safety officer at the Canning Vale Prison representing the WA Prison Officers Union. I will give a small example of the sorts of issues I dealt with where clearly you needed a union representative on board. One year in the middle of winter an enormous storm came through Perth. The front gate of any prison is the key area of involvement for prisoners and people coming in and out of that prison and it has a large communications room from which everything operates. This room is duplicated inside the prison for safety and security reasons. In this particular case it was raining so hard that water was flowing through the roof and down the walls on the inside of this very small control room, where an officer was working. The water was flowing down through the electricity control panels; it was flowing through the top, down the back of the board and coming out at the bottom. There were buckets positioned around this small room of about eight feet by eight feet to try to collect all this water. There were TV screens that were monitoring activities that were going on throughout the prison, and water was dripping off
the roof into these television sets, two of which actually exploded.

The senior officer who at that time was in charge of the front area, because he was so concerned about what management might do if he closed down the prison’s front office, left this member of staff in that room operating this equipment, even though at any time while he was trying to operate the switches he could have been electrocuted. I was called to the front gate, saw this situation and said, ‘You can’t operate this sort of environment where someone could be killed at any moment.’ I went to the superintendent and said, ‘Look, we need to close this down and get someone with a walkie-talkie out the front to relay messages to someone inside. We have to close down this area until it stops raining and we can fix the roof and we have to operate all security arrangements from inside the prison.’ The superintendent agreed with that, and so that is what happened. But had there not been a union delegate there who could go in and negotiate on behalf of the workers this poor person would have just been left in there to operate those controls, which would have been totally unacceptable.

In prisons at the moment we have all sorts of issues with occupational health and safety, primarily relating to the fact that, through privatisation, we have companies now running detention centres, whether they be Commonwealth or state. I believe minimum staffing levels are often not being adhered to, thus placing people at severe risk of permanent injury or even death. We need to have union representation on those sites to guarantee the safety of our workers.

Another example of a union successfully and responsibly representing occupational health and safety measures is the Construction Skills and Training Centre, CSTC, in Welshpool in my electorate of Swan. The CSTC was founded in 1993 following the successful application for funding from the Australian National Training Authority by the then Builders Labourers, Painters and Plasterers Union of Workers. The CSTC’s mission statement is to provide the building and construction industry in Western Australia with a work force that meets world’s best standards in safety, productivity, innovation and standards of workmanship. Its courses are nationally accredited and the training centre has achieved a significant number of quality assured training certifications. The most recent achievement was the Australian Quality Training Framework in 2003, awarded by the Training Accreditation Council. It also has achieved international ISO9001 certification, which recognises good performance, productivity and well-met customer expectations.

The Construction Skills and Training Centre is owned and operated by the Construction, Forestry, Mining and Energy Union, the CFMEU. The CFMEU is Australia’s main trade union and has over 120,000 members nationwide. The CSTC operates over 27 courses on a regular basis and covers areas such as occupational health and safety. It runs courses for St John Ambulance first-aid, health and safety committees, noise, confined spaces and safe removal of asbestos. It runs building and construction vocational courses for crane operation, dogging, rigging and scaffolding as well as supervisory courses along with custom made training as requested by employers.

The Occupational Health and Safety (Commonwealth Employment) Amendment (Employee Involvement and Compliance) Bill 2002 seeks to remove the essential and crucial role that unions play in negotiating safer workplaces for employees. The bill aims to remove union representation on occupational health and safety committees and allow for non-union appointments. I seriously doubt that this would truly represent...
the appropriate interests of workers. Where is the mechanism in this legislation to stop management appointing stooges to these occupational health and safety committee roles? Management appointments may find a person unqualified or unsuited to make occupational health and safety decisions being forced onto a committee. This person may be coerced into following management procedures rather than reflecting the true wishes of the workforce. This amendment replaces the consultative role of unions in the development of occupational health and safety policy and agreements. Instead employers will develop, with employee consultation, safety management arrangements.

Before I move on to the vague and indistinguishable nature of the prescribed safety management arrangements in this bill, I again condemn the removal of mandatory union intervention on occupational health and safety committees. Research from the Commonwealth Public Sector Union, the CPSU, shows a direct link between the level of union involvement in the workplace and the level of safety. In nearly 60 per cent of workplaces with union representation a health and safety committee is operational; in contrast, in non-unionised workplaces only 19 per cent have an operational health and safety committee. Those workplaces with operational health and safety committees have reported a lower incidence of work related injuries and they are far more likely to conduct safety audits. Further, CPSU research shows that independent staff representation—not management appointees—on committees increases the effectiveness of occupational health and safety systems in workplaces.

The CPSU best represents the interests of Commonwealth employees and it is unequivocally opposed to this particular amendment. This is the most accurate advice the Howard government has received: Commonwealth employees are advocating through their union that the amendment to reduce the union’s role in occupational health and safety committees is not acceptable. However, the government has chosen to ignore this advice—to ignore the voice of Commonwealth employees, the CPSU—and to blindly blunder ahead in its campaign of union destruction.

This bill seeks to remove the union’s role in occupational health and safety matters unless an individual employee requests intervention. This is not conducive to fair representation. An employee will feel intimidated by management if they seek to involve their union to represent their case. Management would surely put a black mark against an employee’s name if they should dare to seek union intervention to best represent their interests, especially if the matter moves to a higher authority such as the Safety, Rehabilitation and Compensation Commission. An independent union representative on occupational health and safety committees in workplaces no doubt achieves results; it allows for a fair and knowledgeable representation, and its mandatory role should not be amended in this bill.

The second aspect of the Occupational Health and Safety (Commonwealth Employment) Amendment (Employee Involvement and Compliance) Bill 2002, which I referred to briefly earlier, relates to the vagaries of the amendment concerning the proposed workplace consultation arrangements. There is no precise detail about how occupational health and safety committees intend to go about their business in the workplace. The bill makes reference to consultation with ‘employees of the employer’ but fails to mention how this process works—and, in fact, whether they will be listened to. The hard work of the ACTU and the ALP in developing the accord in 1983 was based on the foundation of consultative arrangements,
and I am concerned that after 20 years of the system working so well these new arrangements will undermine this proven consultative process. The proposed workplace consultation arrangements will limit the obligation of the employer to consult with employees. The bill does not clearly explain how the employees to be consulted will be selected or how they will ultimately be responsible to the employees they are representing during their involvement in consultation.

The Senate Employment, Workplace Relations, Small Business and Education Legislation Committee, when considering the provisions of this legislation, did not receive the draft guidelines in respect of the development of safety management arrangements until the day it was finalising its report and was therefore not able to examine these proposed changes with due diligence. The amendment needs to be referred back to the Senate committee to ensure its proper consideration. Research has shown that the current systems of representation and consultation on occupational health and safety committees are well-ordered arrangements that have been instituted over many years. They have worked well and successfully achieved safe and healthy workplaces for employees. The adage ‘If it ain’t broke, don’t fix it’ certainly applies here. It concerns me that these arrangements could be replaced by ad hoc committees, with people who have little experience or even interest in the running of effective occupational health and safety regimes in the workplace. The provisions in the safety management and consultative arrangements amendments in this bill need to be modified to make them more broadly acceptable to unions, and the vague ‘safety management arrangements’ need to be clarified.

Finally, the amendment which seeks changes to the compliance regime to allow for more flexibility should be supported. It will allow a dual system of enforcement of the Occupational Health and Safety (Commonwealth Employment) Act, providing for civil remedies but still allowing for criminal law remedies for serious breaches of the act. It will allow for a speedier process of enforcement of occupational health and safety policies when noncompliance occurs, because the standard of proof is easier to satisfy in civil matters. In our increasingly litigious society, this is a positive step forward in achieving enforcement. Since 1992, of the 50,000 accidents that have been reported to the Safety, Rehabilitation and Compensation Commission, 1,770 investigations have proceeded but only nine prosecutions have followed. In these nine cases, the prosecutions took between 16 months and five years. It is a lengthy process and one which of course neglects the needs of those who have suffered the most or who are the most at risk. As the ACTU said to the Senate committee in their submission:

The basis of OHS law is the limiting of workers’ exposure to risk, not simply penalising the consequences of that exposure. If only the consequences are singled out it is not consistent with the objectives underpinning OHS law. For example, should someone be killed in a freak accident, quite possibly no one would be prosecuted in such a case. Compare this to an employer who knowingly and recklessly exposes workers to a well-known risk, but luckily no one is hurt. In the latter case a criminal prosecution may be reasonable because it is the exposure to the risk, not the consequence of exposure, which should be dealt with by the criminal law. This is a basic philosophy of OHS legislation which is being challenged if these changes are made.

This amendment is to be commended. It will not only allow for employers to be fully responsible for limiting employees’ exposure to unsafe or risky situations but will make them plan and assess workplaces more stringently. Subject to the amendments suggested and the favourable consideration of the objectionable provision by the Senate Em-
mployment, Workplace Relations and Education Legislation Committee, I commend the bill to the House.

Mr KATTER (Kennedy) (8.12 p.m.)—I do not wish to speak at any great length this evening, as I think the issues have been very well canvassed in this debate, but I would be remiss in my duty if I did not bring to the attention of the House my very strong support for the position taken by the opposition on this bill. It amazes me that the coalition parties and their members have an abysmal lack of understanding of how the world works—and of how it works if you are an employee and a member of the employee class. There is sometimes unbalanced hatred of unions, and I am not saying that there were not great excesses in trade unionism in Australia during the seventies and eighties. I came into this place having been a member of a government that had a very brutal confrontation in the electricity industry. I do not want to canvass that tonight, but suffice it to say that three people died because people refused to turn on the lights, and that left that government with little alternative but to go down the pathway that we ultimately went down.

But, returning to the Occupational Health and Safety (Commonwealth Employment) Amendment (Employee Involvement and Compliance) Bill 2002, it is not a good idea to remove the trade union movement, trade union members and trade union representation from the area of occupational health and safety. I would be the first to admit that there has been great irresponsibility by union people in the past, but to eliminate trade unions from this area is not a good idea.

I cannot remember the exact figures, but in the nineties in Australia there was a doubling or a trebling of the number of deaths that occurred in mining, and it was the subject of a special inquiry—which was the unanimous decision, I might add, of the interparty committee on rural matters. I think the parliamentary secretary at the table, the member for McEwen, may have been the chair of that committee. I was surprised at the unanimity of opinion, and it was to the credit of all of the people on that committee, the coalition as well as the Labor members, that there was a unanimous decision.

A huge increase in the number of deaths and serious accidents occurred in mining. There is no doubt in the minds of anyone on that committee that fly-in, fly-out mining operations played a very real part in the reason for that increase in the number of deaths. I do not want to canvass why that was the case this evening. The second factor was that mining companies became the subject of stock market gains during that period, particularly during the eighties, and the only thing that people in charge of mining companies knew how to mine was gold out of the pockets of fund managers in Sydney and Melbourne. That is the only thing they knew about mining. But the most important factor of all was the elimination of trade union representation throughout the mining industry.

I was supportive of action that was taken in Mount Isa. Again, I do not want to canvass that tonight, but it is very important for the government to understand the consequences of eliminating the trade unions. I worked as a labourer at Mount Isa Mines and we did a number of jobs there that were highly dangerous. One such job involved going into the bin for the lead dust. When you went in that bin, you had to wear a belt around you, but I twice went in without the belt and I was told by one of my work mates never to do that again. He said that the reason was that, when you are putting the air pipe down to get the hopper to work properly, it can go in a rush and you would go straight down through the hopper and be buried in lead dust. In another machine, there was a big rotating arm to
break up lumps of lead dust. Unfortunately, in the days before the safety tickets on the stop and go buttons, someone pressed the button when a bloke was inside and he met a very cruel death. In fact I took his job. From then on, there was a double tag system for safety. If you come on shift and there are safety tags on machinery and you do not know why the machinery is not working and you are holding up production in the smelter—as occurred on at least two occasions to my memory when I came on shift—then something needs to be done.

If these accidents occurred and, because there was no union, you complained to your employer, then in the real world you would get a reputation for being a complainer and a troublemaker. When you get that reputation, you will not hold your job. It is not right that employees should be cast in that role. It is right that you should be able to approach your union, who are not employees of the mine, who can then put the case on your behalf. I have got to say to the government that it is naive beyond belief if it thinks individuals can bring attention to a problem through an EBA and that they will be game to take legal action. If you lost your job, say, at Mount Isa Mines—or Xstrata as it now is—and you tried to pick up another job in the mining industry, they would want to know why you left your last employment and you can rest assured that they would check up why you left. If your last employer advised them that you had differences of opinion over safety issues then you would not get a job in the mining industry. That is the real world. That is how the real world works.

That is why unions are necessary. Whatever the shortcomings of unions—and I could most certainly give some very good speeches about the shortcomings of unions and how I as a worker have been sold out and how my fellow workmen were sold out—you cannot throw the baby out with the bathwater. A system where you have to go personally to your boss to make a complaint will never work. You must have an official body. Those people who think we can do without an official body are very stupid and they will pay the consequences of that sort of stupidity in the long term.

There are some good aspects of this legislation and they were canvassed earlier in the debate, but one of the aspects which I am most certainly very worried about and which I would certainly oppose is the effort to eliminate trade unionism. I hold no candle for trade unions—they have worked very hard against me in election campaigns—but I must say that we absolutely need those unions for safety reasons.

