COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES

House of Representatives

Official Hansard

No. 13, 2004
Monday, 9 August 2004

FORTIETH PARLIAMENT
FIRST SESSION—NINTH PERIOD

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SITTING DAYS—2004

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  MELBOURNE 1026 AM
  ADELAIDE  972 AM
  PERTH    585 AM
  HOBART  747 AM
  NORTHERN TASMANIA 92.5 FM
  DARWIN  102.5 FM
FORTIETH PARLIAMENT
FIRST SESSION—NINTH 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 Eileen 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 Kerry Joseph Bartlett 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 William 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

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<td>Washer, Malcolm James</td>
<td>Moore, WA</td>
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<td>Wilkie, Kimberley William</td>
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<td>Worth, Hon. Patricia Mary</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  
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, Deputy
Leader of the Government in the Senate and
Vice-President of the Executive Council
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
Manager of Government Business in the Senate
Senator the Hon. Ian Campbell

Minister for Communications, Information
Technology and the Arts
Senator the Hon. Helen Coonan

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)
HOWARD MINISTRY—continued

Minister for Justice and Customs
Minister for Fisheries, Forestry and Conservation
Minister for the Arts and Sport
Minister for Small Business and Tourism
Minister for Science and Deputy Leader of the House
Minister for Local Government, Territories and Roads
Minister for Children and Youth Affairs
Minister for Employment Services and Minister Assisting the Minister for Defence
Special Minister of State
Minister for Veterans’ Affairs
Minister for Revenue and Assistant Treasurer
Minister for Ageing
Minister for Citizenship and Multicultural Affairs and Minister Assisting the Prime Minister
Parliamentary Secretary to the Prime Minister
Parliamentary Secretary to the Minister for Transport and Regional Services and Parliamentary Secretary to the Minister for Trade
Parliamentary Secretary to the Treasurer
Parliamentary Secretary to the Minister for Foreign Affairs
Parliamentary Secretary to the Minister for Defence
Parliamentary Secretary to the Minister for the Environment and Heritage
Parliamentary Secretary to the Minister for Finance and Administration
Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry
Parliamentary Secretary to the Minister for Family and Community Services
Parliamentary Secretary to the Minister for Health and Ageing
Parliamentary Secretary to the Minister for Industry, Tourism and Resources

Senator the Hon. Christopher Martin Ellison
Senator the Hon. Ian Douglas Macdonald
Senator the Hon. Charles Roderick Kemp
The Hon. Joseph Benedict Hockey MP
The Hon. Peter John McGauran MP
The Hon. James Eric Lloyd MP
The Hon. Lawrence James Anthony MP
The Hon. Frances Esther Bailey MP
Senator the Hon. Eric Abetz
The Hon. Danna Sue Vale MP
The Hon. Malcolm Thomas Brough MP
The Hon. Julie Isabel Bishop MP
The Hon. Gary Douglas Hardgrave MP
The Hon. Jacqueline Marie Kelly MP
The Hon. De-Anne Margaret Kelly MP
The Hon. Ross Alexander Cameron MP
The Hon. Bruce Fredrick Billson MP
The Hon. Teresa Gambarno MP
The Hon. Dr Sharman Nancy Stone MP
The Hon. Peter Neil Slipper MP
Senator the Hon. Judith Mary Troeth
The Hon. Christopher Maurice Pyne MP
The Hon. Patricia Mary Worth MP
The Hon. Warren George Entsch MP
SHADOW MINISTRY

Leader of the Opposition
Mark William Latham MP

Deputy Leader of the Opposition
Jennifer Louise Macklin MP

Leader of the Opposition in the Senate
Senator the Hon. John Philip Faulkner

Deputy Leader of the Opposition in the Senate
Senator Stephen Michael Conroy

Shadow Minister for Employment Services and Training
Anthony Norman Albanese MP

Shadow Minister for Defence
The Hon Kim Beazley MP

Shadow Minister for Veterans’ Affairs and
Senator Thomas Mark Bishop

Shadow Minister for Customs

Shadow Minister for Industry and Innovation and Science and Research
Senator Kim John Carr

Shadow Minister for Children and Youth
Senator Jacinta Mary Ann Collins

Shadow Minister for Revenue and Shadow Assistant Treasurer
David Alexander Cox MP

Shadow Treasurer and Deputy Manager of Opposition Business
The Hon. Simon Findlay Crean MP

Shadow Minister for Ageing and Seniors and
Annette Louise Ellis MP

Shadow Minister for Infrastructure

Shadow Minister for Workplace Relations and
Craig Anthony Emerson MP

Shadow Minister for the Public Service

Shadow Minister for Defence Procurement,
Science and Personnel
Senator Chris Evans

Shadow Minister for Population, Citizenship and Multicultural Affairs
Laurence Donald Thomas Ferguson MP

Shadow Minister for Urban and Regional Development and Shadow Minister for Transport and Infrastructure
Martin John Ferguson MP

Shadow Minister for Mining, Energy and Forestry
Joel Andrew Fitzgibbon MP

Shadow Minister for Health and Manager of
Julia Eileen Gillard MP

Opposition Business

Shadow Minister for Consumer Affairs and
Alan Peter Griffin MP

Assisting the Shadow Minister for Health

Shadow Minister for Information Technology,
Senator Kate Alexandra Landy

Shadow Minister for Sport and Recreation and

Shadow Minister for the Arts

Shadow Minister for Homeland Security
Robert Bruce McClelland MP
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<td>Robert Francis McMullan MP</td>
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<td>Shadow Minister for Housing, Urban Development and Local Government</td>
<td>Daryl Melham MP</td>
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<td>Shadow Minister for Reconciliation and Indigenous Affairs and Shadow Minister for Tourism, Regional Services and Territories</td>
<td>Senator Kerry William Kelso O'Brien</td>
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<td>Shadow Minister for Agriculture and Fisheries</td>
<td>Gavan Michael O’Connor MP</td>
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<td>Shadow Attorney-General and Assisting the Leader on the Status of Women</td>
<td>Nicola Louise Roxon MP</td>
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<tr>
<td>Shadow Minister for Foreign Affairs and International Security</td>
<td>Kevin Michael Rudd MP</td>
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<td>Shadow Minister for Retirement Incomes and Savings</td>
<td>Senator the Hon. Nicholas John Sherry</td>
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<td>Shadow Minister for Immigration</td>
<td>Stephen Francis Smith MP</td>
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<td>Shadow Minister for Family and Community Services</td>
<td>Wayne Maxwell Swan MP</td>
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<td>Shadow Minister for Communications and Shadow Minister for Community Relationships</td>
<td>Lindsay James Tanner MP</td>
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<td>Shadow Minister for Sustainability, the Environment and Heritage</td>
<td>Kelvin John Thomson MP</td>
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<tr>
<td>Parliamentary Secretary for Industry, Innovation, Science and Research</td>
<td>Senator George Campbell</td>
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<td>Parliamentary Secretary to the Leader of the Opposition</td>
<td>Senator the Hon. Peter Francis Salmon Cook</td>
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<td>Parliamentary Secretary for Defence</td>
<td>The Hon. Graham John Edwards MP</td>
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<td>Parliamentary Secretary for Family and Community Services</td>
<td>Senator Michael George Forshaw</td>
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<td>Parliamentary Secretary for Sustainability, the Environment and Heritage</td>
<td>Kirsten Fiona Livermore MP</td>
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<tr>
<td>Parliamentary Secretary to the Attorney-General and for Homeland Security; Manager of Business in the Senate</td>
<td>Senator Joseph William Ludwig</td>
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<td>Parliamentary Secretary to the Leader of the Opposition</td>
<td>John Paul Murphy MP</td>
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<td>Parliamentary Secretary for Communications</td>
<td>Michelle Anne O’Byrne MP</td>
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<td>Parliamentary Secretary for Agriculture and Resources</td>
<td>Peter Sid Sidebottom MP</td>
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<tr>
<td>Parliamentary Secretary for Northern Australia and Reconciliation</td>
<td>The Hon. Warren Edward Snowdon MP</td>
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<tr>
<td>Parliamentary Secretary for Urban and Regional Development, Transport, Infrastructure and Tourism</td>
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The SPEAKER (Mr Neil Andrew) took the chair at 12.30 p.m. and read prayers.

COMMITTEES

Procedure Committee Report

Mr PRICE (Chifley) (12.31 p.m.)—On behalf of the Standing Committee on Procedure I present the committee’s interim report entitled Media coverage of House proceedings, including the chamber, Main Committee and committees, together with the minutes of proceedings and evidence received by the committee. I am pleased to have this opportunity to present the Procedure Committee’s interim report, which was released out of session on 29 June. The report covers an important aspect of the inquiry: access by the parliamentary press gallery to proceedings in the House, Main Committee and committees of the House. The report addresses both television images and still photography.

As this is likely to be the last report of the committee, I would like to place on record deep appreciation for the committee staff, in particular Judy Middlebrook and Peter Fowler, both of whom have made an outstanding contribution to the extensive work of the committee. I know that if our chair had been present she would have wished to make the same comments. I would also like to acknowledge the contribution of the chair, the honourable member for McPherson, and other members of the committee.

As part of its inquiry, the committee invited members of the press gallery, media managers, AUSPIC and staff from the Broadcasting section of the Department of Parliamentary Services to a roundtable discussion. The discussion covered current guidelines on media access and coverage, as well as proposals for amending the guidelines. I extend special thanks to Mr Neil Pickering from the Broadcasting section of the Department of Parliamentary Services for his support in providing technical information. Earlier, the committee had held a roundtable discussion with a range of persons, including your good self, Mr Speaker, the Deputy Speaker, the Leader of the Opposition, the Leader of the House, the Manager of Opposition Business, the whips and the Clerk. I would like to place on record the committee’s appreciation for all those who attended, and especially for their contribution to this report.

The committee recognises that the policy governing access by the media and the implementation of that policy can most effectively be managed by one person, the Speaker. The television bureaus expressed the view that they are dependent on footage produced by the DPS and that they are disadvantaged in comparison to still photographers, who are allowed to take their own images. Not surprisingly, representatives from the print media pointed out that still photographers are disadvantaged when compared with television broadcasters, because they are limited mainly to images of question time.

The committee considered proposals by the television bureaus that would have allowed them to have their own camera operators in the galleries. There is an occupational and health difficulty with this proposal, associated with the physical presence of camera operators in the galleries, particularly at question time. A visit to the galleries with press gallery camera operators highlighted the fact that the eight television cameras operated by the DPS already occupy the best vantage positions for covering the chamber. They cover all angles and, being housed in the walls, do not interfere with public access.
The committee considers that one way of meeting the requirements of the television bureaus was better use of the so-called iso, or isolated, feeds. DPS broadcasting staff could take footage as requested by a television bureau on a cost recovery basis. This could supplement the current composite feed—as seen on channel 1 of the House Monitoring Service—which is made available at no cost to the gallery.

The committee hopes that television broadcasting of public hearings by the parliamentary committees can be extended and applauds Sky News initiatives to increase the coverage of proceedings generally. Increasing the number of committee rooms with cameras would assist in this regard. The committee recommends that the Speaker revise the guidelines to permit access by still photographers to, as well as question time, discussions of matters of public importance, divisions and adjournment debates. If this proves satisfactory after a three-month trial period, perhaps further extensions of access could be considered. The committee was informed that technological changes to still cameras are not reflected in the relevant guidelines. The committee recommends that this should be corrected.

The committee has yet to finalise its views on all aspects of this inquiry and hopes that by presenting an interim report feedback will be provided which can be taken into account in the final report. The media is the principal way ordinary Australians are informed about parliamentary proceedings. The Leader of the Opposition has expressed the view that restrictions on the media need to be freed up. This report goes some way to that end.

What is clear is that the dialogue with the media was most worth while and there is merit in continuing that process to better appreciate its needs. This will, I suspect, not be the last report to recommend further changes to media guidelines. On behalf of the committee, I would like to thank the members of the press gallery, the media managers and others who helped us understand the issues.

(Time expired)

Mr HAASE (Kalgoorlie) (12.36 p.m.)—I am very pleased to have the opportunity to speak at the presentation of the Procedure Committee’s interim report on media coverage of the House. This report is, in part, a response to questions which arose when photographs of a protester in the House were published earlier this year. The photographs breached the guidelines for still photography in the House and penalties were imposed by the Speaker. Not surprisingly, some sections of the media were a little unhappy about this outcome.

If there were no guidelines preventing coverage of demonstrations and protests, it is highly likely that there would be more photographs of these incidents in our newspapers and a consequent rise in the incidents themselves. We believe that parliamentary proceedings should not be available as a platform for protest. The ban on such photographs is a sensible policy and has the support of all members of the committee and, I believe, of members of both sides of this House. As Mr Speaker has noted in the past, anyone who wishes to have a voice in the chamber should first get elected by his or her fellow citizens.

Whilst there is unanimity on this point, there are differing views on media access to proceedings. Still photographers would like to be able to take photographs whenever anything they consider newsworthy happens. Television bureaus would like to be able to take their own footage of proceedings and not be completely dependent on the footage received from the Department of Parliamentary Services on the House monitoring service. As the deputy chair of the committee...
said, the interim report—which was released out of session but presented today—addresses both these points.

Having met with representatives of the press gallery as well as AUSPIC photographers and parliamentary Broadcasting staff, the committee is inclined to ask the Speaker to extend the times at which still photographers can use the galleries. We think it reasonable that still photographers can take photographs during divisions, discussions of matters of public importance and adjournment debates as well as question time, which is already covered. We do think it is important that there continue to be rules on when photographers can be in the public galleries and how many should be there, for both security and public safety reasons.

To move on to video recordings of proceedings: we were asked by representatives from the television networks to review their access. There are eight cameras here in the chamber and they are placed at best possible positions in special housing in the walls to cover every aspect of the chamber. The cameras are operated by parliamentary staff. Images from the television cameras are mixed in an editing suite and the resulting footage is available on channel 1 of the House monitoring service. This footage is provided free of charge to the press gallery. The television bureaus want to continue using this source of video footage but supplement it with their own footage. They suggested a pooling arrangement using one video camera on each side gallery.

To investigate the practicality of this suggestion, committee staff accompanied press gallery camera operators to the galleries. The area used by still photographers turned out to be quite unsuitable for video cameras. It might be possible to get useful footage by placing video cameras in fixed positions in the front row, but it would put the safety of the public at risk if the camera operators moved around whilst the galleries were fully occupied. On the other hand, it would be too inflexible for the camera operators to require them to stay in the one position at busy times. Because of these practical problems, the committee investigated other ways of meeting the needs for more flexible footage for the television bureaus.

The committee heard evidence from Sky News, which is already televising extended parliamentary proceedings on its network. The committee applauds this endeavour and looks forward to a time when the public can see more than question time on their television sets. We particularly support extended coverage of parliamentary committees and the Main Committee. In relation to coverage of parliamentary committees, we acknowledge that the provision of more television cameras in committee rooms is a practical way of supporting better coverage.

In conclusion, I would like to remind the press gallery and others that this is an interim report and we welcome feedback. I thank our chair, Margaret May, who cannot be with us today; our deputy chair, Mr Price; and all members of the committee for their work during this very busy year. Thank you also to the secretariat for their continued good and hard work. I commend this report to the House.

The SPEAKER—The time allotted for the statements on this report has well and truly expired. Does the member for Chifley wish to move a motion in connection with the report to enable it to be debated on a future occasion?

Mr PRICE (Chifley) (12.41 p.m.)—I move:

That the House take note of the report.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.
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 for Chifley will have leave to continue speaking when the debate is resumed.

Foreign Affairs, Defence and Trade Committee
Report
Mr BRUCE SCOTT (Maranoa) (12.41 p.m.)—On behalf of the Joint Standing Committee on Foreign Affairs, Defence and Trade, I present the committee’s report entitled Watching brief on the war on terrorism.

Ordered that the report be printed.

Mr BRUCE SCOTT—On 22 May 2002 the Joint Standing Committee on Foreign Affairs, Defence and Trade announced that it would be conducting a watching brief on the war on terrorism. The purpose of the watching brief was to enable parliament to monitor, consider and report on Australia’s ongoing commitment to the war on terrorism. In the wake of the Commonwealth’s new counter-terrorism policy and coordination arrangements, the watching brief focused on an examination of Australia’s ability to manage the consequences of a terrorist attack, with particular emphasis on the capacity of each state and territory to respond effectively.