The real founder of the Labor movement in Australia undoubtedly was Theodore. Theodore’s precipitation into the field of politics came about because as a boy of 16 he was nearly killed when he went down a mine. He told the leading hand, ‘If I go down there, I could get killed.’ All of the laddering collapsed and he nearly did get killed. Some six or seven years later at Chillagoe in North Queensland, exactly the same incident occurred, only in this case two people were killed and he again was nearly killed. He then said, ‘We need a union. You simply cannot mine without a union.’ The rest of his days were spent forming the AWU and then a political wing of the AWU, called the ALP, and they ruled Queensland because of the wonderful things that wonderful man initiated.

I want to quote a couple of figures. One in 30 miners died of miner’s phthisis—and no one was doing anything about that—and sometimes one in 10 people at a mine would die of mining accidents. It is an intrinsically dangerous game. You will always have a higher death rate in mining than in other fields. None of us who go down mines are
wimps, and you do not want to go down mines if you are a wimp. Recently, there were two deaths in one of our mines in Charters Towers. Even though I knew the management there well, I undertook to talk to the workers in the mine and to go over in detail—being an ex-miner myself—how those accidents occurred. There is no doubt in my mind that the people who managed that mine were not culpable, and not a single worker thought that either. When the state government mines inspector closed the mine for five days, the union called an immediate meeting and demanded that the mine be reopened.

While there are those that assume that trade unionists are stupid people who want to kill the goose that laid the golden egg—and undoubtedly there are times when some union officials do act that way—on the whole that is not my experience. I would very strongly urge the government to reconsider the inherent moves in this legislation that eliminate the trade unionists from the occupational health and safety aspects.

Mr ANDREWS (Menzies—Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service) (8.22 p.m.)—At the outset, I thank those members who have contributed to this debate and those who have indicated that the Occupational Health and Safety (Commonwealth Employment) Amendment (Employee Involvement and Compliance) Bill 2002 makes many positive contributions and has many positive aspects, including the increased penalties and the dual criminal and civil enforcement systems. The main objective of the bill is to enhance protection for Commonwealth employees by preventing injuries and accidents in Commonwealth workplaces. The key amendments proposed in this bill will shift the focus of occupational health and safety in Commonwealth employment away from imposing solutions and prescriptive processes towards enabling those in the workplace to work together to ensure it is safe and healthy.

Safe and healthy workplaces require maximum commitment and effort from all parties. Both employers and employees must play an active part in developing appropriate workplace health and safety arrangements. The amendments in this bill facilitate an integrated approach to health and safety in Commonwealth workplaces by providing for direct involvement of all employees, removing the mandatory and privileged role that unions presently hold. This of course has been the major subject of criticism—naturally flowing, I must say, from members of the Labor Party opposite, in particular. The government does, however, recognise the contributions unions can make and have made to health and safety in Commonwealth workplaces. The bill therefore provides that unions can still be involved, provided that this is at the request of the employees.

The bill will ensure that employees have access to the type of representation they want, in consultation with their employers, on health and safety matters. In particular, the amendments change the specific requirements for an employer to comply with their duty of care to employees. Instead of employers being required to develop an occupational health and safety policy in consultation with involved unions, under the bill employers must develop safety management arrangements in consultation with employees. Safety management arrangements will focus on the needs and circumstances of a particular enterprise to ensure the health and safety of employees. The bill will not remove any existing consultative mechanisms in the act such as designated work groups, health and safety committees, and health and safety representatives. The amendments remove the mandated role for unions in these arrange-
ments, providing instead for direct employee involvement.

In particular, the amendments will allow any employee to become a health and safety representative. I stress this point. What is being railed against by the opposition—and I think the member for Kennedy in his contribution—is the position of unions. This bill only removes the privileged and mandated role for unions. It will remove their monopoly. However, unions can still be involved in occupational health and safety at the request of employees. We say, as a basic democratic principle, it is appropriate for all the employees in a workplace—whether or not they are a member of a union—to be able to be involved in the sort of representation that they require in relation to occupational health and safety.

Under the amendments in this bill, unions will still be involved in this process, including in the development and implementation of safety management arrangements, requesting investigations, appeals against decisions of an investigator and requests to institute proceedings. Removing the mandated role for unions will bring the Commonwealth legislation into line with most of the occupational health and safety laws in most other Australian jurisdictions. Similar amendments removing the mandated role for unions in occupational health and safety were passed by the parliament in December 2003 for the offshore petroleum industry. The opposition on that occasion did not object to those amendments.

The amendments providing for increased flexibility and employee involvement are balanced by the introduction of a stronger, more effective compliance and enforcement regime. This new regime provides for a mix of preventative, remedial and punitive civil and criminal sanctions and higher penalty levels. The current maximum penalty in the act for breach of the employer’s duty of care is one of the lowest in Australia. A number of state and territory governments have recognised the benefit of this type of compliance and enforcement regime and have moved to adopt similar measures.

I remind honourable members that the Commonwealth has continued to work towards a national occupational health and safety system in Australia. The Commonwealth has developed a national occupational health and safety strategy which has been endorsed by all workplace relations ministers in state and federal governments. No-one should question the Commonwealth’s commitment to improved health and safety outcomes for all Australians, not just Commonwealth public servants, on that basis. Workplace health and safety is an important issue for all Australians. The promotion of injury prevention and high-quality occupational health and safety is a key priority for the Australian government. The amendments in this bill ensure health and safety in Commonwealth workplaces is not neglected and reflect the Commonwealth’s commitment to achieving safer workplaces for all Australians. I commend the bill to the House.

Question agreed to.

Bill read a second time.

Consideration in Detail

Bill—by leave—taken as a whole.

Dr Emerson (Rankin) (8.29 p.m.)—by leave—I move opposition amendments (1) to (40):

(1) Schedule 1, item 3, page 3 (line 23) at the end of the definition of association, add:
‘and which is under the democratic control of employees and free from the influence of the employer’

(2) Schedule 1, item 8, page 5 (lines 1-14) — Omit the item
These amendments remove the most obviously objectionable provisions in the Occupational Health and Safety (Commonwealth Employment) Amendment (Employee Involvement and Compliance) Bill 2002. The bill will also be carefully considered in the Senate and further amendments may be proposed by Labor there. But now I will focus on the amendments before the House. These amendments remove those provisions of the bill that restrict the involvement of unions in public sector occupational health and safety.
processes. The provisions proposed to be omitted would allow union involvement only on the invitation of an employee. This proposal fails to recognise the valuable contribution that unions make to the maintenance of health and safety. This role was the subject of much of the evidence that was brought before the Senate inquiry into the 2000 version of this bill. On the basis of the report of that inquiry, it appears that our amendments are justified by the findings not just of Labor but of all parties.

Labor senators accepted the evidence of the Australian Centre for Industrial Relations Research and Training that ‘good health and safety outcomes are achieved through union involvement in consultation processes’. The report of the Democrat senators found:

Unions supplement the regulatory and inspectorial roles of State H&S departments in an irreplaceable way.

The majority—government—report admitted that the bill would exclude union officials from health and safety committees, but suggested that the continued involvement of union members would ameliorate that. That is rubbish.

Unions put substantial resources into health and safety, and union officials build up strong expertise in the health and safety issues that are specific to their industries and their workplaces. It is obviously impossible for this same depth of knowledge to be imparted to all workplace representatives. We understand that individual members of unions and non-union members would have a very keen interest in occupational health and safety in their workplaces, but they cannot and should not be expected to possess the same level of expertise and practical experience as those in the union movement whose role is to ensure the proper enforcement of workplace health and safety standards. Surely health and safety is best served by having employees represented by the people with the best knowledge and understanding of safety issues.

Sadly, this government again has let ideology get in the way of good public policy. With these amendments, Labor is correcting the error. It is seeking to delete those provisions that replace existing consultation provisions with ones that exclude unions. A consequence of these amendments is also that the term ‘employee representative’ would no longer occur in the legislation as amended by Labor, so that definition is no longer required and is deleted through Labor’s amendments. In addition to deleting the most obviously anti-union provisions, Labor is proposing to amend the definition of the word ‘association’, which relates to employee associations, by adding the words:

... and which is under the democratic control of employees and free from the influence of the employer.

The reason for this amendment is obvious: it is to ensure that such associations genuinely represent the interests of employees. This will prevent employers from setting up sham employee associations that are run by, and are most concerned about, employers rather than employees.

In conclusion, Labor’s amendments are a genuine attempt to alter this bill to make it acceptable for passage. We consider that some of the provisions of this bill have merit and should be passed, but we are disappointed that they have been packaged yet again with other provisions that have as their basis a purely anti-union ideology. So the main purpose of these amendments is to delete those objectionable provisions that are related to and based on that ideology. I commend the amendments to the House.

Mr ANDREWS (Menzies—Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service) (8.33 p.m.)—The effect of
the amendments moved by the Labor Party would be to remove from the bill all of the proposed provisions which would remove the mandated role for unions in occupational health and safety in Commonwealth workplaces. I repeat for the benefit of the House that the government’s policy is to offer choice to employees in their workplace health and safety arrangements. The government believes that workplace health and safety would be enhanced by more direct involvement of employees in these important issues, not by just leaving it to the unions to take care of. For example, the government believes that the right to be elected as a health and safety representative should be enjoyed by all employees, not just those nominated by the union.

The thrust of the comments by the member opposite, the member for Rankin, and by others in the debate is that somehow this is an either/or proposition—that removing the privileged and mandated position of the unions removes the unions entirely from any operational representation in this regard. If the union officials, by the force of their arguments and through their interest and expertise in occupational health and safety, attract the support of their fellow employees then obviously those same people will be elected. We are simply saying that there should not be an automatic, mandated, privileged position for the unions. It ought to be one which is democratically elected by all employees in a particular workplace. For these reasons and others expressed earlier, the government oppose these amendments but nonetheless acknowledge that further consideration of the bill no doubt will take place in the Senate.

Dr EMERSON (Rankin) (8.36 p.m.)—It would not surprise the House to learn that I am disappointed at the government’s response. This matter will now go to the Senate, where I will be urging Labor senators and every other senator who will listen to good, solid Labor argument that these amendments should be agreed to by the Senate. When the bill comes back to the House we will be dividing on it. It is a disappointment that the government’s ideology yet again has blinded it to the pursuit of good policy. We should not be surprised about that, but we are disappointed. We could have had a really good bill here tonight, Minister, but this outcome is, I suppose, predictable and par for the course. The leopard will not change its spots tonight. Maybe one day it will, but I do not think that is going to happen. I think that the real change that Australia needs is a change of government at the next election so that we can get good, sensible policy through this parliament.

Mr ANDREWS (Menzies—Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service) (8.37 p.m.)—Just very briefly, if there is any ideology present here, it is an ideology that says that all workers in a workplace are entitled to the same degree of democratic representation in that workplace, and it should not be the privileged position of a particular group to determine and mandate what that representation would be. This is a basic democratic principle that the government propose here tonight, and one which we stand by.

Question negatived.

Bill agreed to.

Third Reading

Mr ANDREWS (Menzies—Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service) (8.38 p.m.)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.
WORKPLACE RELATIONS AMENDMENT (AWARD SIMPLIFICATION) BILL 2002

Second Reading

Debate resumed from 25 March, on motion by Mr Abbott:

That this bill be now read a second time.

Mr BRENDAN O’CONNOR (Burke) (8.39 p.m.)—If we thought that there were any decent provisions in the last bill, I can assure the House that there are no provisions in the Workplace Relations Amendment (Award Simplification) Bill 2002 that would in any way help Australian workers. The irony is that the Minister for Employment and Workplace Relations, who is now leaving the chamber because he has no regard for the lowest paid workers in this country, wants to enact a bill that would, in effect, undermine the lowest paid workers in the federal jurisdiction. It is somewhat ironic that this minister would do that, because it is that group of workers that is non-unionised.

If you were to look at the people that are currently sitting on minimum rates awards in the federal jurisdiction, you would find that a negligible proportion of that group are union members. The fact is that, in organised and unionised workplaces, you find that enterprise agreements—certified agreements pursuant to the act—cover the employment conditions in that workplace. However, that is not the case for those people who are unable—or, at this point, are not in a position—to organise collectively.

The Workplace Relations Amendment (Award Simplification) Bill 2002 is designed to constrain those provisions that could apply to employees under the minimum rates award and, indeed, that would target those people most vulnerable. Let us not make any mistake about what we are talking about tonight: a bill that would constrain provisions that those employees would be entitled to and would target those people—ironically, as I said—that are most likely to be non-unionised, because they have not collectively arranged for a certified agreement to cover the award to which they are bound. I suppose it is somewhat ironic. We hear from this government that it wants to ensure it looks after union and non-union workers alike. As we know, it has an extraordinary disregard for unions and their members generally. We have a situation here where the consequences of this bill, if enacted, will be a targeting of those people that have not become members of an organisation of employees. That is the reality.

Let us look at some of the provisions that would be removed from section 89A of the Workplace Relations Act if this bill were enacted. Firstly, I will talk about skill based career paths. As I said just before question time on Thursday before I had to stop because of the time of the day, the removal of skill based career paths from federal awards sends an awful message to employers and employees. In recent decades, governments, unions, employers and employees have discussed the need to focus upon the acquisition of skills and knowledge in the workplace in order to boost productivity and improve efficiency. Here we have a government wanting to proscribe the capacity for an award to incorporate a skill based career path. In other words, the message that has been sent by this government is that, if you do not have collective agreements or Australian workplace agreements at your workplace, and if the only instrument that binds you and your employees at the workplace is a federal award, it will not be allowable to have a skill based career path.