The 11 September 2001 terrorist attacks on the United States changed the global strategic security environment in fundamental ways. Governments throughout the world, including Australia, are responding to these threats to security. Australia’s response included a new national framework for counter-terrorism arrangements. Under the framework, responsibility for national terrorist situations rests with the Commonwealth. The new arrangements were formalised in an intergovernmental agreement signed by premiers, chief ministers and the Prime Minister on 24 October 2002 in the aftermath of the Bali bombing. As a priority, the government strengthened coordination arrangements for the counter-terrorism policy and brought the coordination of policy issues under the Department of the Prime Minister and Cabinet. The states and territories were to remain responsible for the first response to emergencies occurring within their jurisdictions.

I will now refer briefly to some of the recommendations in the committee’s report. Firstly, however, let me say, that in its review of the emergency response arrangements in place throughout the states and territories, the committee was generally impressed by the levels of preparedness. The states and territories also provided evidence of the generally good relations between state and territory authorities and the federal coordinating and policy bodies, including the security and intelligence services, the ADF and Emergency Management Australia, EMA. That said, the committee wishes to place on the record the fact that even the most vigilant surveillance and preparedness regimes cannot guarantee that a terrorist attack would be prevented.

While the current emergency response arrangements have been enhanced by an Australia-wide series of exercises involving state and Commonwealth resources, the committee received evidence that cooperation could be enhanced by the following measures—namely, recommendations 1 and 4 in the report. These two recommendations are for: firstly, a review of emergency response equipment allocations to the states and territories, taking into account the relatively more significant requirements of the larger jurisdictions; and, secondly, a requirement that the National Counter-Terrorism Committee assess and report on the arrangements put in place between state and territory authorities and the private owners of critical infrastruc-
ture within each jurisdiction to ensure the adoption of best practice security principles for infrastructure protection. While the protection of privately owned infrastructure is not a direct Commonwealth responsibility, state government security arrangements with private infrastructure owners need ongoing scrutiny to ensure standards are maintained.

The committee received much evidence of the importance of enhanced security at Australia’s airports and seaports. While the federal government has acted quickly to put in place enhanced arrangements to secure air- and seaport traffic, the committee recommended:

... the Department of Transport and Regional Services (DOTARS) should review the security arrangements in place at all airports subject to its regulation on a regular basis and report on them in DOTARS annual report.

The committee is well aware of the difficulty in imposing uniformity of equipment, including communications technology, throughout the states and territories in areas where it has a coordinating responsibility only. However, this is an issue requiring federal oversight. Therefore the committee recommended:

... the National Counter Terrorism Committee ensure, by means of a National Agreement if necessary, the interoperability of communications for police and emergency services across Australia.

Also, with respect to emergency communications matters, the committee recommended:

... EMA negotiate with the states to pursue memoranda of understanding with commercial broadcasters to provide emergency messages to the community similar to those being arranged with the ABC. The Committee urges the completion of memoranda of understanding as a matter of priority.

While it is clear that a nationally coordinated response to the threat of a terrorist attack in Australia is now in place, effective intelligence to help detect terrorism at the planning stage and effective capacity to respond to an incident remain the objectives of antiterrorism policy. (Time expired)

The SPEAKER—The honourable member for Chifley, the time scheduled for the debate is meant to be until 12.50 p.m. I will be tolerant, but I just point that out to the member for Chifley.

Mr PRICE (Chifley) (12.46 p.m.)—I will reciprocate, Mr Speaker. I rise to support the report of the Joint Standing Committee on Foreign Affairs, Defence and Trade entitled Watching brief on the war on terrorism. There have been some procedural difficulties with this report that I wanted to make comment on. The terms of reference of this report are as follows:

In accordance with paragraph 1 of its resolution of appointment, and without limiting its ongoing Watching Brief on the War on Terrorism, the Joint Standing Committee on Foreign Affairs, Defence and Trade resolves to inquire into and report on the preparedness of Commonwealth, State and the Territory governments and agencies to respond to and manage the consequences of a terrorist attack on Australia.

Prior to the reference, the committee held meetings and briefings in camera with all Commonwealth agencies relevant to the war on terror. Given that they were in camera, it is unfortunate that I cannot discuss them very much—and, more particularly, that we have not actually reported to the parliament on that matter. To give you just one example—and I do not believe I am breaching privilege in saying this—we had extensive meetings with ASIO. It is also true to say that, subsequent to but not necessarily because of those meetings, the Prime Minister has increased the budget for ASIO quite considerably. My purpose in making these remarks is to say that I think the committee did a proper job of scrutiny of Commonwealth departments and their effectiveness. There were, I think, deficiencies highlighted, but none that I would wish to place on the public record or even
suggest have not in the main been addressed by the government. I am pleased to say that.

In relation to the recommendations, I thought I should also mention one recommendation not mentioned by my colleague the honourable member for Maranoa—that is, recommendation 2:

The Committee recommends that DOTARS should carry out a security risk assessment of Hobart airport to determine whether 24 hour surveillance capacity is required.

So much has happened and so much has changed since the beginning of this watching brief on terrorism that it is almost the case—although this is unlikely, given the election—that the joint standing committee should really visit again and do another round of the Commonwealth agencies. Perhaps we might on this occasion put more on the public record or something on the public record both by way of evidence and also by way of report. I also mention briefly that some of the evidence from the states was taken in camera, and this is not referred to in the committee report. I commend the work of the committee and I commend this report and all of its five recommendations.

The SPEAKER—I thank the member for Chifley for his accommodation.

Foreign Affairs, Defence and Trade Committee Report

Mr BAIRD (Cook) (12.50 p.m.)—On behalf of the Joint Standing Committee on Foreign Affairs, Defence and Trade, I present the Trade Subcommittee’s report entitled Australia’s engagement with the World Trade Organisation: a report on the proceedings of the annual public hearing, together with evidence received by the committee.

Ordered that the report be printed.

Mr BAIRD—This report on Australia’s engagement with the World Trade Organisa-
report remain unresolved, several important points emerged from the discussions. In the first section of the report the committee noted the negotiations at Cancun had been mishandled in a strategic sense. Although the US and the EU bore a degree of responsibility as major participants, the G90 and the new G20 negotiating group and its constituents were also influences on the outcome. A noticeable new force in negotiations was that of development NGOs—some of them anti-trade and anti-WTO—taking part in negotiations through supporting country delegations. Cancun’s outcomes did not develop in isolation, however. They were borne of more substantial issues within the world trading system and the WTO.

The second section of the report looks at what sorts of reforms might add to the workings of the WTO. Of interest to the committee also was the so-called politicisation of the WTO stemming from the dramatic growth in membership in recent years. The WTO’s almost global membership has brought with it a range of problems experienced by other global organisations such as the United Nations. New forms of trade protectionism were discussed, including the misuse of the WTO’s anti-dumping provisions and the development of new non-tariff barriers to trade.

The last section of the report deals with other issues affecting global trade. One of the main trade debates in Australia was examined: that of the relative merits of multilateral trade liberalisation with respect to bilateral or regional trade liberalisation. The WTO remains the government’s No. 1 trade policy priority because of the potential to deliver the largest gain to Australia’s efficient producers. At the same time, comprehensive bilateral free trade agreements with key trading partners can also offer significant benefits to Australian exporters more quickly than is possible through WTO negotiations. Accordingly, the committee believes Australia is effectively pursuing trade liberalisation through a broader strategy commonly referred to as competitive liberalisation, which incorporates both multilateralism and bilateralism.

The Trade Subcommittee would like to acknowledge the Department of Foreign Affairs and Trade and the participants who contributed their time and expertise to assist in keeping the parliament informed of these important issues in trade policy. The committee would also like to thank the secretariat of the Trade Subcommittee for the conduct of the hearing and the preparation of the report.

The SPEAKER—Before I recognise the member for Eden-Monaro, I should point out to the member for Moncrieff—who will not have the call for a moment or two—that the standing orders provide that whoever first rises in the eyes of the chair gets the call, which was the reason the member for Moncrieff missed out. Presuming his state colleague the member for Blair exercises the member for Moncrieff sufficient courtesy to allow him to rise first, he will get the call next.

Mr NAIRN (Eden-Monaro) (12.55 p.m.)—I am pleased to support the words of the chairman of the Trade Subcommittee regarding the report on Australia’s engagement with the World Trade Organisation. I also speak in support of the report and the one recommendation that is made in that report. The WTO is a difficult organisation—there is no doubt about that. When you bring together so many different countries to negotiate trade issues, nobody could ever expect things to run smoothly. That has certainly never been the case in an overall sense in many of the negotiations and meetings that have taken place. The scrutiny of the organisation and Australia’s involvement in it by the Trade Subcommittee of the Joint Standing Committee on Foreign Affairs, Defence
and Trade is certainly a very important part of the process of ensuring that the parliament and, through the parliament, the people of Australia do understand our involvement with that organisation. We need to maintain our position in that organisation and maintain the respect that we have gained from many other countries in the role that we have played over a number of years within the WTO. Our role within the Cairns Group particularly has raised the status of Australia in the world trade area with respect to negotiations.

One of the issues I would like to raise that came out in this report is that of multilateral versus bilateral. There is a view held by some people that we should not be spending any time on bilateral negotiations and that all effort should go towards the multilateral. I disagree with that view quite strongly. In fact, I would go so far as to say that, if Australia were not pursuing regional and bilateral agreements, then we would see an even slower multilateral process. It is similar for other countries that are pursuing some bilateral and regional agreements. There is room for all of these. The very fact that we are pursuing a number of bilateral agreements helps to keep the pressure on the WTO process, which at times almost creates an industry in itself for a number of people and countries. There is no real urgency in many cases on the part of a lot of countries to finalise negotiations at that WTO multilateral level.

From Australia’s point of view we are already seeing benefits through various bilateral agreements: the free trade agreements with Thailand and Singapore, and hopefully very shortly the agreement with the US. In particular, some of the industries in the electorate that I represent are getting gains through some of those bilateral agreements. The last thing a lot of my constituents would want is for that not to happen and for us to go totally on a multilateral basis and perhaps go on for years and years without ever making any gain. The US, the Europeans and Japan—particularly the Europeans—are well-known for not budging on agricultural issues, but by going through a bilateral process, particularly with, say, Thailand, and now with the US, we are making some great gains.

Two examples particularly relevant to Eden-Monaro are dairy and beef. All of the in-quota tariffs that are currently rated on beef into the US disappear in the first year. Sure it takes up to 18 years to get the ultimate benefit, but there is a huge benefit in the first year. In dairy, it is an excellent result. Our current $40 million of trade will jump to $95 million to $100 million of trade in the very first year. That is what we have gained through a bilateral agreement. Certainly the dairy farmers, the co-ops et cetera in my electorate—the Bega Cheeses of the world—were very pleased to be able to get those concessions which will give them a huge boost in the very first year. We have to keep pursuing that. The recommendation that is made in the report should also be pursued, and I support it. (Time expired)

Corporations and Financial Services Committee Report

Mr CIOBO (Moncrieff) (1.00 p.m.)—On behalf of the Parliamentary Joint Committee on Corporations and Financial Services I present the committee’s report entitled Corporate insolvency laws: a stocktake, together with the evidence received by the committee. Ordered that the report be printed.

National Capital and External Territories Committee Report

Mr CAMERON THOMPSON (Blair) (1.00 p.m.)—On behalf of the Joint Standing Committee on the National Capital and Ex-
ternal Territories, I present the committee’s report entitled *A national capital, a place to live: inquiry into the role of the National Capital Authority*.

Ordered that the report be printed.

**Mr CAMERON THOMPSON**—I have pleasure in presenting the committee’s first report for 2004. The National Capital Authority was established in 1989 as part of the introduction of self-government in the ACT, with a view to securing the federal government’s continuing interest in the planning and development of Canberra as Australia’s national capital.

The committee considers that the National Capital Authority is an important agency and it fulfils an integral role in safeguarding and enhancing the significance of the national capital. The evidence received by the committee supported the view that the authority generally performs its role well. However, it also became apparent during the committee’s inquiry that there is some disquiet and, in some cases, serious concern among some residents and stakeholders about the role and operations of the National Capital Authority. The dichotomous nature of Canberra—as both the national capital and an evolving community in its own right—makes it unique in Australia and underscores the need for an integrated approach to planning matters.

The concerns conveyed to the committee can be largely attributed to the confusion over who is responsible for what in terms of planning in the ACT. The committee therefore sought to address these concerns by making a number of recommendations with a view to simplifying the planning regime for the ACT and ensuring that the authority fosters a consistent, transparent and accountable decision-making process. Accordingly, the committee has recommended that the National Capital Plan—the statutory document that guides planning in the territory—be comprehensively reviewed to reflect those areas which remain significant to Canberra as the national capital and to remove any areas of unnecessary overlap between the Commonwealth and territory planning jurisdictions.

The committee also believes it is important that the National Capital Authority and the territory planning authority adopt a much more integrated approach to ACT planning matters. In order to facilitate a closer relationship between the two planning authorities, the committee has recommended that the federal government negotiate with the ACT government to initiate reciprocal representation on the respective boards of the National Capital Authority and the ACT Planning and Land Council.

The committee has also addressed the issue of consultation processes employed by the authority, which, in the committee’s view, have been inadequate for some time. The committee has recommended that the authority be bound by legislation to undertake consultation in relation to works proposals in areas designated as having the special characteristics of the national capital.

The committee wishes to clarify that it does not want to see the National Capital Authority abolished, nor does it wish to see the national significance of Canberra compromised by actions undertaken by the territory government. However, the committee would like to see the National Capital Authority address the concerns raised in this report and continue to improve its capacity to perform at a higher level.

I would like to express, on behalf of the committee, our gratitude to all those who participated in the inquiry and especially to the staff of the secretariat. I would also like to take this opportunity to thank my committee colleagues for their work throughout the
course of the inquiry and reporting process. That having been said, on behalf of the committee I recommend the report to the House.

Ms ELLIS (Canberra) (1.04 p.m.)—It is a pleasure to have the opportunity to speak to the presentation of this report by the Joint Standing Committee on the National Capital and External Territories relating to the role of the National Capital Authority. As the member for Canberra I have very direct contact with the national capital as I live in it. I have also had a very direct role on the committee in the work that it has undertaken, particularly in this inquiry. I agree with the previous speaker and make the point that this is a unanimous report. It is a very important report, and I want to make the point that it was agreed to by all members of the committee.

Obviously we on this side of the House agree that the authority is an important agency and has a particular role from the national capital’s point of view. We also believe, along with other members of the committee, that there is definitely room for improvement and for better collaboration between the National Capital Authority and ACT level of planning—currently called the ACT Planning and Land Council. I endorse the recommendations that have been made but, in addressing the report, I will say that the evidence that came before the committee indicated very clearly the level of disquiet and, in some cases, very serious concern among residents and stakeholders in the ACT—in the ACT government, in the community and in local community groups—regarding the role of the National Capital Authority.

It also became very clear to the committee during this inquiry that there were very high levels of confusion and frustration over exactly who was responsible for what in terms of planning in the ACT. That is something that we, at a local level, have been aware of for some time, therefore our very warm welcome for this inquiry. We do not believe that these concerns can be ignored. There are a range of recommendations within this report which go to the very question of how to best simplify the planning regime within the ACT while, at the same time, ensuring that the National Capital Authority is still able to fulfil its role from the national perspective. In other words, we need to ensure that we plan well from that perspective without imposing upon the local planning regime of this very special place in which we live. We have seen many examples of that in the past, and we are hoping that the adoption of these recommendations will work in some way to address the issues involved.

Without going through all of the recommendations, I want to point to a couple of them in particular. Recommendation 2 calls for an integrated approach to be adopted by the territory and Commonwealth planning authorities for future planning projects. Another one which I think is terribly important is recommendation 5, that the federal government negotiate with the ACT government to initiate reciprocal representation on the respective boards of the NCA and the ACT Planning and Land Council. We in the committee, right across the membership, I think, found it quite extraordinary that we have these two planning authorities operating within this territory, yet they are not represented on each other’s boards. In other words, whenever there is a deal of controversy or a question arises or there is a need for negotiation, there is no reciprocal membership at all. I personally find this quite extraordinary. I am looking forward to that being fixed.

Recommendation 8 is also very interesting, in the sense that it talks about amending the National Capital Plan so that designated area status is uplifted from all territory land
with the exception of some areas that are outlined in the recommendation. I think the report is going to be—or it has been so far, because it was actually presented out of session prior to the sitting today—very warmly welcomed broadly throughout the ACT community. It is a great step forward for the planning regime that we would like to see here and it gives the opportunity to remove controversies about road extensions, buildings and a range of other things which have happened in the past little while and which have created great concern in the ACT. It also allows the proper planning to take place in the proper place.

I want to support the words of my colleague the member for Blair who spoke earlier. I give my thanks to the chair and my colleagues on the committee, the committee secretariat for their work and particularly everyone who participated in the inquiry, whether as individuals, as part of community groups or at government level. Without that work we could not do such an inquiry and report in such a unanimous fashion. I would like to record our particular thanks to all of those people.

The DEPUTY SPEAKER (Hon. I.R. Causley)—Does the member for Blair wish to move a motion in connection with the report to enable it to be debated on a future occasion?

Mr CAMERON THOMPSON (Blair) (1.09 p.m.)—I move:

That the House take note of the report.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

The DEPUTY 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.

National Capital and External Territories Committee Report

Mr CAMERON THOMPSON (Blair) (1.10 p.m.)—On behalf of the Joint Standing Committee on the National Capital and External Territories, I present the committee’s report, incorporating a dissenting report, entitled Norfolk Island: review of the annual reports of the Department of Transport and Regional Services and the Department of the Environment and Heritage.

Ordered that the report be printed.

Mr CAMERON THOMPSON—I have pleasure in presenting the committee’s second report for 2004. The committee commenced this review in July 2002 but completion of the review was delayed by the committee’s inquiry into governance on Norfolk Island. This annual report review was conducted in conjunction with the inquiry into governance. The recommendations in this report are therefore conditional on the acceptance and implementation of the committee’s first report of the governance inquiry.

The overwhelming evidence from this review and a plethora of other reports, including those by the Norfolk Island government, is that the increasing financial and administrative difficulties facing the Norfolk Island government, coupled with the policy position of the federal and Norfolk Island governments that Norfolk Island remain excluded from federal assistance, programs and services, are prejudicing the island and its sustainable development. This policy needs to be urgently reviewed. Evidence to this inquiry was received from those who had lived on Norfolk Island for many years, those who came from old island families, residents of Pitcairn descent and serving and former members of the Norfolk Island administra-
tion and legislative assembly. Of consider-
able concern to the committee was the fact
that many were prepared to come forward
only if their identity and/or some or all of
their evidence was kept confidential, prin-
cipally because of their conviction that they
would suffer some form of reprisal for
speaking out.

The committee believes that, in view of its
role and responsibilities towards the island
community, the federal government should
assist the Norfolk Island government in pro-
viding or upgrading a range of essential ser-
vices for that community. These include as-
sistance with new sewage disposal facilities
that protect the health of the island’s com-
munity, visitors, environment and economy;
the construction and equipping of a multi-
purpose health facility; ensuring access for
the women of Norfolk Island to a regular and
effective breast-screening program; assisting
island residents, students and employers with
vocational education and training opportuni-
ties; and the teaching and preservation of the
language of the Pitcairn Island descendants.

The government members of the commit-
tee support the conversion of residential
crown leasehold to freehold title on Norfolk
Island. The government members believe
that, as any transfer would be subject to the
safeguards provided by the Environment
Protection and Biodiversity Conservation
Act 1999, concerns regarding any conversion
or transfer should be raised and can be re-
solved through the processes laid down by
this act. Furthermore, in this report, the land
transfer would be contingent on the accep-
tance and implementation of the committee’s
good governance reforms recommended in
the first governance report as well as the rec-
ommendations contained in this report. I
would like to express on behalf of the com-
mittee our gratitude to all of those who par-
ticipated in the inquiry and again to the staff
of the secretariat. I would also like to take
this opportunity to thank my committee col-
leagues for their work throughout the course
of the inquiry and reporting process. That
having been said, on behalf of the committee
I commend the report to the House.

Ms ELLIS (Canberra) (1.13 p.m.)—It is
my pleasure to speak on the presentation of
the report entitled Norfolk Island: review of
the annual reports of the Department of
Transport and Regional Services and the
Department of the Environment and Heri-
tage. I welcome the comments made by my
colleague the member for Blair, the previous
speaker. I take this opportunity at the outset
to put on the public record here in this place
my personal condolences to the family of
Ivens ‘Toon’ Buffett, a minister of the Nor-
folk Island government who tragically died
recently. He was a gentleman whom we all
met through the committee and he died very
tragically. As people would know, his son is
now facing some charges relating to that
death. To the government of Norfolk Island,
the people of the community and, in particu-
lar, Toon Buffett’s family I think we would
all join together in sending our very warmest
wishes and condolences at this time.

Nevertheless, we have this report to deal
with. As my colleague has said, this annual
report review was conducted in conjunction
with the committee’s inquiry into governance
on Norfolk Island, and these recommenda-
tions are tied to that previous report. I have
to endorse what my colleague said. I strongly
shared the concern that all members of the
committee had when we were faced with the
situation where many members of the Nor-
folk Island community clearly wanted to talk
to the committee, but they and their families
were very much in fear of reprisal if they did
so. To support these people, the committee
happily agreed to hear them in camera.
Whilst that gave us an opportunity to get a
better understanding of the problems from
their perspective, of course we cannot refer
to that sort of information publicly. But it did give us a good understanding of the extent and depth of the problems on Norfolk Island.

The previous speaker made mention of a particular part of the report which we on this side joined with the Democrat members to dissent from. The government members of the committee support the conversion of residential crown leasehold to freehold title on Norfolk Island. Labor and our Democrat colleagues lodged a dissent from that recommendation. We dissented from recommendations 2, 8 and 9. The dissenting members believe that the heritage values on Norfolk Island are of national and international significance and that, as a consequence, the Commonwealth has an inescapable obligation to ensure that the arrangements for the long-term protection and day-to-day management of those heritage values are of an appropriate standard. We disagreed primarily with the approach adopted by the committee in relation to any proposed new land management and planning arrangements on the island.

If members have not already done so, I recommend that they take the opportunity to read this report in full, particularly the dissenting report, so they have a better understanding about exactly why we reached those conclusions. It is worth noting that in the overwhelming majority of cases—I do not know what the percentage is, but it would virtually be 99 per cent, I think, or very close to that—committee reports from this parliament are unanimous. So there is usually a fairly good reason for members to dissent and make their views known. It is not a commonly done thing, and I would endorse the comments in that dissenting report and urge people to have a look at it.

I want to thank the chair and my committee colleagues for the work we did together on this particular report. To say that our work on the Norfolk Island governance annual report and our continuing work has been simple would be wrong. It has been a very trying and testing time for the committee. It is fair to say that we are absolutely resolved to come down on the side of the people of Norfolk Island and to do what we can to assist them. There is no doubt that assistance is needed. There is no doubt that Norfolk Island is generally facing some pretty tough times, and I think we all feel responsible for working out how to deal with that. Again, I thank my colleagues and I also thank the committee secretariat for their work. In particular, I want to thank the participants from all parts of government, especially those people from Norfolk Island who were happy to share their experiences and views with the committee either in camera or otherwise. Norfolk Island is a very beautiful place. The people who live on it deserve our support. I hope that, as a result of the work done so far and the work to be done in the future, we can provide that support.

The DEPUTY SPEAKER (Hon. I.R. Causley)—Does the member for Blair wish to move a motion in connection with the report to enable it to be debated on a future occasion?

Mr CAMERON THOMPSON (Blair) (1.18 p.m.)—I move:

That the House take note of the report.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

The DEPUTY 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.
Legal and Constitutional Affairs Committee

Report

Mrs BRONWYN BISHOP (Mackellar) (1.19 p.m.)—On behalf of the Standing Committee on Legal and Constitutional Affairs, I present the committee’s report entitled Inquiry into the Exposure Draft of the Bankruptcy Legislation Amendment (Anti-Avoidance and Other Measures) Bill 2004, together with the minutes of proceedings.

Ordered that the report be printed.

Mrs BRONWYN BISHOP—The exposure draft of this bill was referred to the committee on 13 May 2004 by the Attorney-General with a short reporting time. The committee was asked to consider specifically whether the provisions of the bill would adequately address problems identified in 2002 by a joint task force of abuse of bankruptcy laws by high-earning fee-for-service professionals who were becoming bankrupt to avoid paying debts, particularly their taxation debts. The problem was identified when it was discovered inter alia that one barrister had paid no tax for 45 years, and another had done work for the tax office for eight to 10 years and had not been identified by the ATO as having paid no tax. The committee rightly found the ATO to have failed in its duty to identify these people over decades and observed that it was the GST and tax reform that outed those tax avoiders.

While most people support the policy objectives, the draft bill goes too far. Of the more than 180 submissions made to the inquiry, only three supported the proposed measures and they, not surprisingly, included the ATO and ITSA itself. Almost all of the other submissions were vehemently opposed to the draconian nature of the proposed cocktail of tainted property, retrospectivity and reverse onus of proof.

The committee was also asked to inquire into the uncertainty surrounding the interaction between bankruptcy and family law. On this issue, the committee believes that, had the bill gone ahead, it would have resulted in public policies competing between family law, which protects the interests of children, and bankruptcy law, which looks after the interests of creditors. Indeed, creditors could have been elevated to the same standing as family or even better.

It did seem that the legislative amendment was an attempt to effectively quarantine creditors from risk and transfer that risk on to the family of the debtor. This would occur because of the ability to go back and attack property settlements that could have been concluded decades before any act of bankruptcy occurred, or indeed make vulnerable the family home for a small business where the home is the business’s source of capital.

A good example, given by the Master Builders Association, was that of a subcontractor owed money by a head contractor who goes bankrupt. You might think this proposed legislation would help the subbie—but it is not so. Most subbies have the family home in their wife’s name to protect the home if something goes wrong. The effect of the subbie not being paid may be to send him bankrupt and then put his family home at risk as tainted property.

From evidence taken from more than 40 witnesses over three days, the committee concluded that it is reasonable for small business people and others to want to protect certain assets—most likely the family home—to provide for the wellbeing of their families should adverse circumstances arise. Evidence was also given that the proposed amendments would be unlikely to improve a trustee’s ability to recover any additional assets in a Bond or Skase type situation.
Further, we found that although ITSA, the developers of the draft bill, had provided discussion papers to the Bankruptcy Reform Consultative Forum since late 2002, entirely new concepts had been introduced only two months prior to the release of the exposure draft. Thus the consultative forum had little opportunity to consider the concepts of ‘tainted purpose’, ‘tainted property’ and ‘tainted money’, which are central to the proposed amendments.

The main concerns of the committee remain retrospectivity, reverse onus of proof and the novel concept of tainted property, which the committee recommends be abandoned, but it recommends that a fresh look be made to strengthen sections 120 and 121 of the existing act. Further recommendations include that family law financial agreements revert to pre-2000 amendments and be subject to confirmation by the court, which shall then take into account bankruptcy ramifications; that section 16 of the Income Tax Assessment Act be amended to allow the Commonwealth to inform prescribed professional bodies of bankruptcy and related information; and that jurisdiction be given to the Family Court to deal with bankruptcy issues where the two coincide.

Before concluding, I wish to commend the Attorney-General on his foresight in releasing the proposed bill as an exposure draft. This enabled a new concept to be subject to general opinion. The result is that the bill has been withdrawn with the intention of reconsidering the draft. I also wish to thank the committee and particularly the committee staff for the effective use of their time, including a late-night meeting of the committee on 22 July in order to present this report to the Speaker on Friday, 23 July 2004. I commend the report to the House.

Mr KERR (Denison) (1.24 p.m.)—The report on the inquiry into the exposure draft of the Bankruptcy Legislation Amendment (Anti-Avoidance and Other Measures) Bill 2004 follows a bizarre process followed by the Standing Committee on Legal and Constitutional Affairs, but I want to make it plain that, in this instance, the difficulties arose notwithstanding the fact that there was, from the outset, unanimity in approach between all members of the committee in relation to the proposed draft legislation. This unanimity is a remarkable achievement that, sadly, has been diminished by the partisanship that was injected into this particular matter as a result of the decision by the Attorney-General to publicly flag the withdrawal of the proposals, which led to what can only be described as the most extraordinary set of events.

A meeting was called with about five hours notice. Notice went out to members at 5.16 in the evening, advising of a meeting to deliberate in relation to the settlement of the report. Hearings had been held that day, and the report to the parliament was not due for some period of time thereafter. I can only speculate as to the motivation of that decision, but it was deeply distressing to members who had participated in good faith that they could not effectively take any proper part in the determination of the outcome of this report. As the public knows too well, it has led to the resignation of the four Labor members, who will no longer put up with meetings being held at 11 p.m. with no notice, called by a committee chair with lack of regard for the proprieties of this place.

In my experience over 17 years—and there were only three years, when I was a minister, when I was not a member of this committee—every previous chair has tried to seize consensus out of the fires of partisanship. Sadly, it is a remarkable achievement of the current chair to have seized partisanship out of the embers of consensus. This follows a pattern set by the crime in the community report, the averments report and a number of
other matters where this committee has been used in ways which can only be regarded as improper and directly partisan. Those matters have been the subject of extensive public reporting and I need not canvass them at great length. But I do want to say that it is a sad precedent that has been established in relation to the resignation of the four members, but it is one that is necessary to protect the dignity of this parliament and of this House.

When members know, after advice that meetings are going to be held for further reception of evidence, it is the normal course that those who are at the location attend. The quorum for the meetings of this committee was two, as specially provided for. That evidence was capable of being heard and determined, but many members, quite properly, would have read the material and then wished to contribute to the deliberations of the committee. On this occasion they had no opportunity to do so, because of a bizarre late-night meeting starting at 11 o’clock. My colleague the shadow Attorney-General, Mr McClelland, participated by phone, as did my colleague Mr Murphy. In an extraordinary act of commitment, the shadow Attorney-General also remained on the phone to settle the first draft report on crime in the community, which was surprisingly scheduled for deliberation after the settlement of this report. The meeting wound up at about one o’clock.

The crime in the community report has seen this committee chasing down every alleged scandal that has occurred in a series of quixotic attempts to create the illusions of impropriety, wherever they might exist, with no opportunity for proper natural justice, protection for witnesses or any of the normal safeguards that are built into proper committees of inquiry looking at specific matters. The general utility of this committee, which hitherto had been characterised by willingness of members on all sides of the House to put aside any partisanship and to join together in matters of general importance, has been squandered. (Time expired)

The DEPUTY SPEAKER (Hon. I.R. Causley)—The time allotted for statements on this report has expired. Does the member for Mackellar wish to move a motion in connection with the report to enable it to be debated on a future occasion?

Mrs BRONWYN BISHOP (Mackellar) (1.29 p.m.)—In moving the motion that the House take—

The DEPUTY SPEAKER—The member for Mackellar must move the motion.

Mrs BRONWYN BISHOP—Yes. I intend to move the motion and speak to the motion very briefly.

The DEPUTY SPEAKER—No, the member for Mackellar can only move the motion.

Mrs BRONWYN BISHOP—Yes, Mr Deputy Speaker. I have checked, and I may.

The DEPUTY SPEAKER—The chair is telling the member for Mackellar she may move the motion. There will be no debate.

Mrs BRONWYN BISHOP—I move:

That the House take note of the report.

And I note that the member opposite attended none of the public hearings about which he spoke.

The DEPUTY SPEAKER—The member for Mackellar will remove herself from the parliament under standing order 304A.

The member for Mackellar then left the chamber.