I can only conclude, from the information that I have received and the bill that is before the House, that the classifications ladder based on skills would be removed. You would therefore no longer have increments—
that is, a focus upon skills and the acquisition of knowledge in order to move upward through one’s career. Again, it is an awful message to send not only to employers generally but also to employers whose employees have yet to possess the capacity to bargain collectively. We really have to question the motives of the government in targeting non-union members in this way—something which is quite extraordinary. It shows how pathological its enmity towards workers generally is. Along with a number of other matters that we have seen debated in this place over the last two years, this shows that hating unions is really a code for hating workers. We saw this with the bill that was introduced only last year, which was ironically called ‘the protecting the low-paid bill’. That bill provided for the Industrial Relations Commission to have regard to other matters before it concluded whether the lowest paid received a national wage increase. The protection for the low-paid bill, in effect, was designed to allow the commission to opt out of paying the lowest paid workers in this country a national wage increase. That was the previous minister’s intention in introducing that bill.

That bill was very similar to this one. On this occasion, the veil has been removed. There is no effort to target unions per se in this bill. There is no effort to target the registered organisations of employees. This is a direct assault upon the lowest paid employees in the country by removing the provisions and current entitlements that employees would enjoy under an award. At the same time, it sends an awful message about removing skill based career paths from the award system. I think that would turn the clock back 30 years in terms of how we address some of these issues in the workplace.

I have to say that I did consider—somewhat generously it now would appear—that the government and the opposition had a consensus on some things when it came to workplaces. I accepted that we do not agree on organised labour and some other matters, but I did think that the government and the opposition agreed upon the need to ensure that skills are continually developing and innovation is continually happening in the workplace so that productivity and efficiency gains can be sought and made at the workplace level. This would make the cake bigger, if you like. It would build our economy and provide for further jobs and profits which, in time, would create jobs. That was one of the bipartisan positions that I believed that the government and opposition had with respect to this matter. This evening, unfortunately, I have to conclude that I was wrong. The government has no regard for skill based career paths being focused upon by employers or, indeed, employees. It really does sound a death knell for what I would have thought was 30 years of consensus, maybe not necessarily on approach, but fundamentally on the need to have jobs measured by their skills and the acquisition of knowledge required, which some would call the acquisition of competencies and competency standards. I thought that was the consensus, but clearly I was wrong.

We also have to consider the implications of removing skill based career paths from awards and how that will affect the Australian traineeship system and vocational training in general. If you look at the vocational training agenda in this country—and I have to say that, whilst it has been watered down, it has been carried through since 1996, to some extent at least, by this government—the fact is that the basis upon which the vocational training system operates in this country is that there are skill based career paths in workplaces. In other words, it would be expected that, if you are going to have a training provision or a training dimension to industrial workplace change, you will need
to have a vehicle in order to carry that training through and measure that training against proper classifications. I do not know how this will upset vocational training specifically, but removing the skill based career paths from awards is effectively going to undo what I thought was a bipartisan approach to vocational training in this country. So employees at the lowest levels of federal awards have something to concern themselves with, in that they are the only ones being targeted.

I suppose there are some people out there saying that the unions may as well get this out and about and say, 'When it comes to affecting the lowest paid in this country, clearly this government is quite happy to go after those who are not members of registered organisations.' However, the fact is that I am still surprised that the government has decided to go this way. It is important to place this bill in context. In 1996, after exhaustive and, I am sure, exhausting negotiations between minor parties and the government, the Workplace Relations Act 1996 was introduced. Section 89A of that act provides for 20 allowable award matters. Effectively, there are a whole host of allowable matters which can only be incorporated by enterprise agreements being certified, which will prevail, where they differ, over federal awards. They would have a much broader scope. Those 20 allowable matters were introduced in 1996. If this bill is enacted, it will happen now as it happened then—the people most affected will be those people who are not able or willing to collectively bargain. In most cases, it will be those who are not able rather than not willing to collectively bargain. Removing skill based career paths is certainly going to affect those people.

As to removing long service leave provisions, it is the case that many employees' long service leave provisions are in fact enjoyed under state acts. It is the case, in many instances, that state acts provide the place where people's long service leave has been protected. Indeed, that would still remain regardless of removing it from awards. But there are employees in this country whose long service leave provisions are regulated by federal awards or federal agreements. With respect to those under federal awards, this would actually make their conditions of employment in respect of long service leave very vulnerable, to say the least. Again, it is about tearing away some entitlement forever unless you are able to collectively bargain. I hope this provides great encouragement for employees to realise that ultimately their protection lies in bargaining with their fellow workers and ensuring that they reach an agreement under a certified agreement with their employer. That would, of course, be my preferred wish. But I have to say that there will be a long time between that happening and the current circumstance. The fact is that there will be people—mostly, if not entirely, non-union members—that will miss out as a result of these conditions being taken from their award.

It does surprise me that the government seek to remove a provision that enables employees and an employer to work out how jury service is to be conducted in light of the employment implications if someone were to be called up for jury service. It is a citizen's obligation to accept an invitation to become a member of a jury. Of course there are extenuating circumstances—there are a whole lot of people who are excepted from being a juror; indeed, you can excuse yourself on many grounds—but I do not see the need to take it out of the awards. Unfortunately, the government have chosen to do so.

If enacted, this bill will ultimately target those employees not collectively organised and those who are not members of the unions. I suppose it exposes, therefore, the lie that this government is only about attacking
unions. In the end, as this bill and the Workplace Relations Amendment (Protecting the Low Paid) Bill 2003 show, this government is quite happy to target the most vulnerable workers in this country, whether they are unionised or not.

Mr RANDALL (Canning) (8.53 p.m.)—It is my pleasure this evening to speak on the Workplace Relations Amendment (Award Simplification) Bill 2002. I am very pleased to do so, because this is a bill which again provides a more flexible work force, which means people can do better—not worse—under our industrial relations reforms. Under the industrial relations reforms of this government, the workers of Australia have enjoyed better conditions and pay. That is an indisputable fact: they have received more money because they have negotiated a better deal.

On every occasion in these cases the opposition fail to tell you that the award is a safety net and people cannot do any worse than the award. There is a simple criterion in this which is that you are not going to do any worse than the award. As a result, people are not going to be worse off—they can only be better off—under our industrial relations reforms. Let us get this in context: are we really expecting the wharfies and the grano workers of this world to take their families down to some designated park on these so-called picnic days, sit down there on a blanket with a wicker cane basket and a bunch of sandwiches and use this day as a proper picnic day for their families? I suggest that they will be in the front bar of the local boozer spending the money that they should rightfully be out there earning on behalf of the people that employ them. Who pays for this picnic day? No-one but the person who employs the people on this award that they want to maintain. It is an absolute disgrace that the Labor Party can continue to go on about wanting picnic days in the award. If you are so keen on picnic days, then negotiate one. If you are so productive, your employer will give you a picnic day—you will be able to negotiate it. But do not try and maintain it in the award as a picnic day. That is something out of the dinosaur age that most of the people on the opposite side think we should go back to. People in this country would laugh at you if they thought that you were going to the barricades over a picnic day; let us just get that into context.

The other provision that the member who spoke previously mentioned was about jury duty. It is your civic right to go and do jury duty. I suggest that there is no employer in this country who would not want to see one of their workers at least front up and be examined to see whether they could be on a jury. Very few people actually get onto a jury—I have never been asked to even go
down and submit myself for a jury. But for the few people that actually get the opportunity to do so, it can certainly be negotiated by their employer. That is what the flexibility of this award reform system gives you: the opportunity to negotiate these sorts of arrangements. They are just two of the things that the people on the opposite side want to carry on about: jury duty and picnic days for unions. At the end of the day, this is not worth going to the barricades for.

The member for Rankin was going on about tearing away the safety net—and you heard the poor chap who spoke before me going on about the same sort of thing—but it is just not true. The safety net is still there, and the no disadvantage test makes sure that you cannot be worse off under this system. Let us be clear about that: put in place and administered by the Australian Industrial Relations Commission, the no disadvantage test says that you cannot be worse off than the negotiated award. The people opposite are the prisoners of the union movement that put them here and pay $40 million towards their election campaigns and tell them when they come into this House, ‘Our faction put you here, through our preselection process.’ We know what is going on in Western Australia with the preselection processes at the moment: unions claiming to own this one and that one. At the end of the day, the members opposite come in here because they are owned by a union, and they are told to come in and oppose this. The opposition have opposed every industrial reform in this House. They have opposed it because their union bosses told them that they had to.

We know that in this country now union membership is down to about 17 per cent, yet 78 per cent of the opposition people that are members in this House or senators in the other place have a union working background. As a result, they do not properly represent the electorate of Australia. It is just so out of kilter and out of whack that they are not representative of the Australia that people on this side, for example, represent because we come from such a diverse background. Because they are here at the behest of their union bosses, they are told to come in and vote against these reforms which make Australia more productive.

Australia is a model economy in the world. Why do we have low inflation, high investment and low unemployment in this country? It does not happen by accident; it happens through proper sound economic management. One of the great management tools that this government has been able to provide is a more flexible work force which gets better pay and better jobs and better conditions for workers of this country.

Debate interrupted.

ADJOURNMENT

The SPEAKER—Order! It being 9 p.m. I propose the question:

That the House do now adjourn.

Health: Cancer Treatments

Mr QUICK (Franklin) (9.00 p.m.)—Every Australian is touched by a friend, family member, colleague or acquaintance who has had cancer of some sort. When our health professionals speak out about the lack of resources in cancer treatment, all levels of government should listen and listen well. In my electorate’s local newspaper, the Mercury, last week the concern of medical staff received front page coverage. The article highlighted that cancer patients in Tasmania have to wait many weeks for treatment. Severe staff shortages are causing a treatment crisis. The article stated:

The situation is so bad medical staff are forced to “play God” with waiting lists, says a Launceston doctor.

In Launceston there were 107 people on the waiting list for radiation therapy. Eighty per
cent of curative patients and 60 per cent of palliative care patients are waiting longer than national guidelines recommend. I am talking about people with a life-threatening disease. In the article, the state branch chairman of the Royal Australian and New Zealand College of Radiologists, Dr John Ward, said:

It’s getting continually worse and if our complement [of staff] drops any further then our waiting list will rapidly blow out to three months and longer and if that happens, yes, people are being put at risk ...

The reason for these problems is a familiar story in Tasmania. The inequality of pay to specialists in comparison to other states is the key factor in this situation. It would take $200,000 to bring 16.7 full-time equivalent Hobart radiation therapists up to the salary levels of radiation therapists in the best paying state, Queensland. Radiologists in country Victoria earn almost twice the salaries of their Tasmanian counterparts. The shortage of cancer professionals is not only confined to radiologists. There has been a call from Cancer Council of Australia President Ray Lowenthal for more medical oncologists, cancer nurses and supportive services. He said:

... governments of all persuasions had failed to plan ahead in the face of escalating cancer numbers and effective treatments.

The recognition of cancer as a core health issue in an ageing population should be recognised in all states by the creation of a special health portfolio in this area. The response to the pleas from the health professionals is very predictable. The Tasmanian government has a restricted budget due to Commonwealth cuts in funding. The Commonwealth says it is a state issue and that it should be their priority.

This issue should not be a political football. We are talking about prolonging and improving people’s lives and hopefully curing the vast majority of them. It was with great sadness that I read the letters to the editor in the Mercury today to find a letter from Dr John Ward, radiation oncologist. It read:

I thank the Mercury for the opportunity to address the parlous state of funding of cancer services in general and radiotherapy in particular. Sadly, however, Wednesday’s article seems to have stirred up a firestorm of total indifference on the part of the relevant authorities. The waiting list times which I quoted in the article are already out of date and can be extended by a week. Professor Lowenthal’s comments in Thursday’s issue, no doubt meant to be helpful, achieved the opposite effect.

The waiting list for chemotherapy is the time needed to draw up the drugs required! Radiation therapists, medical physicists and even clerical staff in the Holman Clinic, Hobart are stretched to, and on occasion beyond, breaking point.

For the same cost as that for two patients receiving palliative herceptin for breast cancer we could pay our full establishment of radiation therapists sufficient to bring their salaries up to those paid by the highest paying state in Australia.

That is not to deny the benefit of the aforementioned treatment, but to emphasise we are spoiling the ship of radiotherapy for a halfpenny worth of tar.

With such improved funding we could compete against others recruiting in a limited labour market and use our state of art equipment to its full potential.

I implore the state and federal governments, especially the health ministers, to start thinking of the patients with cancer and their caring families, stop passing the buck and solve this issue immediately.

Hamer, Sir Rupert

Mr GEORGIOU (Kooyong) (9.05 p.m.)—I rise to honour the memory of Sir Rupert Hamer. He was a courageous and socially progressive Liberal. He led Victoria with great distinction as a premier from 1972 to 1981. To anyone who reflects on Sir Rupert’s 23 years in the Victorian parliament and his record of achievements, then and
subsequently, it is overwhelmingly apparent that Dick Hamer was a man for the times and a man ahead of the times.