The DEPUTY 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
Delegation Reports
Australian Parliamentary Observer Delegation
to the Presidential Elections in Indonesia, 5
July 2004
Mrs GALLUS (Hindmarsh—Parliamentary Secretary to the Minister for
Foreign Affairs) (1.30 p.m.)—I present the report of the Australian Parliamentary Ob-
server Delegation to the presidential elections in Indonesia, 5 July 2004. I have much
pleasure in tabling the report of the Austra-
lian Parliamentary Observer Delegation to
the first round of Indonesia’s presidential
elections held on 5 July this year. This was
the first ever direct presidential and vice-
presidential vote in Indonesia. A major mile-
stone in democracy for Indonesia, it built on
Indonesia’s democratic parliamentary elec-
tions held on 5 April this year. The Austra-
lian delegation was charged with observing
and reporting on the conduct of the election.
Members of the delegation were deployed to
seven locations across Indonesia, including
Java, Lampung, East Kalimantan, Nusa
Tenggara Timur and Bali. I was pleased to be
part of the team in Bali.

The Indonesian presidential election is
one of the largest democratic presidential
elections in the world. It is a major logistical
undertaking, involving polling spread across
some 6,000 islands, with approximately 155
million eligible voters. Voting takes place on
one day between the hours of 7 a.m. and 1
p.m. Each voting station caters for a maxi-
mum of 300 voters. The election was run by
the Indonesian General Elections Commis-
sion, the KPU. There were five presidential
and vice-presidential candidate pairs compet-
ing at the election.

The Australian delegation arrived in Ja-
karta towards the end of the official cam-
paign period, which ran from 1 June to 1
July. While traditional campaign strategies
such as meetings, door-to-door campaigning
and rallies continue, new campaign tech-
niques are being introduced in Indonesia.
While we were in Jakarta we were able to
witness on TV, over two nights, the first ever
presidential debates involving the five presi-
dential candidates.

The Indonesian presidential election was
very much a local affair, with the community
involved in setting up and running polling
stations and with voters and others often
staying around to watch the counting. I am
pleased to say that the presidential election
proceeded peacefully. The Indonesian people
are very proud of their elections and, al-
though this election was described as more
subdued than the parliamentary elections
earlier this year, there was a very festive at-
mosphere on the day.

In the polling stations the delegation vis-
ited there was no voter intimidation by par-
ties or organisations. While concerns were
raised in some provinces that this had hap-
pened, such allegations of intimidation are
difficult to prove. In most instances, polling
proceeded smoothly. The Australian observer
team did not consider that minor incidents
affected the overall national integrity of the
electoral process. A difficulty did arise with
the interpretation of invalid, informal votes.
As a result of the way the ballot paper was
folded, the ballot could be inadvertently sub-
ject to a double hole from the nail used for
voting. That raised the possibility that votes
were intended for two groups of candidates.
The KPU acted quickly to clarify that, where
voter intention was clear, such a vote was
valid. When the final election results were
announced on 26 July, the number of invalid
votes was only two per cent.

The delegation made recommendations
for future Indonesian elections relating to the
checks used for multiple voting; the design
of ballot papers; the pre-signing of ballots by the KPU head; the opening and closing times of the polls; and the reconciliation of unused ballot papers. Given the dimensions of the exercise, the Indonesian community, the Indonesian government and the KPU are to be congratulated on the effective conduct of the poll. Overall the delegation believes that the conduct of the first direct presidential election in Indonesia on 5 July 2004 has generally enabled Indonesians to cast their vote freely and fairly. The election was another significant step in Indonesia’s democratic transition.

The delegation thank the people of Indonesia, the government and the KPU for the opportunity to observe the electoral process. We are also grateful for the meetings we had with other observer groups. I wish to express my appreciation for the support we received, first of all to my colleague Senator Ruth Webber, and then to Ambassador Ritchie and the embassy staff in Jakarta—especially Stephanie Werner and Sherina Bahk—the officials accompanying us, DFAT and the Parliamentary Relations Office of the Australian parliament. I commend the report to the House.

ADMINISTRATIVE APPEALS TRIBUNAL AMENDMENT (REVIEW OF DECISIONS) BILL 2004

First Reading

Bill presented by Mr Rudd.

Mr RUDD (Griffith) (1.37 p.m.)—The purpose of the Administrative Appeals Tribunal Amendment (Review of Decisions) Bill 2004 is to change the test of ‘standing’ in the Administrative Appeals Tribunal Act 1975. The current test for ‘standing’ in the AAT Act is defined in section 27 of the act. Subsection 27(2) of the act states:

An organization or association of persons, whether incorporated or not, shall be taken to have interests that are affected by a decision if the decision relates to a matter included in the objects or purposes of the organization or association.

Subsection 27(3) of the act states:

Subsection (2) does not apply in relation to a decision given before the organization or association was formed or before the objects or purposes of the organization or association included the matter concerned.

In recent years, the AAT, the Federal Court and the High Court have tended to narrow the definition of those persons who can bring a decision for review before the AAT when those persons are seeking to act on behalf of another person or persons whose interests are affected by the administrative decision in question. Most recently, a decision by Deputy President Wright of the AAT in February 2002 in the matter of Rudd v. the Minister for Transport and Regional Services found that the applicant had no standing as a member of parliament, because a person cannot derive standing from being an elected representative, without having a special interest of his or her own. While Deputy President Wright in turn found that the applicant did have standing as a result of a special interest of his own, as a homeowner and occupant whose enjoyment of his property might be adversely affected by a decision of the transport minister, this decision of Deputy President Wright was subsequently overturned in the Federal Court.

Militating against these recent decisions is a decision by Justice Vincent in the Supreme Court of Victoria in the matter of the Shire of Beechworth v. the Attorney-General of Victoria in 1991. The principle that Justice Vincent enlivened in his decision on standing and the Beechworth Shire Council was that elected representatives can have standing in representing the interests of their constituents. However, the advice I have received since the High Court’s most recent decision on the question of standing, in the matter of Allan v. Transurban, is that it is unlikely that
the courts will find any more liberally on the question of standing in the absence of statutory change. In other words, despite the earlier finding of the Victorian Supreme Court in the matter of the Beechworth Shire Council, the tendency in recent judgments has been to tighten the definition of standing, thereby flying in the face of much of the rationale that underpinned the establishment of the Administrative Appeals Tribunal under the Whitlam government in the mid-1970s.

For these reasons I am introducing a private member’s bill which would have the legislative effect of clarifying the capacity of a member of parliament to act on behalf of his or her local community when his or her community has had its interests adversely affected by an administrative decision of the federal government. The scope of this proposed legislative amendment is much narrower than that which has been proposed by the Australian Law Reform Commission, which has expressed concern about the incremental erosion of the capacity of the AAT to act as an appropriate legal forum for laypersons seeking redress from administrative decisions that have impacted on their interests.

The rationale for this private member’s bill of course comes from my own experience in seeking to overturn a decision by the federal transport minister to endorse the Brisbane Airport Corporation Master Plan, which in turn recommended the construction of a parallel runway at Brisbane airport, a decision which will have significantly adverse effects on the community I represent in Brisbane. While this private member’s bill, if accepted by the parliament, comes too late in my fight to overturn the Howard government decision to approve the construction of a parallel runway at Brisbane airport, it may help other members of parliament dealing with similar matters in the future, where they seek to stand up and fight for their local communities against government decisions that adversely affect those communities.

Regrettably, as I have just noted, in the case of Brisbane airport the parallel runway which has been proposed by the Brisbane Airport Corporation will be built. This is despite the fact that submissions against the construction of the parallel runway have been lodged on two occasions as part of the master plan process and despite the fact that there have been significant large-scale protest activities on behalf of the local community to this effect as well. Notwithstanding this opposition, the Howard government, through the transport minister, has on two occasions endorsed the Brisbane Airport Corporation Master Plan and its recommendation for the construction of a parallel runway. The construction will proceed; I am advised that this means the Brisbane Airport Corporation has a legal right to proceed. My efforts on behalf of my local community will now concentrate on the development of a noise management plan for the local community.

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.

STATEMENTS BY MEMBERS

Draft Declaration on the Rights of Indigenous Peoples

Mr ORGAN (Cunningham) (1.42 p.m.)—I would like to inform the House of the shameful position adopted by this government regarding the Draft Declaration on the Rights of Indigenous Peoples. I do so on behalf of Mr Roy ‘Dootch’ Kennedy of the Kurrajong Sandon Point Aboriginal tent embassy in my electorate of Cunningham. Under the auspices of the United Nations, the declaration was drafted between 1985 and 1995 by the Working Group on Indigenous Popula-
tions and then handed over to a special working group comprising nation states and Indigenous organisations. Prior to the election of the Howard government in 1996, Australia was leading the way in supporting Indigenous rights. However, things changed dramatically and tragically when the present government took control. In a disgraceful move, in 1998 this government rejected the use of the term ‘self-determination’. This is a core issue for Indigenous peoples around the world, and the decision was soundly opposed by all Indigenous groups and many governments. Today Australia, the United States, Canada, the United Kingdom and Japan are seen as the fiercest challengers to the fundamental principles underlying the declaration, including those of self-determination, promotion of Indigenous language and collective rights.

Dootch Kennedy, one of Australia’s representatives at last year’s working group meeting in South Africa, told me only this morning that the Australian proposal would:

… water down the rights of Indigenous Australians and make it more difficult to pursue those rights in the future.

The working group is due to meet in September and then in December to finalise the declaration and pass it on to the UN for ratification. This present government shames us all by its opposition to the draft declaration and its advocacy against Indigenous rights and sovereignty.

**Point Zero**

Mr KING (Wentworth) (1.44 p.m.)—I rise to draw the House’s attention to the good work done by Point Zero, a social welfare organisation run by Rabbi Kastell of the Great Synagogue and Stephanie Hedges. I went out on Saturday night between the hours of 10.00 p.m. and 1.00 a.m. and my eyes were opened by some of the things I saw. At Bondi Beach there was a stand-off between a group of very young people who said they were from Fairfield and were throwing bottles at police and a very peaceful group of well-behaved young people who were there to remember Chloe Byron, who died in the Bali bombings. There was a report in one of the papers which suggested that the young people gathered to remember Chloe had not been well behaved but they were well behaved: I observed that myself.

I then followed the Roosters van to other parts of the eastern suburbs and the inner city to see the good work that is being done by Point Zero. They need proper funding and more support, and I support them in that regard. The state government’s decision to take the Police Boys Club from the eastern suburbs was clearly erroneous, and the community needs to now get behind Point Zero and organisations like that to ensure that young people between the ages of 12 and 18, who have nowhere to go if they want to go outside their homes and meet, have somewhere to go and have some resourceful occupation—something other than drugs and alcohol.

**Redfern, Mr Eddie**

Dr EMERSON (Rankin) (1.45 p.m.)—I want to pay tribute to Eddie Redfern, a wonderful local identity who lost a long struggle with illness on 26 July 2004. Eddie was a true believer. He yearned for a better life for the disadvantaged and the dispossessed. Eddie accepted everyone at face value. He always presumed goodness in people, but he did lament those ‘bloody Tories’.

Eddie and Denise Redfern hosted innumerable fundraising spit roasts, helping launch the careers of the state member for Stretton, Stephen Robertson, and Brisbane City Councillor Gail MacPherson, as well as my own career as the member for Rankin. Eddie kept the evidence of his hospitality. Underneath his Queenslander home is an
array of priceless signed memorabilia of Eddie’s time together with luminaries such as Bob Hawke, Wayne Goss and Jim Soorley. I was pleased to be able to read a letter from Mark Latham at Eddie’s funeral, thanking him and remembering fondly all the great works that he did for the local community and the local ALP. We all loved Eddie and our hearts go out to Denise, who cared for him every day during his long illness. We love you, too, Denise, and know that the world has lost a wonderful man with the passing of your dear husband, Eddie.

336 Squadron Australian Air Force Cadets

Mr BARTLETT (Macquarie) (1.46 p.m.) — On Saturday night I had the pleasure of attending a fundraising event for 336 Squadron Australian Air Force Cadets. It was a very enjoyable and successful night, and I want to congratulate all of those involved in organising the evening. A lot of work went into it, and I want to thank the sponsors who supported it financially and the many members of the community who attended.

I want to particularly thank the leaders of 336 Squadron for their outstanding work with young people. They put in hundreds of volunteer hours every year, and their interest in teaching, nurturing and encouraging young people is extremely valuable. The motivation and encouragement, the discipline, the challenges of new knowledge and skills and the concepts of teamwork that cadet units provide all help to build character and direction in life. This is why the coalition government have shown such strong commitment to rebuilding our cadet units with extra financial and logistic support.

Every Monday evening 336 Squadron parades between 1800 hours and 2200 hours at Richmond air base. It has a total membership of around 100 cadets, who are males and females of varying ages, and it has a number of Australian Air Force cadet, Royal Australian Air Force and civilian staff members. This squadron is another fine example of the many excellent youth organisations that provide interesting, challenging and positive programs for our young people. The full effects of their work, encouragement and guidance will never be fully measured but are undoubtedly of immense value.

Kokoda Day Memorial Service

Mr RIPOLL (Oxley) (1.48 p.m.) — I had the honour and privilege yesterday to attend the Kokoda Day Memorial Service to commemorate the 61st anniversary of the defence of Kokoda between 8 and 10 August 1942 by the 39th Australian Infantry Battalion. This took place at the Kokoda Stone and Kokoda Plaque at the Croll Memorial Precinct at Corinda, in coordination with the Sherwood-Indooroopilly Returned Services League. It was a great honour and privilege for me just to be there, participating in the commemoration and witnessing first-hand one of our great memorials, and also to talk to people from the 39th Battalion and their descendants—and those from the 49th Battalion who were also present.

I would like to put on the record my thanks to the cadets of 218 Squadron RAAF who helped make that ceremony possible and also to our guest speaker, Mr Peter Dorrnan, AM, for his inspiring words, his research and the book he has written about the Kokoda Trail and the significant events of the time. When the battalion did return to Australia, sadly and inexplicably it was disbanded on 3 July 1943, but the 39th Battalion battle honours are as follows: the South-West Pacific Area 1942-45, the Kokoda Trail, Kokoda-Deniki, Isurava, Eora Creek, Templeton’s Crossing 1, Buna-Gona, Sanananda Road and Amboga River. (Time expired)
Wentworth Electorate: City to Surf

Mr KING (Wentworth) (1.50 p.m.)—I rise to commend to the House the City to Surf racing event that was held yesterday between the city and Bondi Beach in my electorate and the wonderful contribution of the many volunteers who helped in that regard. Mr Speaker, you will recall how Australians during the Olympics really got behind the Olympic movement and hundreds of volunteers—indeed, many thousands of volunteers—helped on that occasion. It was just like that at the City to Surf yesterday. Along with others I was pleased to start at 7 a.m. down at the surf club at Bondi Beach, slicing up 4½ thousand bread rolls, which we then sold between 11.30 and 1.30 to many thousands of people. That is one of the great fundraising events for the Bondi Surf Club, which is one of Australia’s oldest surf clubs and a great contributor to the eastern suburbs of Sydney.

It is important to recognise that Australians are amongst the greatest volunteers in the world. One in four Australians volunteer to do something every year. That is the highest rate of volunteerism in any country in the world, so I am proud to be part of my community in the electorate of Wentworth, proud to be a member of the Bondi Surf Club and proud of having contributed to another great City to Surf event.

Sport: Athens Olympics

Ms O’BYRNE (Bass) (1.51 p.m.)—When the members of the Australian team march into the Olympic stadium for the opening ceremony of the Athens games early on Saturday morning, it will be a special moment, but not just for them. There will be no better time for us each to reflect on those who have made it possible for them to be there. Without the parents, the first coaches and the volunteers who run the clubs and who provided those vital opportunities for talented young-
cause of his strong opposition to the free trade agreement with the USA.

We have a situation in Australia where we have the lowest unemployment rate for 30 years—at about 5.6 per cent. That is a remarkable achievement of this government. We have low unemployment in the seat of Corangamite and in Geelong—again, a reflection of the flexible industrial relations policies of this government. We have advocated and proved the success of enterprise agreements. Prosperity, low inflation and low interest rates have been the outcome. The article in the *Financial Review* says that jobless people are virtually airbrushed from Labor’s policy, which pretends that labour market regulation exists in isolation from other policies. As the federal Treasurer has said on a number of occasions, the Labor Party airbrush certain parts off their policies. This is a classic case, where the shadow spokesman is airbrushing key features of the industrial relations policy, trying to placate business interests and reverse the trend for flexible arrangements, which everyone understands to be good for the Australian economy. (Time expired)

**Media Ownership**

Mr **MURPHY** *(Lowe)*  *(1.54 p.m.)*—I would like to raise once again my grave concern about the government’s agenda on media ownership laws in this country. Since the new Minister for Communication, Information Technology and the Arts, Senator Coonan, came into the job, she has made it quite plain that she is going to protect the existing media players. In particular, she has indicated that she has no intention of lifting the moratorium on a fourth free-to-air television network and she is very keen to implement the media ownership bill, which is currently stalled in the Senate. This is a great threat to democracy, and I have raised this issue many times during this parliament, because it is important that we have diversity in media ownership in Australia: that is healthy for democracy and healthy for the future of our country.