I met Dick Hamer on numerous occasions during his premiership and after his retirement. As member for Kooyong, I invited him in 1998 to be chair of the Federation Fund Committee, a task which he managed with his usual distinction and sensitivity. Sir Rupert, who was Victoria’s Premier for almost nine years, succeeded the indefatigable Sir Henry Bolte who, for almost two decades, had turned Victoria into Australia’s economic powerhouse.

Sir Rupert for his part had a passion for people, for getting out into the community and listening to people’s desires, concerns and aspirations. His humility and genuineness, when combined with political mastery, saw him lead the Liberal Party to the largest ever victory in its history. In Victoria in 1976, the party captured 51 of 81 parliamentary seats. The benefits of his passion and dedication to liberalism, however, cannot and should not be measured only in terms of political success, substantial as that was. They can be measured against the broadening of social awareness, the encouragement of cultural diversity and civic responsibility in Victoria that occurred under Sir Rupert’s leadership.

He was the first Premier in Australia to establish an arts ministry. He enhanced individual rights. He delivered Victorians equal opportunity legislation and residential tenancy laws. He created a small claims tribunal, decriminalised homosexuality and made environmental protection and sustainability a government priority, establishing the Environment Protection Authority. His commitment to the environment resulted in his government purchasing land for metropolitan parks, using planning powers to enable the preservation of open space and protecting the Yarra River. This was all part of his vision of Victoria as the ‘garden state’. As a community we continue to reap the benefits of his foresight in this area. Today the environment is a significant contributing factor in Melbourne’s official recognition as the ‘world’s most liveable city’.

Dick Hamer was an avowed opponent of capital punishment. Ultimately he succeeded in abolishing capital punishment, soon after becoming Premier, by introducing a private member’s bill into state parliament. And Sir Rupert showed the courage of his conviction when, as a member of the Bolte cabinet, he argued, albeit unsuccessfully, against the hanging of Ronald Ryan, who became the last man to be sent to the gallows in Australia.

This broad snapshot of a long and distinguished career in public life seeks to partially capture the courageous, progressive and visionary approach Sir Rupert adopted throughout his public service and particularly during his time as Premier. It is a tribute to him that he is held in the highest regard by both his political allies and political opponents alike. In the context of his generation he was quintessentially Australian. He undertook three separate tours of duty during World War II, including as a Rat of Tobruk and serving at El Alamein.

After his parliamentary service, he continued to contribute to the community through an ongoing involvement in the arts, the humanities and conservation. I do not think it is accurate to say that Sir Rupert retired after leaving politics. He simply diverted the same energy, enthusiasm, wisdom and sensitivity into other pursuits: to supporting philanthropic organisations, such as the Victorian State Opera, the Save the Children Fund and Greenhouse Action Australia, and to advocating a more compassionate approach towards refugees.
Monday, 29 March 2004

CHAMBER

His support of and involvement in community events never waned. On the morning of his passing, he had attended a multicultural function at the parliament. On the evening before, he had been at Hawthorn’s Guernsey Presentation night, as the club’s No. 1 patron. A life well lived is a life worth while. Sir Rupert’s life was well lived, and this made the state in which we Victorians live more worth while. I extend my sympathy to Lady Hamer and her children, Christopher, Julia, Sarah and Alastair, and their children on the passing of Sir Rupert. He will be fondly remembered and very sadly missed.

Defence: Missile Defence System

Mr MURPHY (Lowe) (9.10 p.m.)—I wish to draw to the House’s attention a report published in the Sydney Morning Herald on Saturday, 13 March, which refers to the proposed missile defence system that the Prime Minister has so wholeheartedly endorsed. This article states that the Pentagon’s chief weapons evaluator, Thomas Christie, told the United States Senate Armed Services Committee on Thursday, 11 March 2004, that he could not be sure that the anti-missile system would be able to knock down North Korean missiles. When Senator Jack Reed asked:

So at this time we cannot be sure that the actual system would work against a real North Korean missile threat?

Mr Christie replied:

I would say that’s true.

The United States Democratic Party has accused the Bush administration of ignoring the flaws of this anti-missile defence system in an attempt to capture votes through fear. There is no doubt that the Prime Minister is doing the same thing in Australia, while ignoring far more real threats of the kind we have so recently witnessed in Spain. While the scale of the disasters recently perpetrated by terrorists in the United States, Bali, Saudi Arabia and now Spain is appalling, far larger devastation is possible if the terrorists manage to get their hands on atomic weapons. The possibility of an attack by terrorists using nuclear weapons that have been stolen, purchased or constructed cannot be ignored and constitutes a more likely threat than a bombardment by North Korean ballistic missiles. While the North Koreans have yet to demonstrate the capacity to launch a missile that has a range sufficient to reach either the United States or Australia, there is ample evidence that large amounts of nuclear material have gone missing in the former Soviet Union and the United States.

The nuclear weapon that destroyed Hiroshima released the energy equivalent to 20,000 tonnes of TNT from a uranium charge that weighed about 15 kilograms. The bomb design was so simple that the bomb physicists knew that it would explode without a preliminary test. The critical bomb-making material—uranium 235—had to be separated from the much more common isotope—uranium 238—by a difficult and expensive process. However, once the method had been perfected, the bomb itself was relatively simple to construct. Hence, the bomb designers’ confidence in the untested outcome—about 120,000 casualties.

It is possible that Osama bin Laden and his evil cohorts have been able to purchase a modern atomic weapon from the black market. The problem with these devices, as the terrorists no doubt know, is that the nuclear material undergoes radioactive decay and after a few years or so the bombs may not explode. So it is more likely that they would build a simple uranium bomb. The real risk to the West—and to Australia—comes from the possibility that al-Qaeda and its imitators could procure atomic weapons and detonate them in the hearts of our cities. Osama bin Laden has stated his intention to destroy the
West and, with the devastation wrought by nuclear weapons, could just about achieve his aim. Australia would be wiped out if a terrorist nuclear weapon were exploded in each major city. Yet, despite the warnings, the Howard government, as a means of frightening people into voting for the government, is determined to play up the far more remote possibility of an attack by North Korea. The Australian government could and should be taking the most thorough measures to detect any attempt to smuggle nuclear materials into Australia. Bomb-making elements such as uranium and plutonium are radioactive and emit extremely penetrating radiation that is difficult to shield and relatively easy to detect. A nuclear bomb is far more likely to arrive in Australia in a shipping container than on the end of a North Korean missile, yet there seems to be almost no concern by the government to ensure that any such attempt by terrorist groups is detected before such a bomb explodes.

On 24 September 2001, the United Nations released a report entitled *Time to control nuclear weapons*. That, amongst other things, recommended installing radiation scanners at key facilities such as ports and border crossings to block attempts by terrorists to smuggle nuclear materials. Since then cities such as New York have established a network of detectors that can detect emissions from radioactive material being transported through their streets. When will this government take its responsibilities seriously? Instead of squandering money on a wasteful and ultimately useless and ineffective anti-missile system, this government should be setting up an effective monitoring system that can detect the passage of nuclear materials through our harbours, airports and streets. Only then will we have a measure of protection from atomic terrorism.

**Environment: Tumbi Creek**

**Mr TICEHURST (Dobell) (9.15 p.m.)—**

I rise tonight firstly to relay the good news that Wyong Shire Council in my electorate of Dobell has now debated and unanimously passed an important rescission motion to stop the dumping of 15,000 cubic metres of silt from a dredged Tumbi Creek into the jewel of the Central Coast—that is, Tuggerah Lakes. We will, rather, see the silt carted to a landfill site.

Days prior to the unanimous vote by Wyong Council, my colleague Senator Ian Campbell, Minister for Local Government, Territories and Roads, advised me that the New South Wales Minister for Infrastructure and Planning, Mr Craig Knowles, did not support the allocation from the federal government’s Regional Flood Mitigation Program to the Tumbi Creek project. Minister Knowles’ response is just not good enough. I have publicly called for an urgent bipartisan meeting with the state member for The Entrance, the New South Wales Minister for Gaming and Racing, the Hon. Grant McBride MP, to discuss the dire need for the New South Wales government to provide matching funding for the Tumbi Creek dredging and offsite landfill disposal. I wrote privately and sincerely to Grant McBride in December 2003 to suggest that we meet urgently to discuss, on a bipartisan basis, the cooperation necessary to secure a total package of just over $1 million to enable a dredge and remove works program to be undertaken. I proposed our meeting be confidential so that our representations to secure the state funding, if successful, would be attributed sincerely to our efforts, working in cooperation with council in the interests of all those who desire the best environmental outcome for the Tuggerah Lakes system. As my private correspondence has been ignored, I have no recourse but to make my position clear in public. Senator Campbell assures me that the
$340,000 promised earlier remains on the table in the hope that Minister Knowles can be moved by Mr McBride’s powers of persuasion to reverse his decision.

It is very disappointing that the New South Wales government are failing to acknowledge their responsibility to the lake that they own. The federal government has no responsibility for the Tuggerah Lakes system but, given my strong lobbying on this issue, I have been successful in gaining the federal government’s support for the expenditure of the Regional Flood Mitigation Program money. The regional flood mitigation agreement requires that both the federal and state governments agree to the expenditure of the funds.

When the Leader of the Opposition visited the Central Coast recently, he told local media that he would like to see the federal and state governments working together and said he would look into the Tumbi Creek issue. To the member for Werriwa, I say this: we are still waiting for you to look into this issue. We have been waiting almost two months for the Leader of the Opposition to put pressure on his state colleagues to accept and match the federal offer of assistance to do the dredging job properly. As usual, he has remained eerily silent on the issue that he promised to address. Interestingly, at the weekend’s local council elections, candidates in Wyong Shire who stood out against the New South Wales government’s irresponsible position on Tumbi Creek have experienced increases in polling. Indeed, results of up to 60 per cent were given to Liberal candidate Brenton Pavier. He was the No. 1 candidate in the B ward for the Liberal ticket. Indeed, it was Brenton Pavier who drew my attention to this problem with Tumbi Creek back in April 2001. The New South Wales government, in particular Grant McBride, must revisit their decision and join the Wyong Shire Council and the federal government, to do this important work at Tumbi Creek in the manner that is demanded by the Central Coast community.

ABC: Sports Coverage

Mr BRENDAN O’CONNOR (Burke) (9.18 p.m.)—I rise to make a complaint about the decision to replace weeknight sports bulletins on the ABC with a prerecorded national wrap-up from Sydney. This of course illustrates evidence of the continuing concentration of focus by the ABC on Sydney. There is also evidence of ignorance of or disregard for its viewing public on the part of the ABC board. There are obvious threats to the continued coverage of AFL games and other high-profile sports outside Sydney, but importantly coverage of local sports like VFL, other sporting codes and women’s sports, which are broadcast only on the ABC, is threatened.

There is a view expressed by many, and I share their view, that the ABC’s charter is being disregarded. This decision goes against the ABC charter as enunciated in section 6 of the Australian Broadcasting Act 1983. Section 6 says the functions of the corporation include:

(a) to provide ... comprehensive broadcasting services of a high standard as part of the Australian broadcasting system consisting of national, commercial and community sectors ...

Indeed, it goes on to say that programs should be provided that ‘reflect the cultural diversity of the Australian community’. As a result of the shift of the news service from Melbourne to Sydney, we now know that Victorian sports presenter Angela Pippos is considering quitting over the decision. The national Media, Entertainment and Arts Alliance have taken the complaint to the Industrial Relations Commission.

On the day of the decision to replace the sports bulletin—15 March—there was certainly a leak which said that the ABC’s Vic-
The Victorian switchboard received many negative calls, with 66 callers ringing to let management know they were unhappy about the decision and 109 callers reassuring striking staff that the community was behind them. They were some of the complainants making their views known about being behind the striking journalists.

What I did not expect but I suppose I welcome was the following report:

Mr Walker, a former Liberal Party treasurer, and state Opposition Leader Robert Doyle were unlikely participants in a protest attended by 300 people outside the ABC's Southbank headquarters.

It was quoted that they were there on 15 March, and I am glad to see that they were. I think Mr Doyle was quoted as saying that this was the first rally of that kind that he had ever attended. The report said:

Mr Walker, chairman of the Australian Grand Prix Corporation and the Melbourne 2006 Commonwealth Games Corporation, commanded attention as he arrived with about 100 of his staff—including GP chief Steven Wright and Commonwealth Games chief John Harnden.

Mr Walker said that as a taxpayer he was angry with the ABC’s Sydney-centric board and he had ‘joined the other side’ by attending the rally because Monday night’s sport wrap hosted by Peter Wilkins was ‘so average it made me sick’.

It is not always the case that I would agree with Mr Walker and, particularly, with Mr Doyle, who is not one of the most effective opposition leaders in the country. However, on this occasion I join them and express my absolute opposition to and outrage at the decision by ABC to shift the service from Melbourne to Sydney. There was a joke going around that they were going to change the name ABC to ABM—‘anywhere but Melbourne’—because the way the ABC is going about providing services, taking from the second-largest city in this country a very important service that provides information on matters that are peculiar to Victoria, will ultimately undermine its good record in providing such a diverse and comprehensive service to all its listeners and viewers. I finish by saying that I hope that the government members in this chamber make their views known to the ABC board. There is no point blaming a couple of managers in the place. The ABC board has to take a stand and reverse the decision that was made to shift these services from the wonderful city of Melbourne to the not quite as wonderful city of Sydney.