I think Senator Coonan would be well advised to spend some of the government’s $123 million advertising budget—taxpayers’ money—informing Australians of the agenda behind and the implications of her media ownership bill, which is preventing other players like Mr Singleton coming into the market with a 100 per cent Australian content free-to-air television network. Such a network would be good for diversity, good for the public interest and very good for democracy, Mr Speaker, and I ask through you that you take a message back to Senator Coonan that the government should spend some of that advertising budget on advising Australians of the real agenda—protecting existing media owners. *(Time expired)*

**The SPEAKER**—I point out to the member for Lowe that any messages to Senator Coonan will come via the *Hansard*, not via the Speaker.

**Salvation Army**

Mr **DANBY** *(Melbourne Ports)*  *(1.56 p.m.)*—I want to congratulate the Salvation Army in my electorate on the recent opening of their emergency housing for at-risk youth. This emergency housing program is situated around the corner from me, in Grey Street, and I am particularly impressed that it is designed not to just leave people in a flop house but to supervise them and see that they do not slip into a life of homelessness or petty crime. This early intervention by the Salvation Army, supported by the state Labor government and the city of Port Phillip, is exactly the kind of resource that is needed in my area.

The project has accommodation for female and male singles and families. It has all the potential for ensuring that young people...
who are at risk of drug addiction, crime et cetera do have this early intervention. The Salvation Army are particularly worthy of praise for the great work that they have done in bringing together the city of Port Phillip and the state government. Minister Candy Broad was there to open this emergency housing, and I do congratulate the state government on their continuing provision of resources for the homeless, for public housing and in areas where at-risk youth do need this early intervention. This is a very important intervention by both the Salvation Army and the state government, and I congratulate them. (Time expired)

Baldwin, Mr Al

Mr CIOBO (Moncrieff) (1.57 p.m.)—About a week ago, I had the opportunity to present a very special individual on the Gold Coast with a unique award. It was the Commonwealth seniors’ medal that I presented to someone who truly is an ambassador for Australia and a tourism icon. That person is Al Baldwin, commonly known as Al the suntan man. At 74 years of age, Al is unfortunately now facing one of the biggest challenges in his life, but that has not stopped this man from becoming a true tourism icon for this country.

Over the past 30 years, Al Baldwin estimates that he has sprayed 3 million tourists with suntan lotion on the beach at Surfers Paradise. It is a great contribution that he has made not only to the Gold Coast but to all of Australia and I was very pleased to have the opportunity to present Al Baldwin with this special award. The reality is that he is someone who has done so much for the tourism industry. The unique presentation ceremony that we had last week on the Gold Coast came about through the efforts of all of Al’s friends and family, the Surfers Paradise Surf Life Saving Club and the Chief Life Guard on the Gold Coast, Warren Young. I thank all of those individuals for their support, and I want to take this opportunity to bring to the attention of this chamber the terrific service to the tourism industry and to the Gold Coast that Al Baldwin has played.

Whiley, Mr Bill

Mr ORGAN (Cunningham) (1.59 p.m.)—Last Thursday evening, Bill Whiley, a dear friend of mine, died from mesothelioma. I will be speaking more about Bill later in the week. Bill was a former Communist Party councillor on Broken Hill Council, and I had the privilege to know him in association with the Sandon Point Aboriginal tent embassy and community picket. Bill was a fighter to the last. The first thing he ever said to me was, ‘If you don’t fight, you lose.’ I am very saddened by Bill’s passing and very honoured to have known him. As I said, he was down here last December lobbying me on behalf of the Combined Pensioners and Superannuants Association and, unfortunately, mesothelioma took him very quickly in the last couple of months. I look forward to the opportunity to speak further on Bill Whiley later in the week.

The SPEAKER—Order! It being 2 p.m., the time for members’ statements has concluded.

QUESTIONS WITHOUT NOTICE

Intelligence: Weapons of Mass Destruction

Mr LATHAM (2.00 p.m.)—My question is to the Prime Minister. I refer him to the call for greater honesty in government by 43 eminent former military, diplomatic and Public Service leaders and the claim by the former Chief of the Defence Force, General Peter Gration, that the statement also represents the views of many currently serving military officers, diplomats and public servants.

Honourable members interjecting—
The SPEAKER—Order! I will deal with members who interrupt, from either side. The Leader of the Opposition has the call.

Mr LATHAM—My question is to the Prime Minister. I refer him to the call for greater honesty in government by 43 eminent former military, diplomatic and Public Service leaders and the claim by the former Chief of the Defence Force, General Peter Gratton, that the statement also represents the views of many currently serving military officers, diplomats and public servants. Doesn’t the government now face an unprecedented crisis of credibility as a result of its repeated dishonesty? When is the Prime Minister going to start telling the truth to the Australian people? What positive measures does the Prime Minister propose to restore the nation’s trust in its Australian government?

Mr HOWARD—The short answer to the question is no. The slightly longer answer to the question is as follows. On behalf of the government, I reject the claims that have been made by the 43 people. I completely reject the claims that have been made. Could I just take the House back to the basis of the claim. The basis of the claim of dishonesty and deception is that the government deliberately misled the Australian people regarding the existence of Iraqi weapons of mass destruction when the decision was taken to involve this country in the military conflict.

Let me point out to the House that it been found by not only the Flood inquiry but also the Jull committee inquiry—which included in its membership the current shadow minister for defence; a former defence minister in the Keating government, Senator Robert Ray; as well as government members—that there was absolutely no evidence that the government had put any pressure on the intelligence agencies. The debate in March last year was not about whether Iraq had weapons of mass destruction but, indeed, about how we should deal as a nation and as a world with the possession of those weapons of mass destruction.

It is interesting, in the light of the comments that have been made by General Gratton, that General Gration himself, in November 2002, in an article published by the Australian National University, had this to say:

I think we can accept that Iraq has numbers of weapons of mass destruction and has programs to develop them further.

They were, in fact, the words. I do not criticise General Gratton for those remarks. I merely point out—

Mr Kelvin Thomson—That was a policy failure.

The SPEAKER—The member for Wills! Standing order No. 55 applies as equally to answers as it does to questions.

Mr HOWARD—that, in November 2002, General Gratton himself said that Iraq had weapons of mass destruction. I think it is instructive that a few months earlier the shadow minister for foreign affairs had said that it was an empirical fact—and you do not get any tougher than that—that Iraq had weapons of mass destruction. May I say to the 43 people who penned that letter that in order to establish a charge of deception you have to prove that the government deliberately set out to mislead the Australian people, and they have not done that. In fact, their principal spokesman has acknowledged that Iraq had weapons of mass destruction. But if you do not want to rely on General Gratton’s remarks and you do not want to rely on the shadow minister for foreign affairs, may I draw your attention to an interview on Late-line between Tony Jones and Robert Ray on 1 March this year on the Jull committee report. This is what Tony Jones asked:
Robert Ray, what do you think about that? Were the Australian people effectively misled by the Government’s reliance on flawed intelligence to justify the war?

Robert Ray replied:

Well, the key question is were they deliberately misled.

And his answer was:

I believe not.

That is what Robert Ray said. So you have General Gration, you have the shadow minister for foreign affairs and you have a former Labor Party defence minister all saying that, of course, there was no deception. In fact, both General Gration and the shadow minister for foreign affairs argued that Iraq did possess weapons of mass destruction. I repeat: the debate last year was not about whether Iraq had weapons of mass destruction; the debate was about how you dealt with it. It remains the case that if the coalition of the willing had not acted Saddam Hussein would still be in power in Iraq, with all the horrific human rights consequences that that would have entailed.

Economy: Performance

Mr HUNT (2.06 p.m.)—My question is addressed to the Prime Minister. Would the Prime Minister outline to the House the factors that have contributed to Australia’s strong economic conditions? What impact has this had on living standards? What needs to be done to ensure that Australia’s economic strength is maintained into the future?

Mr HOWARD—I thank the member for Flinders for his question. The reason we have had a strong economy over the last 8½ years is that we have had a good government that has managed the economy well, we have had a Treasurer who knows how to keep a budget in surplus and we have had a succession of industrial relations ministers who have been prepared to carry the fight with the trade union movement of Australia and to make sure that productivity, and not the power of union officials, is the dominant consideration in industrial relations.

That is why I greet—and I know that those who believe in economic progress will greet—with total disdain the industrial relations policies released over the past few days by the Australian Labor Party. They do not take us back 8½ years; they in fact take us back about 25 years. At a time when the percentage of the private sector work force in this country who belong to trade unions has fallen to 17½ per cent—that is, 17½ per cent of people employed in the private sector now choose to belong to a trade union—the opposition want to hand over 100 per cent of the industrial relations laws of this country to the trade union movement.

We have seen over the last 8½ years the growth of the Australian economy. We have seen it put in a stellar performance in relation to employment growth, low inflation and productivity improvement. The productivity of the average worker in the market sector has increased by 23 per cent since 1996. Reforms to the waterfront have resulted in a 75 per cent improvement in the crane rates at our major ports. Industrial disputes have fallen from an average of 198 days lost per 1,000 employees under Labor to an average of 71 days lost under the coalition. This productivity performance has flowed through to real wages in the form of a 14 per cent increase in real wages since 1996, compared with a miserable 2.9 per cent in 13 years under the former government.

What is the response of the Labor Party to all of this? The response of the Labor Party to all of this is to say, ‘We may only represent 17½ per cent of the private sector work force who are trade unionists, but we’re going to hand over 100 per cent of the industrial relations system to the trade union movement.’ Under Labor’s policy, they are
going to abolish AWAs, give unions greater powers of entry, allow unlimited strike action without secret ballots, restrict the use of casual employment by attacking holiday and sick pay, remove the secondary boycott provisions from the Trade Practices Act, abolish junior rates of pay leading to the potential loss of hundreds of thousands of jobs for young Australians, expand the content and the role of awards, re-regulate the bargaining process and return to a system of industry wide pattern bargaining, introduce a federal payroll tax, drag independent contractors back into the industrial relations system, and give preference in awarding government contracts to firms that are union friendly.

It was best summarised by Access Economics, which has sometimes given economic advice to the Australian Labor Party. This is what Access Economics had to say:

At best, these changes could slow the pace of progress observed over the past decade. At worst, the policy changes proposed could undermine Australia’s ability to sustain strong productivity, jobs and economic growth.

Let me finish by reminding the House that one of the highlights of Australia’s international economic performance over the last two or three years was the signing of the giant 25-year $25 billion LNG contract with the Guangdong Province in China. This is an example of what we can do for the future and in the future. If there is one sector of the Australian economy that will be threatened perhaps more than any other by the return of an outdated industrial relations system, it is the resource sector. The growth of the resource sector has been underpinned by the expansion of individual contracts. The abolition of AWAs and a return to a union dominated industrial relations system at a federal level will do enormous damage to the international competitiveness of the Australian resource sector. I cannot understand the mentality of a political party that says it is interested in the future yet it wants to take us back 25 years when it comes to industrial relations.

**Intelligence: Weapons of Mass Destruction**

**Mr Latham** (2.12 p.m.)—My question is to the Prime Minister. I refer the Prime Minister to the unprecedented statement of 43 eminent Australians who have served the nation at the highest levels over the last 30 years, including many who have had senior appointments under conservative governments and including two who were members of the government’s foreign policy white paper advisory panel. I specifically refer to their conclusion that:

Australia has not become safer by invading and occupying Iraq and now has a higher profile as a terrorist target.

Prime Minister, as the elected leader of our nation, will you now take responsibility for having made the decisions which have made Australia a less safe place and a bigger terrorist target?

**Government members interjecting**—

**Mr Hockey** interjecting—

The **SPEAKER**—The minister for small business is currently denying the Prime Minister the call!

**Mr Howard**—In reply to the Leader of the Opposition, it is not unprecedented. I thought it happened in both Britain and America in the past 18 months. I would have thought the inspiration for this was as much what occurred in those two countries as elsewhere. Can I say on this issue generally that I respect fully the right of any Australian to disagree with the government, to attack the government, to attack the opposition.

**Mr Sidebottom** interjecting—

The **SPEAKER**—The member for Brad- don is warned!

**Mr Howard**—All of these people are now retired from service, as I understand it,
and they have a perfect right to make this statement. I am happy to engage the statement on the merits. I dealt previously with the issue of deception. I pointed out that somebody as authoritative as a former Labor defence minister—who I think, with respect, knows more about security matters than the Leader of the Opposition does—had pointed out that there had been no deception by the government. I reminded the House, and I remind the Leader of the Opposition, that 18 months ago the debate was not about whether Iraq had WMD; it was about what we were going to do about Iraq’s possession of the WMD. That was the debate 18 months ago.

The Leader of the Opposition has asked me about the question of accepting responsibility. I accept responsibility for all of the decisions taken by the government I lead—of course I do. I am ultimately accountable, as the Leader of the Opposition well knows, to the Australian people. And the Australian people, at some time in the not too distant future, will have an opportunity to decide who is better to be placed in charge of the nation’s affairs, be they economic or matters relating to national security. I will be very happy to answer before the bar of public opinion for what I have done in the position I have occupied over the last 8½ years.

I will take the opportunity of reminding the Leader of the Opposition that we will never allow the foreign policy of this country to be determined by terrorists. I remind the Leader of the Opposition that the world has changed a great deal since 11 September 2001. I would remind him of that but I would also remind those who penned that letter of those realities. With great respect to them, I would point out that 42 out of the 43 people who penned that letter had in fact retired from service long before 11 September 2001, and many of them had retired from service years before that particular event took place.

Honourable members interjecting—

The SPEAKER—Member for Oxley!

Mr Snowdon interjecting—

The SPEAKER—I warn the member for Lingiari!

DISTINGUISHED VISITORS

The SPEAKER (2.18 p.m.)—I inform the House that we have present in the gallery this afternoon members of a parliamentary delegation from the United Kingdom, who are representatives of the United Kingdom branch of the CPA. They are being led by the Rt Hon. Helen Liddell and they are accompanied by His Excellency the Rt Hon. Sir Alastair Goodlad, the High Commissioner of Great Britain in Australia. On behalf of all members of the House, I extend a warm welcome to our visitors.

Honourable members—Hear, hear!

QUESTIONS WITHOUT NOTICE

Finance: Housing

Mr TICEHURST (2.18 p.m.)—My question is addressed to the Treasurer. Will the Treasurer outline to the House data released today on housing finance commitments? What does this data indicate about the hou-
Is the Treasurer aware of any recent policies that may have had an effect on housing market conditions?

Mr Costello—I thank the honourable member for Dobell, and I acknowledge all of the wonderful work that he does for his constituents in that electorate. Today the Australian Bureau of Statistics released the housing finance commitments data for the month of June, which showed that the total value of housing finance fell 4.7 per cent and is 9.5 per cent lower over the course of the year. This is the fifth decline in the last eight months, and total housing finance is now 20 per cent lower than the peak in October 2003. In particular, the figures were led by a fall in housing finance for investor financing, which was down 8.8 per cent in June and is now 30.4 per cent lower than its peak in October last year.

As a consequence, we are beginning to see something show up in those figures that I have been warning of for some time—that unsustainable rises, particularly in investor financing, could not be continued. For the last 12 to 18 months the government has been warning that, as supply exceeds demand, you would see a correction in relation to that market. Indeed, as I have also said in the House, the government welcomes the fact that finance appears to be stabilising on a more sustainable base. The government has also indicated that it welcomes the fact that prices may well be plateauing. All of the available indicators show that house price growth in the first half of 2004 either moderated or declined slightly. Auction clearance rates have fallen sharply, and building approvals have fallen by around 13 per cent.

A consequence of all of this is that the proportion of first home buyers is rising. The number of loans to first home buyers has increased around 30 per cent since the trough of January 2004. From a low of 12.8 per cent, the finance data shows that first home buyers accounted for 14.4 per cent in June. So we are seeing first home buyers come back into the market and that proportion rising again. It still has quite a way to go to get back to historical levels, but it is rising from the trough.

In a situation where finance is turning down—particularly turning down in the investor area—one of the worst economic responses that you could possibly introduce would be a new tax on investor financing. Who would introduce a new tax on investor financing right at the time when investor financing has declined by 30.4 per cent from its peak in October? Who would introduce it? None other than the state Labor government of New South Wales under Premier Carr and Treasurer Egan, who blundered into this market precisely at the wrong time with a new exit tax on investors who are in the housing market in New South Wales. It illustrates the damage you can do if you are an incompetent government that does not understand an economic cycle.

Why do I raise that? I raise it for another reason. To my knowledge, the only person in this House who has previously advocated a capital gains tax on the family home is the member for Werriwa. I regret to inform the House that the member for Werriwa was, to my knowledge, the only person who has ever advocated the introduction of a capital gains tax on the family home. It was also the member for Werriwa in his celebrated first interview on the *Lateline* program who advocated revisiting negative gearing in the property market. It is true that it was the policy that lasted from *Lateline* to lunchtime, but it did actually take its place on that *Lateline* program.

The government has been saying for quite some time that it is important to bear in mind that a market that is growing at 20 or 30 per
cent is unsustainable and that what we needed was some sustainable plateauing of prices and development in relation to the housing cycle. We are now seeing the evidence of that come through. We are seeing it in market clearance, we are seeing it in loan approvals, we are seeing it in credit and we are seeing it in relation to construction. But this will take very careful management, and certainly not the kind of incompetent management we have seen practised by the New South Wales Labor government and advocated by the member for Werriwa. The economy is poised at a very delicate position. The Australia economy cannot afford mismanagement as it goes forward into these challenges.

**Intelligence: Weapons of Mass Destruction**

**Mr Latham (2.24 p.m.)—**My question is to the Prime Minister. I refer to his last answer and the fact that earlier today the Prime Minister issued a formal statement disagreeing with all of the assertions made by the 43 eminent Australians except for their claim that Australia has not become safer by invading and occupying Iraq and now has a higher profile as a terrorist target. Why didn’t the Prime Minister’s statement today even try to deny that claim? Will the Prime Minister now accept responsibility for the fact that Australia’s participation in the war in Iraq has increased the threat of terrorism to our country?

**Mr Howard—**Mr Speaker, can I just repeat—

**Government members interjecting—**

**The Speaker—**The Prime Minister has the call. He is currently being interrupted by the members for Barker, Blair and Deakin.

**Mr Howard—**I have already indicated the reasons why I regard the proposition put by the Leader of the Opposition and, indeed, the proposition put by the 43 signatories in relation to the terrorist threat as one that I do not support and I reject. In further support of that, let me quote a source that I do not always quote, but nonetheless he has had direct experience in relation to these matters. I refer in particular to a former head of the Department of Foreign Affairs and Trade and former chief of staff of the then Leader of the Opposition, Mr Michael Costello. Writing in the *Australian* in March of this year, Mr Costello called the debate suggesting that Iraq had made us a greater terrorist target absurd. He went on to say:

Our alliance with the US, indeed the very fact we are a western nation, made us one.

... ... ...

War has been declared on us by religious fanatics who are prepared to wage that war without limit.

The reality is that we are a target because of who we are and what we believe in, not for what we have done. That is the weakness in the reasoning of the Leader of the Opposition. It is the weakness in the reasoning, with great respect, of the 43 people whose signatures appended the declaration. By all means there will continue to be a debate in this country about the impact of our involvement in Iraq and the reasons for and against it. That is a proper part of the democratic process, but anybody who imagines that by some kind of weakness or nuancing of our foreign policy we can buy immunity from the wrath of terrorists in the future is deluding themselves. That seems to be the mentality that is advanced by the Leader of the Opposition. Many decades of history over the last 100 years have taught the world that if you seek some kind of immunity and some kind of solace in weakness and appeasement you end up paying an infinitely greater price for your weakness.

**Economy: Interest Rates**

**Mr Barresi (2.27 p.m.)—**My question is addressed to the Treasurer. Would the Treasurer inform the House of recent infor-
mation received in relation to interest rates? Are there any risks to Australia’s interest rate outlook?

Mr COSTELLO—I thank the honourable member for Deakin for his question. I can inform the House that today the Reserve Bank released its quarterly statement on monetary policy, setting out its view of Australia’s economic outlook and providing insight into monetary policy deliberations. Members of the House will know that, for eight consecutive months, monetary policy has been unchanged in Australia and the official cash rate is at 5 ¼ per cent. Today in its statement on monetary policy the Reserve Bank says:

Economic developments over recent months point to continued good growth of the Australian economy. The global upswing has maintained its momentum since the early part of the year and should provide an improving environment for Australian exporters. Business and consumer confidence are at high levels. At the same time, adjustment is occurring in the Australian housing market, which is no longer in the overheated condition seen at the end of last year.

As I indicated in response to the member for Dobell, we are now seeing the heat come out of the housing market—we are seeing it in clearance rates, in approvals, in construction and in credit. The Reserve Bank agrees with the government’s assessment that, as the global economy picks up, Australia’s exports should strengthen and that Australian consumer and business confidence remains strong in a growing economy based on low inflation. In fact, the Reserve Bank assesses the underlying inflation rate at around two per cent and actually forecasts that remaining at around 2 ½ per cent—the middle of the target band—until the end of 2005.

Over the last eight years, considerable progress has been made in relation to the Australian economy. Let me inform the House as to what some of that progress has been. Over the last eight years, inflation has averaged 2.4 per cent. That compares with inflation under 13 years of Labor government averaging 5.2 per cent—more than double.

Mr Danby interjecting—

The SPEAKER—The member for Melbourne Ports might serve the House and himself well if he ceased interjecting.

Mr COSTELLO—Over the last eight years, the home mortgage interest rate has been around seven per cent, compared with Labor’s average of 12 ¾ per cent, peaking at 17 per cent. If the home mortgage interest rate were to return to the Labor average, then people who are on the average new interest loan in Australia would be paying $960 per month extra. The risk of a return to Labor government would be another $960 a month. Let me make this point: that is post tax income, so that if you are on the top marginal rate you would have to be earning another $2,000 a month to be able to pay that in after-tax terms.

People often say to me: ‘Why was it that the Australian Labor Party averaged home mortgage interest rates at 12 ¾ per cent? Were they trying to have high mortgage interest rates? Was it some kind of policy?’ It was not that they deliberately targeted high interest rates; it was that Labor could not manage the Australian economy so as to keep interest rates low, and that was when they were led by people who had a modicum of economic responsibility—much more than the current member for Werriwa, if I may say so.

The risks to Australia’s economic management lie squarely in the election of a Labor government, and every Australian ought to know this. Labor stands for higher interest rates. Labor stood for 12 ¾ per cent average interest rates in the 13 years to 1996. Labor has $9.5 billion of spending promises on the
table as we speak, and Labor has still not released its tax policy. Labor promised its tax policy in the week of the budget—now three months ago. Every week that goes by is just another week where Labor attempts to con the Australian public without releasing the policy it has promised of tax cuts for all, more spending, an intergenerational fund and more left over at the end of it. That is not even a trifecta; it is a quaddie.

They now have a quaddie of commitments going out there: less tax, take in more; more spending, pay out more; intergenerational fund, invest more; and larger surplus, have more left over at the end of it. It is not even a trifecta: a quaddie of unbelievable promises, now coming in 13 weeks late. The reason, of course, that the quaddie has not come in yet is that this quaddie is unbelievable. It is an unbelievable series of promises which the Leader of the Opposition hides from the Australian public because he cannot take the scrutiny of the government and the press in relation to this matter. It is about time that he came clean.

Independent Speaker and Public Service

Mr Latham (2.33 p.m.)—My question is to the Prime Minister. I refer him to the unprecedented statement of 43 eminent Australians who have served the nation at the highest levels over the last 30 years, including two former chiefs of the Defence Force, three former chiefs of the Navy and Air Force, six former secretaries of government departments and 34 former ambassadors, high commissioners and diplomatic representatives. I refer the Prime Minister to their statement that ‘a re-elected Howard government or an elected Latham government must give priority to truth in government’. Will the Prime Minister now respond to this call by endorsing Labor’s plan for restoring the trust and confidence of the Australian people in our democracy by electing an independent Speaker who will be able to make rulings on whether or not a minister has misled the House, and by adopting Labor’s plan to re-establish an independent Public Service capable of giving fearless and frank advice?

Mr Howard—The flaw, if I may say so with the greatest of respect to those who penned the statement, in their reasoning, and therefore the flaw in the reasoning put forward by the Leader of the Opposition in his question, is that in relation to Iraq they have not established their case, because, to quote the words of Robert Ray—hardly a Liberal—the key question in relation to Iraq is whether the government deliberately set out to mislead the Australian people. I know the Labor Party may find this a bit awkward, but he in fact said in that interview that I quoted: ‘Well, the key question is were they deliberately misled. I believe not.’

You may go on to say that the intelligence was flawed, with the benefit of hindsight. You may go on to say that some of the intelligence was limited and ambiguous, but on the key question of deceit, of dishonesty, you have Senator Ray saying the Australian public were not misled.

I accept fully the right of these 43 people to express their views. They represent a range of people of different experiences. A number of them are habitual critics of the government, but I would not say that in relation to numbers of the others. I do not seek in any way to attack them personally. I am dealing with the merits, and on the merits they are wrong. I am not going to cop a charge of dishonesty against me or against my government and I am not going to cop lectures from the Leader of the Opposition about ethics and truth in government unless the Leader of the Opposition establishes a case. He is basing his question on the claim made by these 43 people. I say to them, through you, Mr Speaker: where is the evidence of
the government having deliberately misled the Australian people? There is none. To quote the words of the British Prime Minister, who faced a similar charge in the House of Commons after he had his inquiry: there were no lies and there was no deceit.

The argument that I took this country to war based on a lie is itself a lie. There has been no evidence produced. The Leader of the Opposition, quite frankly, today has not been able to produce any evidence to support the claim. The Flood inquiry exonerated the government of heavying the intelligence agency, and the Jull inquiry exonerated the government. The shadow foreign minister—the bloke sitting next to the member for Lilley at the present time—was the very person who put it on the line before the Iraq invasion began when he declared, addressing the State Zionist Council of Victoria, that it was an empirical fact that Iraq had weapons of mass destruction. That was Rudd’s view. Indeed, Flood pointed out that there was only one government in the world that believed at the time that Iraq did not have weapons of mass destruction, and that was the government of Saddam Hussein. The argument 18 months ago was not whether Iraq had WMD; the argument 18 months ago was what you were going to do about it. There were those in the Labor Party who wanted to do something and there were those in the Labor Party who wanted to sit on their hands and do nothing. If action had not been taken by the coalition of the willing, then Saddam Hussein would still be running Iraq. Let me return the fire to the Leader of the Opposition and say to him—

*Mr Cameron Thompson interjecting—*

The SPEAKER—The member for Blair is warned!

*Mr Howard—* is he prepared to accept responsibility for the fact that, if his party’s policy had been followed, Saddam Hussein would still be the dictator of Iraq? That is the burden of the responsibility that he carries. I will answer questions about independent Speakers if the Leader of the Opposition can establish a case that we misled the Australian people in relation to Iraq. The 43 have not done so, nor has the Leader of the Opposition.

**Trade: Exports**

*Mr Neville (2.39 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 contribution that the government’s industrial relations policy has made to improving Australia’s export performance? I speak in particular with regard to the waterfront. Are there any alternative policies?

*Mr Anderson*—I thank the honourable member for Hinkler for his question. I respond by asking a rhetorical question: what was the penultimate example of Australia’s industrial relations weaknesses when we came to government in the mid-1990s? It was the waterfront. It was held up here and internationally as a laughing stock, something that held Australia back and was symptomatic of a deep industrial relations malaise. Between the end of the war and 1995 or so, there were an astonishing 39 inquiries into waterfront productivity in Australia and no one had succeeded in fixing it.

Of course, the greatest failure to fix it was in fact WIRA, the Labor government’s attempt to fix it cooperatively. It resulted in nothing but the lining of the pockets of some well-known Labor mates who got some expensive consultancies out of it. We as a government have delivered in this area where the Labor Party not only said we could not deliver but also failed so abysmally themselves. They said that it was un-Australian to expect us to be able to move 25 containers an hour
across our major ports on average when we were stuck, under their regime, at something around 15. We have exceeded our own target for 13 quarters in a row.

We now know beyond all doubt, thanks to the member for Rankin, that the claim that I have often made about the member for Batman—that he wants to give control of the waterfront back to the MUA—is undoubtedly the case. How do we know that it is the case? It is because of the sleight of hand that the Labor Party uses. On the one hand they profess to oppose secondary boycott activity but then, on the other hand, they say that they are going to pull it out of the Trade Practices Act and put it back into the industrial relations legislation. That is a sleight of hand. It hides their real objective, which, amongst other things, is to give the Australian waterfront—which has been so improved, has so helped our exports and has so undergirded more and better paid jobs, not just on the waterfront but also in the export sector—back to the MUA. Employers, the Labor Party, the Leader of the Opposition and the unions all know that the major deterrent preventing secondary boycotts in this country is the power that the ACCC has both to discover boycott activity and to impose hefty fines on it. The Industrial Relations Commission has no such powers—and the member for Rankin knows that—nor does it have the capacity to impose the sorts of fines that the ACCC can impose.

It ought to be remembered by industry and exporters that, without those powers being exercised by the ACCC, we would not have got waterfront reform in this country to the great benefit of the nation. It ought to be remembered that it was not the national interest that stopped the MUA imposing secondary boycotts when we were going through that reform process, and it will not be in the future either; it was then the threat of being slapped with $750,000 fines by the ACCC, just as it needs to be in the future.

The Labor Party says that it opposes secondary boycotts and that it will retain protection for businesses from boycott action, but it is going to remove the regulator and the deterrent. The outcome is quite obvious. What the Labor Party is really doing, of course, is the bidding of its union masters. The question has to be asked: why does the Labor Party want to give the waterfront back to the MUA? The answer is: because the union movement wants it. The only assertion that can be drawn out of this is that the Labor Party wants fewer Australian jobs and lower paid Australian jobs so that it can restore the power of the unions. That is not only naive; it is a disgrace.

**DISTINGUISHED VISITORS**

The Speaker (2.44 p.m.)—I inform the House that we have present in the gallery this afternoon members of a delegation from the United States of America who are visiting Australia under the auspices of the Australian Political Exchange Council. On behalf of all members of the House, I extend a warm welcome to our guests.

Honourable members—Hear, hear!

**QUESTIONS WITHOUT NOTICE**

Herron, Senator the Hon. John:

Appointment

Mr Rudd (2.44 p.m.)—My question is to the Prime Minister. Will the Prime Minister confirm that, as reported in the Australian on 7 August, the Australian government sought and received the approval of the Ca-
nadian government to the appointment of Senator John Herron as High Commissioner to Ottawa some nine months prior to him contesting the 2001 federal election? Does the Prime Minister also recall his spokesman saying in November 2001 on behalf of the Prime Minister, in response to rumours about the appointment of the newly elected Senator John Herron as Ambassador to Ireland, that there was nothing to it? Is it not a fact that Senator Herron resigned his Senate position just nine days into his new term to take up the ambassadorial post? Is this not another case of the Prime Minister misleading the Australian people?

Mr HOWARD—Let me say in direct reply that I have not misled the Australian people. Beyond that, the only other thing I would like to say is that I think John Herron is doing a wonderful job representing the Australian people in Ireland and at the Holy See.

Workplace Relations: Policy

Mr BAIRD (2.46 p.m.)—My question is addressed to the Minister for Employment and Workplace Relations. Is the minister aware of any comments about alternative workplace relations policies that would re-regulate the Australian work force? What is the government’s response?