Sport: Special Olympics

Mrs MAY (McPherson) (9.23 p.m.)—I recently had the honour and privilege of attending a prelaunch function held to raise the awareness of the benefits of the Special Olympics national games which will be held on the Gold Coast in mid-2006. I say that this event was a privilege to attend because rarely do I see the level of determination, purpose and love of sport displayed by the participants, organisers and volunteers involved in the Special Olympics. The Special Olympics, which should not be confused with the Paralympics, are a year-long program. They focus on year-round sports and training for all people with an intellectual disability, not just those who compete as elite athletes in their sports.

At the launch we were briefed on the 1,000 athletes competing across eight sports at the games in 2006 as well as the 300 coaches, 3,000 volunteers and 10,000 spectators who will not only enjoy the atmosphere and camaraderie of the games but, more importantly, benefit from the spirit of achievement. The Special Olympics celebrate ability, dedication, accomplishment, teamwork and community as well as victory. The
games allow those with an intellectual disability the opportunity to strive for a high level of sporting achievement in a community atmosphere.

At the prelaunch function we were made aware of the many endorsements by popular sporting figures, including former South African President Nelson Mandela and boxing great Muhammad Ali, but one quote stuck out most of all. It is from the mother of an athlete who is involved in the Special Olympics and it really sums up one of the main benefits of the Special Olympics. She said:

We originally joined so my son could keep his physical fitness up. But we did not expect all the other benefits that came out of it. It’s given him comradeship, confidence and focus—it’s a place for him and it’s a place for me too!

This quote sums up the feelings of many parents whose children have become actively involved in the Special Olympics program. Too often intellectually disabled people, their carers and their families find themselves socially isolated from the community. Community organisations like the Special Olympics have a very active role to play in ensuring that intellectually disabled persons do not become shut out or isolated from mainstream society. There are all too few community programs dedicated to relieving the social isolation of those with an intellectual disability. The Special Olympics is filling that void for these people, their carers and their families.

Other than the valuable role that the Special Olympics provide in assisting to end the social isolation of persons with an intellectual disability, they also encourage physical fitness and exercise. I have spoken a number of times in this chamber on the issue of obesity. Australia is one of the fattest nations in the world, and the Gold Coast, unfortunately, is the fattest city in Australia. That makes for a lot of large Gold Coasters. The Special Olympics helps promote an image of healthy Australia, where exercise and healthy exploits are valued. For Australians to again be seen as the healthy, active nation of people we were once recognised as, the general community must adopt the healthy image displayed by participants in the Special Olympics. There is something for the wider community to learn from the participants at the Special Olympics. It is not only the healthy lifestyle message; their oath also has something to teach us. Prior to every competition, each athlete recites the following simple verse:

Let me win. But if I cannot win, let me be brave in the attempt.

We can all learn something from this simple message. We should strive to achieve and, if we do not quite get there, we should give the attempt our all. Like the athletes and the thousands of volunteers, the new mayor of the Gold Coast city, Mr Ron Clark—a man who has excelled in the sporting arena himself—and the Gold Coast community are looking forward to the opening of the eighth Special Olympics national games in March 2006. I hope that this event will teach the wider community something about achievement. The hand of friendship will certainly be extended to those very special athletes when they arrive on the Gold Coast in 2006.

Question agreed to.

House adjourned at 9.28 p.m.

NOTICES

The following notice was given:

Mr Howard to move:

That this House:

(1) expresses its continued support for and confidence in the 850 Australian Defence Force personnel currently deployed in or around Iraq and records its deep appreciation for the outstanding professionalism they have displayed in carrying out their duties; and
(2) is of the opinion that no elements of this contingent of Australian Defence Force personnel should be withdrawn until their respective tasks have been completed and that no arbitrary times should be set for such withdrawal.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Aviation: Air Traffic Controllers
(Question No. 1566)

Mr Martin Ferguson asked the Minister for Transport and Regional Services, upon notice, on 5 March 2003:

(1) Has Airservices Australia advised him or any organisation that it can reduce the number of Air Traffic Controllers to 18 if the Perth Terminal Control Unit (TCU) is relocated to the Melbourne air traffic services facility; if so, (a) what analysis has been conducted to verify that this reduced number is achievable, (b) has a base roster been produced to demonstrate that adequate console coverage, leave relief and training requirements can be achieved with 18 Air Traffic Controllers and if not, why not, and (c) what analysis has been done to show that the Perth TCU will require only 18 Air Traffic Controllers in Melbourne but more than that number in situ and, if no analysis has been undertaken, why not.

(2) Has Airservices Australia advised him or any organisation that it can reduce the number of Air Traffic Controllers to 15 if the Adelaide TCU is relocated to the Melbourne air traffic services facility; if so, (a) what analysis has been conducted to verify that this reduced number is achievable, (b) has a base roster been produced to demonstrate that adequate console coverage, leave relief and training requirements can be achieved with 15 controllers and if not, why not, and (c) what analysis has been completed to show that the Adelaide TCU will only require 15 Air Traffic Controllers in Melbourne but more than that number in situ and, if no analysis has been undertaken, why not.

(3) Has Airservices Australia advised him or any organisation that it can reduce the number of Air Traffic Controllers to 66 if the Sydney TCU is relocated to the Melbourne air traffic services facility; if so, (a) what analysis has been conducted to verify that this reduced number is achievable, (b) has a base roster been produced to demonstrate that adequate console coverage, leave relief and training requirements can be achieved with 66 controllers and if not, why not, and (c) what analysis has been done to show that the Sydney TCU will only require 66 Air Traffic Controllers in Melbourne but more than that number in situ and, if no analysis has been undertaken, why not.

(4) Has Airservices Australia advised him or any organisation that 34 support positions, including management, training and data staff can be made redundant if the Sydney TCU is relocated to the Melbourne air traffic services facility; if so, what documented analysis has been conducted to determine how each job can be made redundant without adding extra resources in Melbourne; if no analysis has been completed, why not.

(5) Has Airservices Australia developed a detailed resource and training plan for TCU consolidation that identifies: (a) where each replacement terminal controller will be sourced, (b) where additional controllers will be sourced to release others to TCU training, (c) how normal ongoing training, including ab initio, refresher, cross stream and project and procedure development training requirements will be accommodated, and (d) what training staff and resources will be required to meet this training demand; if not, why not.

(6) Has Airservices Australia advised him or any organisation that it will rely on third-party service providers to transfer communication, radar and computer data to the Perth, Adelaide and Sydney TCUs if they are consolidated to the Melbourne centre and if so, are the existing reliability levels of these third-party provided systems adequate for a consolidated TCU structure.
(7) Is it the case that the third-party maintained radio link between the Sydney and Brisbane oceanic sector failed at least 11 times last year and that the satellite links that relay radio and/or radar data to the Melbourne and Brisbane centres failed at least four times since January 2001; if so, how will Airservices Australia ensure these failures will not continue to occur if TCU consolidation goes ahead.

(8) Has Airservices Australia advised him or any organisation that TCU consolidation will provide the basis for increased standardisation and safety in the future; if so, (a) what documented analysis of existing procedures has been completed that identifies those that require increased standardisation, (b) what remedial plans have been developed that will ensure that increased standardisation will be achieved by a consolidated TCU structure, (c) what safety deficiencies have been identified and documented with the present distributed TCU structure, and (d) what documented analysis has been completed that proves that consolidating the TCUs to Melbourne will rectify these deficiencies.

(9) Has Airservices Australia advised him or any organisation that TCU consolidation will reduce cost of service delivery and thereby the price charged to the aviation industry and that the amount of the planned reductions in charges to the aviation industry would be finalised at the end of the consultation period that ended in 2002; if so, (a) what is the amount of the cost reduction calculated by Airservices Australia if TCU consolidation goes ahead, and (b) has Airservices Australia calculated the difference between the charges that would apply if TCU consolidation proceeds compared to those that would apply if it does not, and if not, why not.

(10) Has Airservices Australia advised him or any organisation that TCU consolidation will ensure service delivery is appropriately structured; if so, (a) what analysis has been conducted to identify deficiencies in Airservices Australias present service delivery standards, (b) what plans have been developed to ensure that TCU consolidation will result in appropriately structured service delivery, and (c) what benefits will result for Airservices Australias customers when service delivery is appropriately structured.

(11) Has Airservices Australia advised him or any organisation that probably one of the greater benefits of integration is the possibility that is offered to integrate sectors; if so, (a) what sectors will be integrated, (b) what analysis has been conducted to determine that these sectors can be integrated, (c) why were not the sector reduction targets in the Air Traffic Management Benefits Program achieved, (d) what history has proven that it is much more difficult to integrate sectors if those sectors are not all within the one facility, and (e) were sectors integrated as a result of the Canberra TCU being consolidated to the Melbourne air traffic services facility and, if no sector integration occurred then, why not.

(12) Is it the case that Airservices Australias predecessor, the Civil Aviation Authority, advised in June 1994 that the consolidation of enroute sectors would allow Sydney arrivals south and Melbourne sector 7 to be combined thus saving $500,000 p.a. in staff costs; if so, (a) did this occur and if not, why not, (b) what comparative analysis has been completed that demonstrates that the consolidation of the Sydney, Adelaide and Perth TCUs will facilitate sector integration whereas the integration of the Canberra TCU and Sydney enroute sectors to Melbourne did not, and (c) if no comparative analysis has been completed, how has Airservices Australia established that TCU consolidation will facilitate sector integration.

(13) Has Airservices Australia advised him that if TCU consolidation goes ahead, contingency and business continuity arrangements would be available to at least the same level of assurance as those currently existing; if so, has Airservices Australia developed a detailed contingency and business recovery plan for a consolidated TCU structure that satisfies this undertaking; if not, why is Airservices continuing to develop TCU consolidation plans.
(14) Has Airservices Australia advised him or any organisation that if a consolidated Melbourne centre was rendered inoperable through facility failure or some other catastrophic event, then airspace over the southern half of Australia including the residential areas of Sydney, Canberra, Melbourne, Adelaide and Perth would still be controlled; if so, what detailed plan exists to ensure that aircraft in this airspace would receive an air traffic control separation service even if the Melbourne centre had been rendered inoperable.

(15) Has Airservices Australia advised him or any organisation that the integration of air navigation facilities has for some time been world's best practice as has been evident in Canada, USA and the UK.; if so, what analysis has been conducted to assess: (a) what facilities have been integrated in these countries, (b) what benefits were achieved for the service provider and the aviation industry in each country, (c) what technical infrastructure has been put in place to ensure system reliability, and (d) what relevance do these consolidations have to the Airservices Australia proposal.

(16) Is it the case that a correctly constituted expert safety panel assessed the risk of having a large number of inexperienced terminal staff after consolidation as Category A unacceptable and that a Melbourne management review panel changed this initial assessment to Category D acceptable; if so, (a) did the management review panel composition comply with the Project Safety Plan and (b) what documented evidence was presented to justify any reassessment of risk.

(17) Has Airservices Australia advised him or any organisation that it will address community concerns about the future management of LTOP issues at Sydney by stating that to a great extent these concerns can be overcome by a number of initiatives which could be put in place prior to integration and tested for effectiveness; if so, (a) what are these initiatives, and (b) how will their effectiveness be assessed.

(18) Has Airservices Australia advised that it will address community concerns about LTOP management by stating that post-integration the Tower supervisor will have the primary say in the runway configuration; if so, (a) has this runway mode management procedure been used before; if so, (i) when was it used, (ii) why is it no longer used, and (b) if Airservices Australia plans to use this procedure again, how will it ensure that the same safety concerns that caused it to be abandoned previously will not occur in the future.

(19) Is TCU consolidation a prerequisite for any of the following: (a) a more efficient air route structure, (b) reduced delays at Sydney, Adelaide or Perth airports, (c) more efficient climb and descent profiles, (d) more effective environmental management (particularly LTOP at Sydney) and (e) safer terminal area procedures at Sydney, Adelaide or Perth; if so, (i) what analysis has been conducted to quantify the benefits in each of these areas that can only be achieved by consolidating the TCUs to Melbourne, (ii) what analysis has been completed to determine why these improvements cannot be implemented with the TCUs in situ, and (iii) if these improvements are not dependent on TCU consolidation, why does Airservices Australia consider that TCU consolidation will deliver operational benefits for its customers.

(20) If TCU consolidation goes ahead, what measurable criteria will Airservices Australia use to evaluate its success and what guarantees will Airservices Australia give to stakeholders that these measurable criteria or benchmarks will be achieved.

(21) Has Airservices Australia advised him or any organisation that it has identified cost savings that can only be achieved by consolidating Sydney, Adelaide and Perth TCUs to the Melbourne centre; if so, (a) what detailed analysis has been completed to quantify these projected savings, (b) what detailed analysis has been completed to determine the dollars per tonne reduction in charges that will result, (c) what detailed analysis has been done that identifies the difference in charges that will result from consolidating the three TCUs as compared to leaving them in situ, and (d) what detailed analysis has been completed that identifies why the same reduction in charges cannot be achieved with the TCUs remaining in situ and if no detailed analysis has been completed, why not.
(22) How much did Airservices Australia budget to spend on investigating the consolidation of Perth, Adelaide and Sydney TCUs to the Melbourne centre.