Mr ANDREWS—I thank the member for Cook for his question, and indicate to him and to the House that last Friday the member for Rankin released the Australian Labor Party’s industrial relations policy. One person was missing from the release of that important policy. The person who was nowhere to be seen when this important economic policy for Australia was released was, of course, the Leader of the Opposition. The Leader of the Opposition misleads the Australian public when he says that this policy will not affect flexibility and productivity in Australia, as he claimed yesterday. As business and many Australians know, this policy would be a disaster for job creation and productivity. What we have in this policy is a plan to do a number of things, including the reintroduction of comprehensive and prescriptive awards in Australia, returning us to 500-page awards and awards that seek to regulate every minute of every day of workers in Australia.

Let me take an example, because the member for Rankin says, ‘This policy would be based on what we have in New South Wales and Queensland.’ I was looking through some awards in New South Wales and Queensland and I came across the New South Wales pastoral employees state award. This award contains, in part of its minutiae, such detail for the menu for pastoral workers as items including peas—split and blue—tapioca or sago, suet, cream of tartar and dripping. This is the menu for pastoral workers in New South Wales. It has the sort of detail—the mind-numbing, productivity sapping detail—that the member for Rankin and the Leader of the Opposition want to return to all awards in Australia. Then there is the provision about smoko lunches. It says that where the shearing shed is within 229 metres walking distance from the kitchen, smoko lunches are to be held in the shed. What we are going to have right around Australia is managers of farms measuring out whether the shearing shed is 229 metres or 230 metres from the kitchen.

Ms Jackson interjecting—

The SPEAKER—The member for Hasluck is warned!

Mr ANDREWS—This is the sort of mind-numbing, productivity sapping detail which the Leader of the Opposition and the Labor Party want returned to awards throughout Australia. There is a deception at the heart of the Labor Party’s policy, because the member for Rankin says, ‘Oh, but the
Labor Party in government would not introduce these provisions into awards.

Mr Anderson—No, it would not have to.

Mr ANDREWS—No, it does not have to, as the Deputy Prime Minister says. It just puts the provisions in place so that trade unions around Australia can do what we have see in the pastoral award—that is, introduce all this sort of minute detail into awards.

Mr Brendan O’Connor interjecting—

The SPEAKER—The member for Burke! The Speaker has views of unfair dismissal of his own.

Mr ANDREWS—On top of that, we know the member for Rankin and the Labor Party say that the sky is the limit as far as allowable matters in awards in Australia are concerned. No wonder there has been commentary in the newspapers in the last couple of days about these policies. The editorial in the Weekend Australian on Saturday stated:

... the overall impact of Dr Emerson’s plan would be alarming. His idea is to re-regulate the workforce by creating a system where the industrial courts can decide on all sorts of issues beyond the basics of wages and conditions and to give unions the chance to represent workers, regardless of whether their help is wanted or not. Dr Emerson says industrial courts would only get involved in intractable disputes, but—

as the editorial writer points out—

these are easily manufactured.

In today’s Financial Review, amongst other things, the editorial says:

Jobless people are virtually airbrushed from Labor’s policy, which pretends that labour market regulation exists in isolation from other policies.

The editorial goes on to say:

And Labor hasn’t explained why we should put any of our gains in workplace flexibility at risk at a time when competitiveness is only going to intensify ... unless it’s to keep faith with the unions, which pay most of Labor’s bills.

Why do we have this job-destroying, regressive, centralised policy from the Australian Labor Party? There are 40 million reasons why—that is, this is a policy written by the union bosses for the union bosses in repayment of the $40 million which they have donated to the Australian Labor Party over the last eight years. This is a job-destroying policy which adds up to the same economic credentials of the Leader of the Opposition, who will not release his economic policy but who, as far as workplace relations is concerned, is not interested in the jobs of ordinary Australians.

Education: University Fees

Ms MACKLIN (2.52 p.m.)—My question is to the Prime Minister. I refer to the statement by 43 eminent Australians that concludes that it is ‘wrong and dangerous for our elected representatives to mislead the Australian people’. I also refer to the Prime Minister’s promise to the House:

There will be no $100,000 university fees under this government.

Later, on radio, the Prime Minister said:

... I can guarantee we’re not going to have $100,000 university degree courses.

Isn’t this another case of the Prime Minister misleading the Australian people?

Mr HOWARD—I do not have the advantage—

Mr Latham—It is in the Hansard!

Mr HOWARD—I do not have the advantage of having the Hansard with me, but, as always when I am asked a question of this kind, I will check the recollection of the interrogator before I commit myself finally. But my recollection was that that was in the context of HECS funded places and that nobody was going to be forced to pay. The Deputy Leader of the Opposition is running around this country deliberately spreading the proposition that a normal university de-
degree is going to cost $100,000. She wants everybody to believe that. She is dishonestly representing to the Australian public that an ordinary degree will cost $100,000. Is there any person on this side of the House who doubts that that is the purpose of what the Deputy Leader of the Opposition is doing?

Yet she knows that, hand in glove with the changes that we have made to allow people to pay full fees, we are going to increase the number of HECS places. The Deputy Leader of the Opposition, and indeed the Leader of the Opposition, know full well that the charge that normal degrees are going to become $100,000 is itself a misrepresentation of the position. So, far from the Deputy Leader of the Opposition bringing me to account for misleading the Australian people, I bring the Deputy Leader of the Opposition to account for misleading the Australian people.

The changes that we have introduced are sensible reforms to the university system in this country. There will be more HECS funded places. There will be the same opportunities given to Australians to have fully funded degrees. There will be loans available. If the policies announced so far by the Deputy Leader of the Opposition are introduced, they will impose very severe financial constraints on quite a number of Australia’s universities, a fact already attested to by the vice-chancellors of the universities. I reject the false, dishonest claim contained in the question of the Deputy Leader of the Opposition. It is she who is being dishonest with the Australian people.

Small Business: Labour Market Reforms

Mrs GASH (2.56 p.m.)—My question is addressed to the Minister for Small Business and Tourism. Would the minister update the House on how the federal government has increased flexibility in the workplace and reduced the compliance burden on small business? Is the minister aware of any alternative policies?

Mr HOCKEY—I thank the member for Gilmore for her question, noting that she ran a very successful small business before coming into this place, employing many young Australians in particular. The member for Gilmore has real experience and understands how important it is to have a flexible workplace relations system. The initiatives of the Liberal-National government in initiating simplified awards, introducing Australian workplace agreements, putting in place secondary boycott protection in the Trade Practices Act and introducing freedom of association have all contributed to a stronger economy, better profits and, significantly, greater flexibility in the workplace, particularly for small business.

I am asked about concerns. I did become a little concerned when the member for Rankin released a policy on Friday. It was good enough for the Leader of the Opposition to turn up to a book launch last week, but he did not turn up to the launch of his own industrial relations policy. I asked myself: why would he do that? Why would he go to a book launch but not go to the launch of one of his key policies? When we started to peel away the Labor Party’s industrial relations policy, we got a better feel for what it means for small business. For example, casual employees will have the right to demand a permanent position. It is still unclear in the Labor Party’s policy after how many weeks a casual employee will be able to demand a permanent position. The ACTU says two weeks. The Labor Party had no detail in their policy, surprisingly enough.

The Labor Party say small businesses will have to keep a position for parents returning to the workplace on a part-time basis for up to five years. They are taking out the secondary boycott protection in the Trade Prac-
tices Act. The Labor Party’s policy says that union officials will have a right to enter all businesses. Of course, overarching all this, the Labor Party’s policy is bringing to the table the trade union movement in any negotiation between an employer and an employee. The member for Hotham—the very well tanned member for Hotham, who has perhaps been on holidays, maybe to St Helena—

The SPEAKER—The Minister for Small Business and Tourism will come to the question.

Mr HOCKEY—The member for Hotham says it is sensible policy to send any dispute between an employer and an employee off to the Industrial Relations Commission. Let us look at what it is going to cost every small business to resolve a dispute with an employee if they go to the Industrial Relations Commission. Step 1: lodging paperwork seeking an exemption will cost at least $500 to $1,000. If they are going to seek further advice in relation to any initial conference it could cost up to a further $2,000. If they have full arbitration it could cost up to between $3,000 and $5,000 per day at the IRC. So, any small business that wants to resolve a dispute in relation to casual employment versus permanent part-time or in relation to the role of a union entering the workplace, goes off to the IRC and it costs $2,000.

The catch in all of this is that the Labor Party knows that whenever there is an unfair dismissal dispute many small businesses are paying ‘go away’ money to the employee rather than having to carry the enormous cost of legal representation and taking the matter to the IRC or even beyond that. So in a very sneaky way the Labor Party is hoping that this will go under the radar of 1.1 million small businesses. Between now and polling day, we are going to do everything we can to bring to the attention of Australia’s small businesses the Labor Party’s industrial relations policy. That policy takes away flexibility; it reduces the real wages of employees. Significantly, the Labor Party’s industrial relations policy is bad for employees and it is bad for business.

Trade: Free Trade Agreement

Mr LATHAM (3.01 p.m.)—My question is to the Prime Minister. Given the threat of expensive medicines arising from the government’s FTA with the United States, will the government now support Labor’s amendments in the Senate to establish a new certification process for patent pharmaceutical companies, with penalties of up to $10 million and enhanced damages for generic companies, the Commonwealth, states and territories, as an effective deterrent against invalid patent claims, patents granted and court action aimed at evergreening? Will the government support Labor’s policy to protect the PBS and ensure that Australians have access to cheaper medicines?

Mr HOWARD—I thank the Leader of the Opposition for raising this issue. I have three comments to make. The first is that I have not seen the amendments yet. I do not think anybody has. Let me say that I will be very happy, when I do see the amendments, to have a look at them and to communicate to the parliament what the government’s attitude might be.

Mr Latham—He just told me he had seen them.

Mr HOWARD—Hello! He’s getting a bit interjective.

The SPEAKER—The Prime Minister will address the question, and the Leader of the Opposition will recognise standing order 55.

Mr HOWARD—Yes, he is, just a little bit. This is interesting. This is very interesting. Secondly, and more importantly, the
basis of the question asked by the Leader of the Opposition is wrong. At no stage have we agreed to anything with the Americans that will in any way weaken the Pharmaceutical Benefits Scheme. At no stage have we agreed to anything with the Americans that would make it harder for generic drugs to come onto the market. The whole of the argument put forward by the Leader of the Opposition over the last week has been a complete smokescreen.

The third thing is that it appears that Tuesday’s child has been abandoned. When he announced that he needed these amendments, what the Leader of the Opposition said was that he wanted to stop dodgy patent claims. Bodgie, dodgy, shonky, sporadic or invalid—whatever you like—a patent claim speaks of a claim which is made to register a patent. I search in vain in this document entitled ‘ALP News Statements’, which purportedly describes the amendments to be put forward by the opposition but does not contain the text of those amendments—

Mr Latham—You said you hadn’t seen them; now you have.

Mr Howard—Interjecting again! This is an amendment, is it? This is ‘ALP News Statements’. It says:
The three amendments Labor will move in the Senate are to—
Not ‘this is the text of the amendments’. I search in vain.

Opposition members interjecting—

Mr Howard—Oh, they have amendments and amendments. What I am saying to the Leader of the Opposition is that when we see the text of the amendments in the Senate then we will give a reaction. But from the description that has been given by the Leader of the Opposition, Tuesday’s child has been abandoned and Thursday’s child has been adopted. Tuesday’s child was all about penalising shonky patent claims. On the Today show, with Tracy Grimshaw, we stopped talking about dodgy patent claims because we had been told that that was said in ignorance of how the law operated, and we are now talking about imposing penalties on companies that take out improper litigation in order to stop generic drugs coming onto the market—a vastly different proposition. At least we are making progress. We are making a little bit of progress and along the way the Leader of the Opposition is learning a little bit about the patent law of this country.

We will have a look at the amendment when we finally see it. I point out that it is now 3.05 on Monday afternoon and we were told about this amendment at about 12.30 last Tuesday. We still do not have the text of the amendment, but at least we have an outline. That outline indicates that the Leader of the Opposition has shifted his ground big time since Tuesday. I welcome that, because it is in everybody’s interest to have the free trade agreement passed. As I said on Friday, getting this free trade agreement passed is more important than any temporary political advantage for me or for the Leader of the Opposition.

I would simply say this: this government have fought long and hard for this free trade agreement. We are very proud of what has been done by this government to get the free trade agreement. I place on record my great thanks to the Minister for Trade in particular for the tremendous work that he has done in order to secure the free trade agreement. Everybody who is the least bit objective in observing this debate knows that there is only one side of politics that could have negotiated a free trade agreement with the United States, and that is the Liberal and National parties. It would never have happened under a Labor government led by the current Leader of the Opposition.
Intelligence: Weapons of Mass Destruction

**Dr SOUTHCOTT** (3.07 p.m.)—My question is addressed to the Minister for Foreign Affairs. Has the minister seen criticism of the government’s decision to participate in the overthrow of Saddam Hussein’s regime? Does the government stand by its decision? Are there any alternative views?

**Mr DOWNER**—I thank the honourable member for Boothby for his question. The honourable member for Boothby does an excellent job and, like all members on this side of the House, he wanted to see the back of Saddam Hussein’s regime. Whatever some former military officers and diplomats may say—and I am aware of a statement that the Prime Minister has been talking about that has been signed by some of these people, a number of whom are well-known and trenchant critics of the government, and have been since 1996—

**Mr Brendan O’Connor interjecting**—

**The SPEAKER**—The member for Shortland is warned!

**Mr DOWNER**—the fact is that we do not regret for one minute the decision we took to contribute to the overthrow of Saddam Hussein’s regime. It was absolutely the right thing for Australia to do and for the coalition to do. You can stack up on one side of the ledger the opinions of the Leader of the Opposition and of the 43 people who signed some letter and of whoever it may be, but I put it to the House that, on the other side of the ledger, you should have another group of people: the people of Iraq. The people of Iraq do not agree with those people in Australia who think they would be better off under Saddam Hussein’s regime. The people of Iraq do not think that. Whatever differences they may have and whatever problems there may be in Iraq, the people of Iraq are very glad that Saddam Hussein’s regime has gone.

**Ms Hall interjecting**—

**Mr DOWNER**—We have not cut and run. We still have some ADF personnel there. We on this side of the House are proud of the fact that an Australian C130 flew 48 Iraqi athletes out of Baghdad on their way to the Athens Olympics. Iraq had a team at the last Olympics, in Sydney. There were four members in that team, all of whom were, of course, answerable to Saddam Hussein’s son, Uday. Iraqis are delighted that Saddam Hussein’s regime has gone.

There was no argument before the war in Iraq about whether Saddam Hussein had weapons of mass destruction.

**Ms Hall interjecting**—

**The SPEAKER**—The member for Shortland is warned!

**Mr DOWNER**—After all, if the international community—and I do not just mean the British, the Americans and the Australians—did not think, before the war began on 17 March 2003, that Saddam Hussein had weapons of mass destruction, why would the Security Council have passed unanimously resolution 1441? Why would the United Nations have sent inspectors back into Iraq? They did not send inspectors back to Iraq because they did not think Iraq had weapons of mass destruction. They are not threatening to send inspectors into Samoa or Fiji. They sent them into Iraq for a perfectly good reason.

Another former diplomat, Phillip Flood, produced a report after going through all the evidence. In his case, it was not just an opinion; he went through all the evidence. In his report, Mr Flood said:

…the only government in the world that claimed Iraq was not working on, and did not have, biological and chemical weapons or prohibited missile systems was the Government of Saddam Hussein.

That is what Mr Flood said after he had been through all the information. He went on to
say that proving the obverse conclusion—in other words, that Iraq had no weapons of mass destruction—‘would have been a much more difficult conclusion to substantiate’.

The Prime Minister quoted Michael Costello, another former secretary of the Department of Foreign Affairs and Trade. Mr Costello was chief of staff to the Leader of the Opposition, and he stood for Labor Party preselection for the seat of Lowe, I think. It is not as though he is a fellow traveller of the Liberal Party; he often attacks the Liberal Party. On radio this morning, Mr Costello said, ‘It is not sustainable to say the government deceived people over the question of weapons of mass destruction.’