(23) How much has been spent to date on this project and will the amount spent on investigating TCU consolidation be included as cost of TCU consolidation if this project proceeds, if not, why not.

(24) Has Airservices advised that Sydney, Adelaide and Perth terminal controllers located in Melbourne will retain local knowledge through familiarisation visits and ongoing briefings; if so, (a) why did the Melbourne management review of the safety analysis of TCU consolidation reject the loss of local knowledge as a credible risk associated with consolidating the TCUs, and (b) if local knowledge is considered important and familiarisation visits and ongoing briefing will be provided to ensure controllers retain local knowledge, (i) what detailed analysis has been conducted to determine the number of familiarisation days per annum that will be required to retain adequate levels of local knowledge, (ii) what ongoing briefing content will be provided to retain this knowledge and (iii) what budget allowance has been made for local knowledge issues.

(25) Has Airservices Australia advised him or any organisation that its legal department has expressed no opinion on the broader issue of TCU consolidation, if so, what was Airservices Australia’s General Counsel referring to when she advised in relation to an aircraft crash near Lake George that if controllers had local knowledge of the relevant area, they would then have the necessary intimate terrain knowledge. Such an allegation, if successful, has serious implications for Airservices ability to implement TCU consolidation and possibly other ATM strategies. Accordingly, we will be attempting to persuade our insurer to seek a favourable settlement of this claim.

Mr Anderson—Airservices Australia has advised the answers to the honourable member’s questions as follows:

The Board of Airservices Australia has approved TCU integration, to occur not earlier than 2008 and to be finalised by 2012, on the basis that a range of savings will be realised in situ in the short term. However, the Board will consult with the Minister prior to any TCU being closed.

(1) Yes.
   (a) Airservices’ resource management tool (Airservices’ standard operational resources planning tool) has been used to determine the required air traffic controller numbers should the Perth TCU be integrated to the Melbourne Centre.
   (b) No. These requirements are incorporated into the functional specification of the resource management tool. It takes into account console coverage, leave arrangements, training requirements etc.
   (c) An in situ analysis was undertaken and formed part of the report on the TCU integration project to the Board. It included a comparison between identified benefits and air traffic controller numbers for Perth in situ and those required if integration were to proceed.

(2) Yes.
   (a) Airservices’ resource management tool has been used to determine the required air traffic controller numbers should the Adelaide TCU integrate to the Melbourne Centre.
   (b) No. These requirements are incorporated into the functional specification of the resource management tool. It takes into account console coverage, leave arrangements, training requirements etc.
   (c) An in situ analysis was undertaken and formed part of the report on the TCU integration project to the Board. It included a comparison between identified benefits and air traffic controller numbers for Adelaide in situ and those required if integration were to proceed.

(3) Yes.
(a) Airservices’ resource management tool has been used to determine the required air traffic controller numbers should the Sydney TCU integrate to the Melbourne Centre.

(b) No. These requirements are incorporated into the functional specifications of the resource management tool. It takes into account console coverage, leave arrangements, training requirements etc.

(c) An in situ analysis was undertaken and formed part of the report on the TCU integration project to the Board. It included a comparison between identified benefits and air traffic controller numbers for Sydney in situ and those required if integration were to proceed.

(4) A detailed study of duties of non-operational staff at the Sydney TCU and capacity for the Melbourne Centre to absorb these staff was undertaken as part of the TCU integration project. It determined how many of the non-operational positions can be done off site, how many can be absorbed within current staffing levels at Melbourne, what functions/positions would need to remain in Sydney and how many, if any, additional positions would be required in Melbourne to take on the duties of those Sydney non-operational positions that can be undertaken off site.

(5) A staff impact statement, which incorporated a resource and training plan, was prepared as part of a detailed transition and implementation plan for the Airservices Board’s consideration.

(6) Airservices already relies on third party providers that offer extremely high levels of reliability and equal to the reliability of the equipment to which it interfaces. To ensure this designed level of reliability, Airservices has a multilayered level of redundancy that is measured against designed engineering specifications. Before TCU integration could occur, safety cases and business continuity plans would be used to evaluate the designed level of reliability and redundancy solutions proposed to ensure these high reliability levels are met and maintained.

(7) Any engineering solutions put into place for an integrated TCU, either internal to Airservices or provided by the third party, will not be totally immune to failure and therefore Airservices cannot guarantee that these types of failures will not occur. They occur within the system as it currently exists. All critical systems or services similar to this type of link have engineered redundancy backups.

Should integration proceed, the system reliability levels will be the result of the design specifications and provide for multiple system redundancy and a reliability to at least the same level as currently exists.

(8) Yes.

(a) None.

(b) This will be undertaken by Airservices in consultation with industry should integration proceed.

(c) Airservices has not claimed that there are safety deficiencies with the current remote TCU structure rather that safety processes and oversight will be improved with an integrated structure.

(d) See answer to question 8(c).

(9) Airservices has advised that it believes integration will reduce the overall cost of service delivery. The nature of these reductions and how they will be passed on to customers is yet to be determined.

(a) The amount of cost reduction calculated if TCU integration goes ahead is still to be determined.

(b) See answer to question 9 (a).

(10) Yes.
(a) Airservices undertakes regular surveys of its customers’ service requirements and meets regularly with its customers to determine their service needs and deficiencies in the level of service being provided.

(b) Any changes to service structure resulting from integration will be determined by Airservices in consultation with customers as part of any decision to integrate and further refined following integration.

(c) See answer to question 10 (b).

(11) Yes.

(a) Sectors that can potentially be integrated will be determined by Airservices in consultation with industry following TCU integration.

(b) See answer to question 11 (a).

(c) The Air Traffic Management Benefits Program identified potential for reduction and reorganisation of sectors. Further work required to achieve these benefits will be undertaken following completion of work associated with the National Airspace System (NAS).

(d) It will always be more difficult to undertake sector integration across a number of stand-alone facilities because each has its own management structure and operational procedures. Integration will provide a single site focus for route planning, airspace, sector design, technology upgrades and allow for more flexible workforce planning and console use.

(e) No. The sectors surrounding those controlled by the Canberra TCU were already being managed from Melbourne.

(12) Airservices’ files that would provide details of any proposal to consolidate enroute sectors in 1994 are archived and not readily available. Regardless of whether consolidation of sectors was proposed at that time, the TAAATS system, new software, procedures and structures introduced since then have more readily allowed sector integration.

(a) See answer to question 12 above.

(b) None.

(c) TAAATS has enabled significant sector rationalisation since its introduction. Integration of TCUs will facilitate this further through providing a single site focus for airspace redesign and optimisation and more flexible console staffing and oversight arrangements.

(13) Yes. Contingency and business resumption plans were developed as part of the work undertaken on TCU integration for report to the Board.

(14) See answer to question 13.

(15) Yes. No analysis has been undertaken in relation to parts (a), (b) or (c) of this question, outside of Airservices’ regular contact and information exchange with international air navigation service providers. In relation to part (d) integration will provide further demonstration that Airservices has the ability to continue to redefine and tailor its service delivery strategies in light of new technology and changing circumstances and to pursue its stated aim of seeking new business through integration across international air navigation service boundaries.

(16) No. The risks and categories identified by the initial safety panel, including that associated with having a large number of inexperienced terminal staff after consolidation, were not changed by the Management Safety Review Panel. Instances where the assessment of the Management Safety Review Panel differed from that of the initial safety panel were referred to the Head Air Traffic Controller and/or the Manager of the Melbourne Centre (depending on the level of the risk) for consideration and decision. In addition, instances where the panels varied in their opinions are indicated within the Safety Case Report. All residual risks were addressed at the highest assessment from the two panels.
(17) Yes.
   (a) Tower and other experienced air traffic control staff will remain in Sydney; crossing runway
       operations and requirements to use these modes will not change and will be managed from
       Sydney; the LTOP Implementation and Monitoring Committee will still operate from Sydney
       and the current LTOP reporting requirements will be maintained and managed from Sydney. In
       addition, Traffic Managers, whose duties include management of the LTOP imperatives will
       continue to oversee a Sydney TCU located in Melbourne.
   (b) The methods by which the effectiveness of implementation of LTOP is measured will not
       change if integration were to proceed.
(18) Yes, as one part of a revised management structure that would be put into place following
     integration if it were to proceed.
     (a) The proposed procedure will be similar to that which operated previously. However it will be
         under a different management structure and internal operating arrangements.
         (i) Between 1997 and 1999.
         (ii) It was changed as part of a management review of Sydney TCU and Tower.
     (b) Any such change will be the subject of a safety assessment.
(19) While not considered a prerequisite, integration will facilitate improvements in some of the
     parameters listed over and above what can be achieved in situ. Airservices has never stated that
     delays will be reduced. Airservices considers that the stand-alone TCU facilities will always be less
     efficient than the integrated equivalent and this efficiency gap will increase with time. Integration
     will provide site focussed planning, airspace and sector optimisation and design.
     (a) Analysis of the long term strategic benefits that may be achieved through integration are being
         investigated as part of the current work for consideration by the Board.
     (b) An investigation into achievable in situ benefits is being undertaken as part of the current
         work for consideration by the Board.
     (c) See answer to question 19.
(20) These will be determined by Airservices in consultation with customers should a decision be made
     to integrate.
(21) Yes.
     (a) Detailed cost and benefits analysis of integration were prepared for consideration by the Board
         at its August 2003 meeting including identified in situ benefits that can be achieved without
         having to integrate facilities.
     (b) None. This will be subject to analysis should a decision be made to integrate facilities.
     (c) See answer to question 21(b).
     (d) See answer to question 21(b).
(22) Approximately $300,000 was budgeted to prepare the work requested by the November 2002
     Board meeting.
(23) Approximately $400,000 was spent.
(24) Yes.
     (a) The management review did not reject the loss of local knowledge as a credible risk associated
         with consolidating TCUs. However, the review concluded this risk could be mitigated through
         the implementation of appropriate measures.
     (b) (i) This analysis will be undertaken should a decision be made to integrate TCUs.
         (ii) & (iii) See answer to question 24 (b)(i).
(25) No such advice to the Minister was either sought or provided by Airservices.

Correspondence was entered into between Airservices and the air traffic control union, Civil Air, concerning the publication of a document, without approval. This document was part of a draft report to a Board Committee, which subsequently was not used. No opinion on the broader issue of TCU consolidation was expressed in the correspondence.

**Employment: Job Seekers**

(Question No. 2500)

Mr Albanese asked the Minister for Employment Services, upon notice, on Tuesday, 7 October 2003:

1. How many jobseekers are expected to commence Intensive Support Customised Assistance (ISCA) for the first time in (a) 2003-2004, (b) 2004-2005, and (c) 2005-2006.

2. How many of these participants are likely to be identified as disadvantaged and fast-tracked into ISCA.

3. What proportion of first-time ISCA participants is expected to drop out within the first three months.

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

1. The Department currently estimates the number of jobseekers to commence Intensive Support customised assistance (ISCA) for the first time in (a) 2003-2004 is 240,000, (b) 2004-2005 is 95,000 and (c) 2005-2006 is 95,000.

2. The Department currently estimates that the number of participants identified as highly disadvantaged and commence immediately into ISCA in (a) 2003-2004 is 74,000 (b) 2004-2005 is 30,000 and (c) 2005-2006 is 30,000.

3. The Department currently estimates that the proportion of first-time ISCA participants expected to drop out within the first three months is 7%.

The above estimates are subject to ongoing adjustments and reviews in light of experience and changing labour market conditions.

**Employment: Job Seekers**

(Question No. 2501)

Mr Albanese asked the Minister representing the Minister for Employment Services, upon notice, on 7 October 2003:

1. How many jobseekers are expected to commence Intensive Support Customised Assistance (ISCA) for the second time in (a) 2003-2004, (b) 2004-2005, and (c) 2005-2006.

2. What proportion of second-time ISCA participants is expected to drop out within the first three months.

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

1. The Department currently estimates the numbers of jobseekers to commence Intensive Support customised assistance (ISCA) for the second time in (a) 2003-2004 is 6,000, (b) 2004-2005 is 94,000, and (c) 2005-2006 is 40,000.

2. The Department currently estimates that the proportion of second-time ISCA participants expected to drop out within the first three months is 7%.

The above estimates are subject to ongoing adjustments and reviews in light of experience and changing labour market conditions.
Health: Medical Indemnity
(Question No. 2613)

Mr Murphy asked the Minister for Health and Ageing, upon notice, on 15 October 2003:

(1) Will the levy to cover incurred but not reported (IBNR) claims be imposed on all members of the medical profession; if not, (a) which doctors will be liable for the impost, (b) which doctors will be exempt, and (c) can he explain why some doctors will be exempt.

(2) Has the Medicare rebate ever reflected the rising cost of medical indemnity insurance; if so, when.

(3) Has the Government ever provided rebates to compensate for the rising costs of medical practice; if so, when.

(4) What measures has the Government taken to curb the rising costs of negligence claims within the court system; if no action has been taken, why not.

(5) Is he able to say which types of claims result in the most awards for damages by the courts.

(6) Is he taking action to prevent an anticipated rise in patient fees to cover an anticipated rise in damages awards; if not, (a) why not, and (b) when will action be taken.

(7) What is the anticipated impact on the number of medical practitioners being compelled for liability and financial reasons to cease practice as a direct consequence of the imposition of the IBNR levy; if no analysis has been done, (a) why not, and (b) when will it be done.

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

(1) The IBNR levy has been replaced by the United Medical Protection support arrangements announced on 17 December 2003.

(2) and (3) There has not been a specific increase in Medicare fees to reflect changes in medical indemnity costs since 1985. However, Medicare fees are generally indexed annually by economy-wide indices, which would to some extent reflect increases in indemnity costs.

(4) The Australian Government has been working in cooperation with the States and Territories on tort law reform and changes to the Trade Practices Act 1974.

(5) No. This question should be addressed to State and Territory Attorneys General.

(6) No. Australian Government policies and State and Territory tort law reform should cause medical indemnity premiums to fall.

(7) See answer to (1).

Telstra: Services
(Question No. 2729)

Ms George asked the Minister for Communications, Information Technology and the Arts, upon notice, on 5 November 2003:

(1) Is he aware that on 14 November 2003 Telstra will dismiss 54 employees who have worked for the company for between 10 and 20 years due to the closure of its Wollongong Call Centre.

(2) Is he aware that Telstra will spend $2.4 million expanding its Fault Call Centre in Wollongong and that this will create 60 new jobs.

(3) Is he aware that the staff who will be dismissed on 14 November have been told they may apply for the new positions in the Fault Call Centre; however Telstra has refused to transfer staff or guarantee them a position if they apply.

(4) Is he able to say what prevents Telstra from offering the current staff the necessary training needed for the new positions.
(5) Will he intervene and request that Telstra offer its Wollongong Call Centre staff transfers and, where appropriate, training so that they can be employed in its expanded Fault Call Centre; if not, why not.

Mr Williams—The answer to the honourable member’s question, based on advice from Telstra, is as follows:
(1) Yes.
(2) Yes.
(3) Telstra has advised that whilst former Sales Call Centre staff are free to seek employment with a job agency, or Stellar, there is currently no scope for staff to transfer to the refurbished Service Advantage Centre.
Telstra estimate that the refurbishment of the Service Advantage Centre will be completed some time between May and July 2004. While there will be an additional seating capacity of 60 created by the refurbishment, Telstra advised that no decision has been made as to the numbers or classification (full time/part time etc) of people to be employed. Telstra intend at this stage to have an excess capacity available to accommodate seasonal peaks as required.
Telstra further advised that there were no vacant positions available in the Service Advantage Centre prior to the closure of the Sales Call Centre for which staff could apply. Telstra indicated that in the event that vacancies had been available at the time, staff would have been encouraged to apply for them with all recruitment decisions based on merit.
(4) Telstra has advised that the main reason for not offering staff the necessary training needed for the new positions is that the staffing levels and the composition of the workforce for the Service Advantage Call Centre have not yet been finalised. These matters will be reliant upon demand and overall business requirements existing at the time the Centre becomes operational.
(5) The Telstra Board and senior management are responsible for the day to day running of the organisation, including decisions on how it manages its Call Centres.

Transport: Roads of National Importance
(Question No. 2769)

Mr Gibbons asked the Minister for Transport and Regional Services, upon notice, on 24 November 2003:
(1) Further to question Nos 2135 (Hansard, 7 October 2003, page 20701) and 2496 (Hansard, 5 November 2003, page 22074), when declaring the Calder Highway a Road of National Importance (RONI) in 1997, did the Commonwealth initially undertake to upgrade the Calder Highway from Melbourne to Bendigo on a 50:50 basis with the Victorian Government; if so, on what basis has the Government decided that its RONI commitment to the Calder Highway has been fulfilled with the completion of work between Carlsruhe and Kyneton.
(2) In respect of the decision that the Commonwealth’s RONI commitment to the Calder was “fully met” with the completion of work between Carlsruhe and Kyneton, (a) who made the decision, (b) on what date was it formally made, and (c) was it approved by the (i) Federal Cabinet, (ii) Federal Treasurer, or (iii) Prime Minister, if so, (iv) on what date was it approved, and (v) will he provide the full text of the decision and the approval.
(3) What would be the total cost to the Commonwealth if it shared with the Victorian Government the cost of completing the upgrade of the Calder Highway from Kyneton to Bendigo.
(4) What amount has the Commonwealth already spent on planning and roadworks north of Kyneton to Bendigo and what are the details.

Mr Anderson—The answer to the honourable member’s question is as follows:
(1) No. The Australian Government offered to declare the Calder Highway a Road of National Importance to begin the task of upgrading the worst sections between Melbourne and Mildura.

(2) The Australian Government agreed with the Victorian Government to provide funding on a joint basis for the following projects on the Calder Highway under the Roads of National Importance RONI programme:

Project
Bulla-Diggers Rest Road Interchange
Black Forest Duplication;
Woodend Bypass
Carlsruhe Deviation
Kyneton to Faraday Duplication Planing Study*
Faraday to Ravenswood Duplication Planning Study
* This study is currently underway.

The Australian Government has met these commitments.

(3) The Victorian Government is seeking a commitment of $165 million from the Australian Government to duplicate the Calder Highway from Kyneton to Ravenswood.

(4) The Australian Government has committed to joint funding with the Victorian Government of two planning studies between Kyneton and Ravenswood.

As at 31 December 2003 the Australian Government has made payments totalling $3.9 million for:
- a planning study, currently underway for the Kyneton to Faraday section ($1.5 million); and
- a planning study, completed, for the Faraday to Ravenswood section ($2.4 million).

Environment: Envirofund Projects
(Question No. 2904)

Mr Kelvin Thomson asked the Minister for the Environment and Heritage, upon notice, on 10 February:

Will he provide a breakdown of the 765 Round One Envirofund projects by (a) type (i.e. water quality, protection of native vegetation, salinity, coastal erosion), (b) Federal electorate division, and (c) funding allocation

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

Apart from water quality, it is not possible to provide the breakdown requested by the Honourable Member, however Attachment A provides a breakdown according to the broad focus of activity for projects as defined by the program (i.e. Bushcare, Coastcare, Landcare, Rivercare) on an electorate basis.

Attachment B presents the same breakdown for those Envirofund projects identified as having a direct improvement on water quality. The funding reported is based on the percentage of project funds that are spent on activities leading to water quality improvements.

The activities associated with an Envirofund project can produce outcomes that benefit more than one aspect of the environment. The “Cares” categorisation used to characterise each project reflects the main objective or focus of a project and it is often the case that there will be a secondary effect on water quality. For example, a project may involve planting trees and fencing to form a wildlife corridor between two patches of remnant vegetation, thus benefiting biodiversity. If these same activities help to reduce actively eroding sites then there will also be an improvement in water quality.

Examples of projects in this category are:
41630: Restoration of native Grassy White box Woodland (an endangered ecological community) including planting along waterflow systems on a property.


The funding amounts may differ from those initially announced as they incorporate project budget variations that were approved after Ministerial announcements were made.

Attachment A

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Mr Martin Ferguson asked the Minister for Transport and Regional Services, upon notice, on 10 February 2004:

1. In respect of the operation of the aircraft noise insulation program for communities affected by aircraft noise in Sydney and Adelaide, can he (a) confirm that only residences within the 30 ANEF contour are eligible for insulation, (b) provide the (i) number, (ii) location, and (iii) ANEF contour for any residences outside the 30 ANEF which have been insulated under both the Sydney and Adelaide programs, (c) provide a list of any other suburbs and streets that have had applications for insulation refused, and (d) advise what residences or public buildings, if any, by street suburb and ANEF level, are currently being considered for insulation and the cost of providing insulation for each.

2. In respect of those residences or public buildings which are currently being considered for insulation, can he indicate (a) which residences or public buildings have previously been refused insulation, (b) why they were refused before, and (c) the cost of insulating that residence or public building.

3. When will revised ANEF contours be prepared and released, how long will it take the Government to determine if the revised ANEF will create new entitlements to insulation and when will that insulation be provided.

4. How much money has been collected by the Government’s levy on airlines for the (a) Sydney, and (b) Adelaide noise insulation programs in each year since the program commenced and what are the projected revenues for (i) 2003-2004, (ii) 2004-2005, (iii) 2005-2006, and (iv) 2006-2007.

5. How much has been spent by the Government on the provision of insulation in (a) Sydney, and (b) Adelaide in each year since the commencement of the program and, for each year and city, how much was spent on the department’s administration of the program.

6. How much is projected to be spent in (a) Sydney, and (b) Adelaide during (i) 2003-2004, (ii) 2004-2005, (iii) 2005-2006, and (iv) 2006-2007 on the provision of insulation and, of each annual amount, how much will be for the Department’s administration of the program.

**Aviation: Aircraft Noise Levels**

(Question No. 2906)

Mr Martin Ferguson asked the Minister for Transport and Regional Services, upon notice, on 10 February 2004:

(1) In respect of the operation of the aircraft noise insulation program for communities affected by aircraft noise in Sydney and Adelaide, can he (a) confirm that only residences within the 30 ANEF contour are eligible for insulation, (b) provide the (i) number, (ii) location, and (iii) ANEF contour for any residences outside the 30 ANEF which have been insulated under both the Sydney and Adelaide programs, (c) provide a list of any other suburbs and streets that have had applications for insulation refused, and (d) advise what residences or public buildings if any, by street suburb and ANEF level, are currently being considered for insulation and the cost of providing insulation for each.

(2) In respect of those residences or public buildings which are currently being considered for insulation, can he indicate (a) which residences or public buildings have previously been refused insulation, (b) why they were refused before, and (c) the cost of insulating that residence or public building.

(3) When will revised ANEF contours be prepared and released, how long will it take the Government to determine if the revised ANEF will create new entitlements to insulation and when will that insulation be provided.

(4) How much money has been collected by the Government's levy on airlines for the (a) Sydney, and (b) Adelaide noise insulation programs in each year since the program commenced and what are the projected revenues for (i) 2003-2004, (ii) 2004-2005, (iii) 2005-2006, and (iv) 2006-2007.

(5) How much has been spent by the Government on the provision of insulation in (a) Sydney, and (b) Adelaide in each year since the commencement of the program and, for each year and city, how much was spent on the department's administration of the program.

(6) How much is projected to be spent in (a) Sydney, and (b) Adelaide during (i) 2003-2004, (ii) 2004-2005, (iii) 2005-2006, and (iv) 2006-2007 on the provision of insulation and, of each annual amount, how much will be for the Department's administration of the program.

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**QUESTIONS ON NOTICE**
(1) (a) Eligibility is based on the 30 ANEI and it’s “natural boundaries”. ie; where the 30 ANEI contour intersects a house within a street block, all properties within that street block would be eligible out to the nearest natural boundary in the form of a street, park, creek, laneway or some other break in the continuity of residential properties.

(b) There are residential properties outside the 30 ANEI that have been insulated, either as a property that is within the 30 ANEI’s “natural boundaries” or where contour line has changed since the inception of the programme, and the property is currently no longer inside the 30 ANEI. Given the number of these properties, and that they are located within the insulation eligibility boundary, the task of individually identifying them would be excessively labour intensive. However the Department will provide this information if it is required.

(c) Throughout the life of the programme, and based upon the 30 ANEI and associated natural boundaries, eligible properties are invited to take up an offer for insulation. It is then up to the homeowner to accept or reject this offer.

(d) None. Although this may change if the contour lines should move.

(2) (a) None
(b) n/a
(c) n/a

(3) The ANEI for the 2003 calendar year is currently being prepared and should be ready for release mid year. Should the revised ANEI result in a change in the insulation boundary this would be announced shortly afterwards, and any resulting insulation work undertaken in a timely fashion from that time.

(4) (a) Sydney
   1995-1996 $28,095m
   1996-1997 $38,781m
   1997/1998 $39,500m
   1998-1999 $37,473m
   1999-2000 $37,549m
   2000-2001 $39,491m
   2001-2002 $35,767m
   2002-2003 $35,442m
   2003-2004 $28,566m to 29 FEB 04
   2004-2005 $36.5m projected
   2005-2006 $36.5m projected
   2006-2007 $36.5m projected

(b) Adelaide
   2000-2001 $1.143m
   2001-2002 $5.571m
   2002-2003 $5.545m
   2003-2004 $3.896m to 29 FEB 04
   2004-2005 $5.6m projected
   2005-2006 $5.6m projected
   2006-2007 $5.6m projected
(5) (a) Sydney
1994-1995 $24.2m
1995-1996 $62.4m
1996-1997 $49.1m
1997/1998 $68.4m
1998-1999 $60.6m
1999-2000 $63.2m
2000-2001 $37.6m
2001-2002 $29.8m
2002-2003 $ 8.5m
2003-2004 $ 1.7m (to date)
(b) Adelaide
2000-2001 $ 1.2m
2001-2002 $11.2m
2002-2003 $13.8m
2003-2004 $ 8.2m (to date)

There have been no departmental, or running cost, allocations associated with either of these programmes. Administrative expenses have been provided from within the Department’s budget.

(6) (a) Sydney
2004-2005 $6.4m
2005-2006 $0.6m
2006-2007 $0.2m
(b) Adelaide
2004-2005 $0.0m
2005-2006 $0.0m
2006-2007 $0.0m

There have been no departmental, or running cost, allocations associated with either of these programmes. Administrative expenses have been provided from within the Department’s budget.

**Environment and Heritage: Conclusive Certificates**

(Question No. 2920)

**Mr Danby** asked the Minister for the Environment and Heritage, upon notice, on 10 February 2004:

(1) How many conclusive certificates has the Minister issued under each of sections 33, 33A and 36 of the Freedom of Information Act 1982 in each of the last six financial years.

(2) In each of the last six financial years, how many appeals against those certificates were (a) lodged with the AAT, (b) successful, and (c) unsuccessful.

(3) What are the case names of all the appeals lodged with the AAT in each of the last six financial years.

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

(1) None

QUESTIONS ON NOTICE
Communications, Information Technology and the Arts: Conclusive Certificates
(Question Nos 2921 and 2930)

Mr Danby asked the Minister for Communications, Information Technology and the Arts, upon notice, on 10 February 2004:

(1) How many conclusive certificates has the Minister issued under each of sections 33, 33A, and 36 of the Freedom of Information Act 1982 in each of the last six financial years.

(2) In each of the last six financial years, how many appeals against those certificates were (a) lodged with the AAT, (b) successful, and (c) unsuccessful.

(3) What are the case names of all the appeals lodged with the AAT in each of the last six financial years.

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

(1) According to records held by the Department of Communications, Information Technology and the Arts, no Minister in the Communications, Information Technology and the Arts portfolio issued any conclusive certificates under sections 33, 33A or 36 of the Freedom of Information Act 1982 in any of the financial years from 1998-99 to present.

(2) Not applicable.

(3) Not applicable.

Law Enforcement: National Firearms Buyback Program
(Question No. 2972)

Mr McClelland asked the Minister representing the Minister for Justice and Customs, upon notice, on 10 February 2004:

Has an evaluation been undertaken of the National Handgun Buyback scheme; if so, what has that evaluation revealed.

Mr Ruddock—The Minister for Justice and Customs has provided the following answer to the honourable member’s question:

The National Handgun Buyback has not been completed yet in all States and Territories. Some States are not due to complete the buyback until 30 June 2004. Consequently, no evaluation of the National Handgun Buyback has been undertaken by the Australian Government at this stage.

Aviation: Air Safety and Cabin Air Quality
(Question No. 3011)

Ms Vamvakinou asked the Minister for Transport and Regional Services, upon notice, on 12 February 2004:

(1) In respect of the quality and safety of cabin air in Australian commercial aircraft can he confirm whether any Australian registered airlines regularly monitor cabin air quality on (a) domestic and (b) international flights.

(2) What air quality inspections are performed following reports of unknown fumes in aircraft cabins such as that reported on the Qantas Melbourne-Perth flight on 19 January 2004.

(3) What noxious fumes (a) might, and (b) have found their way into aircraft cabins during flights.

(4) What new technologies, such as infrared testers or spectrometers, have been investigated to ensure regular mid-flight air quality monitoring.
Mr Anderson—The answer to the honourable member’s question is as follows:

The Civil Aviation Safety Authority (CASA) and the Australian Transport Safety Bureau (ATSB) have provided advice as follows.

(1) (a) and (b) All instances of smoke or fumes in the aircraft cabin that adversely affect the quality of cabin air on Australian registered aircraft operating domestically or internationally, are categorised by the Civil Aviation Safety Authority as a ‘Major Defect’. In accordance with ‘Major Defect’ reporting requirements, the operator is required to investigate the cause of the cabin air event, rectify any identified defect(s) and take action to prevent recurrence.

Details of the defect(s) are required to be communicated to CASA where the receipt of these reports is monitored. If defect trends are identified through this process, action is taken by CASA to alert the Certificating Authority of the reported defect, and through such means as Airworthiness Directives, maintenance requirements are imposed to ensure the safe operation of future flights.

Further information on the Major Defect reporting process is available in Civil Aviation Advisory Publication (CAAP) 51-1 or on the CASA website at www.casa.gov.au.

(2) For the majority of aircraft, there are no procedures, mandated by CASA or any other major Regulatory Authority relating to the performance of air quality inspections. However, aircraft manufacturers typically publish inspections and procedures to search for likely causes of unwanted fumes.

With respect to the operation of the BAe 146 aircraft, an Airworthiness Directive has been issued by CASA mandating inspections for contamination in the aircraft’s Environmental Control System. AD/BAE/146/86 requires that at any time cabin air contamination is suspected to be associated with engine oil an inspection and subsequent reparation work are required. A detailed report must be provided to the United Kingdom Civil Aviation Authority (the aircraft’s Certificating Authority) and CASA. A copy of this Airworthiness Directive is available from the CASA website at www.casa.gov.au/avre/aircraft/ad/schedules/ad_display.asp?sched=over&toc=BAE146.

(3) (a) and (b) The majority of instances of fumes in cabin air of Australian registered aircraft during flights have emanated from various sources including from types of heated turbine engine and hydraulic oils; from airconditioning problems (such as heat exchangers after being cleaned with cleaning products); from fumes or smells from the galley or ovens; and from overheating or shorting electrical components.

(4) There are diverging views on the quality standard to be adopted for aircraft cabin air and international studies are currently underway to review emerging technologies and determine their applicability and appropriateness to the aviation cabin air environment.

The American Society for Heating and Refrigeration Engineers (ASHRAE) has been tasked to arrive at an agreed view, acceptable to the major aviation regulatory agencies, aircraft manufacturers, consumer groups, trade unions and various other interested parties. The final meeting to adopt the standard was held on 24 January 2004 at Anaheim, in the United States of America.

CASA, and the Cabin Air Quality Reference Group, established in accordance with the outcomes of the Senate Rural and Regional Affairs and Transport References Committee report to Parliament on Air Safety and Cabin Air Quality in the BAe 146 Aircraft, are waiting for the agreed standard before undertaking measures to ensure compliance with this standard through in-flight data acquisition or other appropriate means.

Coastwatch
(Question No. 3114)

Mr McClelland asked the Minister for Transport and Regional Services, upon notice, on 19 February 2004:
(1) Which agencies within his portfolio have entered into a memorandum of understanding with Coastwatch and on what dates were those memoranda finalised.

(2) What is the nature of those memoranda.

(3) Are they publicly available; if not, will he provide a copy.

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

(1) The Australian Maritime Safety Authority (AMSA) has a Service Level Agreement with the Australian Customs Service originally signed in December 1999, which includes Schedule C covering the services of Coastwatch.

(2) Schedule C, Australian Coastwatch Services, covers the release of aircraft by Coastwatch upon a request by AMSA to task for search and rescue activity. It also covers the monitoring and documenting of evidence of oil spill coverage by Coastwatch aircraft on routine patrol.

(3) A copy of the agreement and Schedule C has been provided to the Member and is available from the Table Office.

Coastwatch
(Question No. 3121)

Mr McClelland asked the Minister for Transport and Regional Services, upon notice, on 19 February 2004:

Did any agencies within the Minister’s portfolio, during the course of calendar year 2003, have cause to correspond with a representative of Coastwatch about the tasking of aircraft or marine vessels for services provided by Coastwatch; if so, what was the nature of that correspondence.

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

The Australian Maritime Safety Authority (AMSA) advises that it undertook routine correspondence with Coastwatch during 2003 regarding the operational tasking and use of Coastwatch aircraft and coordination of Customs marine vessels for specific search and rescue operations or marine pollution monitoring and evidence gathering. AMSA also provided comment on Coastwatch’s Civil Maritime Surveillance 2004 Project and the implementation of Coastwatch’s new command and control system.

Aviation: Australian Airspace
(Question No. 3131)

Mr McClelland asked the Minister for the Environment and Heritage, upon notice, on 19 February 2004:

Does any agency in the Minister’s portfolio have a role in managing issues related to suspect illegal flights into and out of Australian airspace; if so, which agencies have a role and what is that role.

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

No

Freedom of Information
(Question No. 3175)

Ms Roxon asked the Minister for Industry, Tourism and Resources, upon notice, on 1 March 2004:

(1) Can the Minister indicate (a) whether the Minister’s department has a dedicated Freedom of Information (FOI) officer, and (b) how many officers are employed to deal with FOI requests, and (c) at what levels they are employed.

QUESTIONS ON NOTICE
(2) How many applications did the department have under the FOI Act in the 2002-2003 financial year and how did this figure compare to previous years.

(3) How many internal reviews of applications occurred in the last financial year and how many internal reviews affirmed the original decision.

(4) Can the information in (2) and (3) be broken down into applications requesting individual information and applications requesting information for other reasons (i.e. media, opposition MPs etc).

(5) What proportion of cases go to external review and what proportion of these are upheld.

(6) In respect of fees for FOI applications, (a) how much was charged, (b) how much was actually collected, and (c) what proportion of fees were waived.

(7) How much did the Minister’s department spend in defending FOI appeals.

(8) In respect of refusals to grant requests, can the Minister provide details on (a) which exemption categories are used when information is refused, and (b) what proportion of refusals are in each category (i.e. commercial-in-confidence and other categories).

(9) Will the Minister provide statistics over the last 5 years indicating whether the use of particular exemption categories is static, falling or increasing.

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

(1) (a) My department does not have a dedicated FOI Officer but it does have three designated FOI Officers being one for the department, one for AusIndustry and one for IP Australia.

(b) FOI requests are dealt with by officers in the relevant Branch and Division of the department and one of three designated FOI officers above.

(c) Officers employed on FOI matters range from APS Level 3 officers who locate documents through to branch and division head level officers who make decisions under the FOI Act.

(2) The department received 818 FOI requests for the financial year 2002-2003. Of these 21 were for the department and 797 were for IP Australia (12 were for the Designs Office, 1 was for the Patent Office and 784 were for the Trade Marks Office). This figure was a decrease of 54 over the financial year 2001-2002 (872) and a decrease of 47 over the financial year 2000-2001 (865).

(3) There were 7 applications for internal review lodged with the department and 8 with IP Australia (Trade Marks Office) making a total of 15 applications. Only one application lodged with the department affirmed in total the original decision.

(4) There were only two matters dealing with personal information in the 2002 – 2003 financial year and 818 dealing with other matters. There were no internal reviews dealing with personal information and 15 internal reviews dealing with other matters.

(5) There was one case that went to external review (it was in respect of the Trade Marks Office). It was withdrawn and did not proceed.

(6) In total the department notified $204,445.00 in charges and collected $22,409.00 in the 2002 – 2003 financial year. The department does not maintain any record of the amount of fees waived. To provide this historical information would involve an unreasonable diversion of department’s resources.

(7) In the 2002 –2003 financial year the department spent $2,509.77 in defending FOI appeals.

(8) The department does not maintain consolidated records of this information. To provide this historical information would involve an unreasonable diversion of the department’s resources.

(9) The department does not maintain records of this information. To provide this historical information would involve an unreasonable diversion of resources.
Industry, Tourism and Resources: Legal Services
(Question No. 3193)

Ms Roxon asked the Minister for Industry, Tourism and Resources, upon notice, on 1 March 2004:

(1) How much did the Minister’s department spend during 2002-2003 on outsourced (a) barristers and (b) solicitors (including private firms, the Australian Government Solicitor, and any others)?

(2) How much did the Minister’s department spend on internal legal services?

(3) What is the Minister’s department’s projected expenditure on legal services for the 2003-2004 financial year?

Mr Ian Macfarlane—The answers to the honourable member’s questions are as follows:

(1) The total amount spent by my department on external barristers and solicitors during the 2002-2003 financial year was $3,981,036 (GST inclusive). The department does not separately record the amount spent on barristers. Barristers are generally engaged through firms of solicitors and their work is included as part of the overall invoices submitted by those firms. To provide a separate figure for the cost of barristers during the 2002-2003 financial year would involve an unreasonable diversion of the department’s resources.

(2) My department spent $1,035,221.14 (GST exclusive) on internal legal services during the 2002-2003 financial year.

(3) My department’s projected expenditure on external and internal legal services for the 2003-2004 financial year is approximately $5.2 million (GST inclusive).

Trade: Ugh Boots
(Question No. 3278)

Ms Jackson asked the Minister for Industry, Tourism and Resources, upon notice, on 8 March 2004:

(1) Can he say what the value is to the Australian economy of the
(a) local production, and
(b) international sales of ugh boots; if not, why not.

(2) Can he confirm that section 24 of the Trade Marks Act 1995 states that generic terms should not be trade marked; if so, what is the status of the trade mark
(a) ‘UGH-BOOTS’ registered on 25/01/1971,
(b) ‘UGH’ registered on 19/03/1982, and
(c) ‘UGG Australia’ registered on 12/02/1999 prior to the enactment of the Trade Marks Act 1995.

(3) Does his department have a small business assistance package that would assist ugh boot manufacturers; if so, what are the details; if not, will he undertake to develop a financial package for the ugh boot industry and, if he will not develop an assistance package, why not.

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

(1) No. According to advice from the Australian Bureau of Statistics and the Australian Customs Service, there are no trade or production data that specifically relate to ugh boots.

(2) No. Section 24 of the Trade Marks Act 1995 does not state “…that generic terms should not be trade marked”.

(3) The Department does not have a specific small business assistance program which could assist ugh boot manufacturers. However, the Department administers a range of business assistance programs
which may be relevant to individual ugh boot manufacturers. Eligibility would need to be assessed on a case by case basis. Information on these programs can be found by referring to the AusIndustry Hotline on 13 28 46 and the AusIndustry website at: www.ausindustry.gov.au.