The Prime Minister has quoted General Gratton saying in 2002 that the world would be a better place if Iraq did not have weapons of mass destruction. I will quote two other sources. The first is the former United Nations inspector and former diplomat, Mr Richard Butler, now Governor of Tasmania. He is somebody who, I believe, is a close friend of the Leader of the Opposition. I understand that Mr Butler and the Leader of the Opposition are very close friends. There is no point in laughing. You cannot get away from it: he is a close friend of yours. On 15 April 2003, Mr Butler said: ‘Do weapons of mass destruction exist in Iraq? No question.’ Mr Butler was one of the primary advocates of the fact that Iraq had weapons of mass destruction.

Mr Rudd interjecting—

Mr DOWNER—The member for Griffith interjects, as usual. He has been warned, by the way. The Labor Party’s basic charge is that, before the overthrow of Saddam Hussein’s regime, we had said that Iraq had weapons of mass destruction and, in doing so, we misled the Australian people and therefore we are somehow culpable. But the Labor Party, I am sorry to reveal to the House, did exactly the same thing. On 15 October 2002, the member for Griffith told the Zionist Council of Victoria:

Saddam Hussein possesses weapons of mass destruction. That is a matter of empirical fact.

You cannot have the argument both ways. You cannot argue that we are being dishonest for saying that, having said it yourself. The member for Griffith, the Leader of the Opposition and all their fellow travellers made the argument that Iraq had weapons of mass destruction but that it was not worth getting rid of Saddam Hussein; it was not worth the effort. We disagreed on that point. Not only do we think that it was worth the effort; the Iraqis also agree with us—the Iraqis themselves are very glad that someone came to the party, had the courage to stand up to Saddam Hussein’s regime and threw it out.

Trade: Free Trade Agreement

Mr LATHAM (3.14 p.m.)—My question is to the Minister for Trade. Is the minister aware of the concerns of lawyers and academic experts that the wording of the FTA text in relation to pharmaceutical patent claims is inconsistent with the wording of the FTA enabling legislation and that this could result in an appeal mechanism by the United States to further facilitate evergreening practices in Australia? Can the minister assure the House that under these circumstances there will be no changes to existing Australian laws that would further encourage evergreening and weaken the availability of affordable medicines for Australians?

Mr VAILE—I thank the Leader of the Opposition for his question. There has been a lot of discussion and commentary in the media about the whole process of how well the government have protected the PBS in the free trade agreement.

Ms Burke interjecting—

The SPEAKER—I warn the member for Chisholm!
Mr VAILE—In making that abundantly clear to the Australian people, we have identified a very salient point—that is, as part of the enabling legislation, there was no need to change any aspect of the PBS legislation, to add extra belts and braces to it, because it had been protected as far as the free trade agreement was concerned. The Leader of the Opposition has gone off on this issue of evergreening, which does take place in the United States, but it does not take place in Australia. I note that a press release has come out today in terms of the amendments that the Labor Party is proposing, which we are going to have a look at. But the legislation that the government have presented to this House—and it has been voted on by this House and is currently being debated in the Senate—will implement the free trade agreement. Also, the government are clearly of the view that this legislation absolutely protects the Pharmaceutical Benefits Scheme.

Trade: Free Trade Agreement

Mr BALDWIN (3.16 p.m.)—My question is addressed to the Minister for Trade. Would the minister detail to the House the benefits of the free trade agreement? Are there any alternative policies?

Mr VAILE—I thank the member for Paterson for his question. All along the member for Paterson has taken a very keen interest in the whole process of the free trade agreement.

Opposition members interjecting—

Mr VAILE—He just wants to be able to reassure his constituents that they are going to receive the benefits of this agreement when it enters into force on 1 January 2005. All things being equal, it should pass the Senate this week, so it will be approved by the parliament. Last week, after five months of debate in the public arena and in this parliament, we saw the Labor Party finally acknowledge that this agreement is in the national interest. Following the caucus meeting last week, the Leader of the Opposition and his trade spokesman issued a press statement. Attachment C of that release was headed: ‘How the Australia-US free trade agreement passes the national interest test’. It listed subheadings: ‘Lowering manufacturing tariffs’, meaning in the United States; ‘Improved agricultural access’; ‘Access to government procurement contracts’; ‘Greater service skills recognition’; and ‘More foreign investment’. That is from a Labor Party document, not a government document. That was released last week. That is exactly what we have been saying since we negotiated and concluded this agreement in January-February this year.

When that statement was made, the Leader of the Opposition put qualifications on the Labor Party’s support for the agreement going through the parliament. He forewarned that the Labor Party would be moving amendments to seek certain assurances from the government with regard to the Pharmaceutical Benefits Scheme and the audiovisual sector. We have dealt with one of those, and today we see by press release the Labor Party’s suggested amendments—we have not seen the actual amendments yet—to make safer, in their view, the Pharmaceutical Benefits Scheme. In our view, the legislation does not need anything more than what is already in it to secure the future of the Pharmaceutical Benefits Scheme.

A very important point to make is that from Tuesday until today the position of the Labor Party has shifted. Last Tuesday they wanted amendments to patent law so that someone lodging a patent application that was regarded as spurious or dodgy could automatically be hit with a heavy penalty, and today—and I am reading from the press release—the Labor Party’s amendments would:
Require patent holding companies to issue a certificate when they seek to use the courts to block cheaper generic drugs coming to market. Patent companies will be required to certify that the legal action has been commenced in good faith ... That is not about applying for a patent; that is not about getting into a position where a patent is pending; that is not about a patent application that might be used to block a generic drug; that is not about spurious patent applications; it is about the certification process when you get to the courts to take out an injunction against a generic drug company. We welcome the fact that at last the Labor Party has sought legal advice and has drafted these amendments. We will have a look at them and respond in due course.

In response to the Leader of the Opposition’s questions about the access of generic drugs to the market, Mr Elmo de Alwis, the CEO of Australia’s largest generic drug manufacturer, Sigma, said on the Business Sunday program that the FTA strengthens the PBS. He said:

I don’t think that there is a big downside to the PBS, I think it strengthens the PBS.

That is the industry—the largest generic drug manufacturer in Australia—saying that. In conclusion, we have argued long and hard that this agreement is in the national interest. It is good to see that the Labor Party has now agreed that it is in the national interest, and we look forward to their support for it.

**Trade: Free Trade Agreement**

**Mr LATHAM** (3.21 p.m.)—My question is to the Minister for Health and Ageing. Does the minister concede that the government’s new certification process and criminal penalties in the FTA enabling legislation for generic drug companies impose an unacceptably high test and barrier to these companies bringing their products to market? Will the government now support Labor’s Senate amendments to impose a more reasonable test on the accuracy of these certificates concerning the status of patents, thereby ensuring that the generic companies have a fair chance of supplying affordable medicines to the Australian people?

**Mr ABBOTT**—I certainly do not concede that the certification proposals in the free trade agreement are a problem. I do not concede that at all. It is only today that the Labor Party seem to have a problem with these. Before, it was always about dodgy patent applications. It is only now that they have suddenly started to talk about the notification provision. Let me quote—as did my distinguished colleague the Minister for Trade—the chief executive of Sigma, the largest generic company in Australia, who said that he did not believe that the trade deal would:

... make it easier for drug companies to create bodgy patent applications. Any amendments that are brought in to close off loopholes are a good thing—

and now he is talking about Labor—

but, in this particular case, I do not necessarily know that this is a loophole. Evergreening is really nothing to do with the free trade agreement. Sigma’s view is that the Pharmaceutical Benefits Scheme is not going to be impacted negatively as a result of this.

The free trade agreement negotiated by this government is a good agreement. It is good for our economy, it is good for our consumers, and it is good for our PBS.

Let me make it very clear to members opposite who have been spreading misleading statements, misinformation and downright lies about the PBS for the best part of six months: prices to consumers will not go up; the Pharmaceutical Benefits Scheme legislation will not change; the mechanisms for getting drugs onto the PBS are not affected at all; and cost-effectiveness remains the test for the listing of drugs. The PBS is a great scheme. It is being fully protected by this
government as part of the free trade agreement and the sooner the legislation is passed the better for everyone.

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

QUESTIONS TO THE SPEAKER

Department of Parliamentary Services

Mr LEO McLEAY (3.22 p.m.)—Mr Speaker, you might recall that on 3 June this year I asked you a question about the Deputy Secretary of the Department of Parliamentary Services, a position with a salary package of about $200,000. You were kind enough to write and reply to me on 15 June and, among other things, indicated that this position and a similar position of parliamentary librarian would be advertised together. Could you advise the House whether it is the intention of the Presiding Officers that these two very highly remunerated positions be filled prior to the election?

The SPEAKER—I respond to the member for Watson by saying that it is my intention that the position should be filled whenever the Secretary of the Department of Parliamentary Services considers it appropriate.

Mr LEO McLEAY—Further to your answer, is there a time frame involved at present for the filling of these two positions?

The SPEAKER—In response to the member for Watson’s question, I have no time frame in mind as a presiding officer. Particularly in the case of the deputy secretary, it is a position to be filled by the secretary of the department.

Mr LEO McLEAY—Will you inquire and report to the House whether there is a time frame involved?

The SPEAKER—I will follow up the matter for the member for Watson and report back to him or the House—one or the other—as appropriate.

PERSONAL EXPLANATIONS

Ms GILLARD (Lalor) (3.26 p.m.)—Mr Speaker, I wish to make a personal explanation.

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

Ms GILLARD—Yes.

The SPEAKER—Please proceed.

Ms GILLARD—On the Channel Nine Sunday show yesterday, the Minister for Health and Ageing said:

Julia Gillard is on the record on numerous occasions wanting to collapse the PBS and the Medicare benefits schedule, and the aged care funding, into one giant health pot that will be spent in accordance with the whim of the bureaucrats.

This statement is completely and wholly untrue. I have never made such a statement, and I seek leave to table my media release about the matter, entitled ‘Tony Abbott and the truth: complete strangers’.

Leave granted.

PETITIONS

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

Education: Funding

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

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

A well funded Public Education system is vital to the maintenance of a fair and democratic Australian society.

We need our public schools to be well resourced. This requires the Federal Government to provide a fairer model for funding Australian schools.

Your petitioners therefore ask the House to:

Ensure that the funding policies of the Commonwealth Government are reformed to provide increased and fairer funding for public schools.
Immigration: Asylum Seekers

To the Honourable the Speaker and the Members of the House of Representatives in Parliament 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 inhumane 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 St Peters’ and St James’ Anglican Church, Kilsyth-Montrose, Vic 3157, petition the House of Representatives in support of the above mentioned Motion.

AND we, as in duty bound will ever pray.

by Mr King (from 9 citizens)

Immigration: Asylum Seekers

To the Honourable the Speaker and Members of the House of Representatives in Parliament 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 inhumane 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 St Matthew’s Anglican Church East Geelong, Vic 3219, petition the House of Representatives in support of the above mentioned Motion.

AND we, as in duty bound will ever pray.

by Mr Gavan O’Connor (from 42 citizens)
Sydney resident David Liang, father of two, was shot in both feet only hours after he and eight other Australians arrived in South Africa to file a lawsuit against Chinese officials who were visiting South Africa.

This proposed lawsuit charged China’s Vice President Zeng and Minister of Commerce Bo with torture, genocide and crimes against humanity, committed according to Jiang Zemin’s personally stated policies regarding Falun Gong to “Ruin their reputations, bankrupt them financially and destroy them physically,” as well as, “Killing them won’t matter because their deaths will be counted as suicides.” Zeng and Bo have been served with lawsuits during previous overseas visits for their pivotal role in prolonging the persecution of Falun Gong in China.

South African Police are investigating the incident as attempted murder against an Australian. Australians Terrorised

Falun Gong practitioners have long been the victims of discrimination, harassment and assault from Chinese officials on Australian soil and worldwide. A known “blacklist” has been circulated to prevent Falun Gong practitioners travelling overseas. This incident in South Africa is the most severe case to date and marks a new level of violence in the persecution of Falun Gong practitioners outside of China.

YOUR PETITIONERS THEREFORE REQUEST THE HOUSE TO:

(1) Pay close attention to the safety of Australians, including Falun Gong practitioners, who face terrorist attacks by Jiang Zemin’s faction within the Chinese Government to help prevent such terrorist activities.

(2) Co-operate with authorities in South Africa to thoroughly investigate this incident and bring to justice those responsible for this attempted murder.

(3) Condemn the acts of terrorism by Jiang Zemin’s faction against Falun Gong practitioners both inside and outside of China.

by Ms Hall (from 209 citizens)
by Ms Ley (from 134 citizens)
by Mr McMullan (from 420 citizens)

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Human Rights: Falun Gong

To the Honourable the 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: Sydney resident David Liang, father of two, arrived in South Africa on 28th June 2004 to file a lawsuit against Chinese officials, Zeng and Bo, during their visit there. Little did he know that his efforts to seek justice would nearly cost him his life.

David was shot at by unknown gunmen within a few hours of landing at the airport while driving down a highway from Johannesburg International Airport to the Presidential Guest House in Pretoria. Five shots from an AK47 assault rifle hit the car, disabling it immediately. David was left with bullet wounds and a shattered foot. Gunmen fled straight after the shooting and made no attempt to rob them. South African Police are investigating the incident as attempted murder.

Chinese Vice-President Zeng and Trade Minister Bo have both played a pivotal role in former Chinese head of state Jiang Zemin’s persecution against Falun Gong. In October 2002, citizens and residents from six countries jointly submitted a legal case against Zeng to the United Nations Committee Against Torture, the United Nations Committee on Human Rights and the International Criminal Court for crimes committed in the persecution of Falun: Gong.

Observers say this incident marks a new level of violence against Falun Gong practitioners outside of China. David was wearing a jacket that bore the words “Falun Dafa” in English, identifying him as a Falun Dafa practitioner. This is the first time in five years of persecution that overseas Falun Gong practitioners have had to endure such a life-threatening incident, and the shock has been felt around the world.

YOUR PETITIONERS THEREFORE REQUEST THE HOUSE TO:

I. PAY CLOSE ATTENTION TO THE SAFETY OF AUSTRALIANS, ESPECIALLY FALUN GONG PRACTITIONERS WHO FACE TERRORIST ATTACKS BY DIANG’S FACTION. HELP PREVENT
AND STOP SUCH TERRORIST ACTIVITIES.

II. CO-OPERATE WITH AUTHORITIES IN SOUTH AFRICA TO THOROUGHLY INVESTIGATE THIS INCIDENT AND BRING THE ASSASSINS AND THE PEOPLE BEHIND THIS ATTEMPTED ASSASSINATION TO JUSTICE.

by Mr McMullan (from 145 citizens)

Health: Cancer Treatment

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 that -

1. 1,400 Australians every year are diagnosed with a primary brain tumour, many of which are of the most lethal type called glioblastoma multiforme grade iv;

2. At a major oncology conference held in June in the USA scientists reported the results of a Phase III trial of 573 patients with this particular tumour in 85 centres throughout Europe, Canada and Australia, which showed remarkable improvements in the two-year survival of patients and better median survival and progression-free survival.

3. The trial involved concomitant use of radiation therapy and the chemotherapy drug temozolomide (Temodar), and continuing use of the drug afterwards, resulting in an increase in the number of patients still alive at two years from 10% to 27%.

Your petitioners therefore pray that the House ask the Health Minister and Government to take urgent and compassionate action to ensure that this new therapy is made available immediately as a subsidised benefit for all newly diagnosed brain tumour patients who have this particular type of tumour.

by Ms Hoare (from 10 citizens)
by Mr McMullan (from 16 citizens)
by Mr Murphy (from 8 citizens)

Social Welfare: Reform

To the Honourable the 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

The very high incidence of abortion - one for every three live births in Australia today - and the use of health care monies to pay for the destruction of the nation’s future children through these abortions.

Your petitioners therefore pray that the House take necessary steps to direct those monies to helping mothers and babies instead.

by Mr Martin Ferguson (from 8 citizens)
by Mr Murphy (from 611 citizens)

Aged Care

To the Honourable Speaker and Members of the House of Representatives assembled in Parliament:
The undersigned of this petition wish to inform the members of the House of Representatives:

Australia is facing the imminent collapse of the aged and community care system as we know it, due to the increasing shortfall between the income available to deliver aged and community services and the rising cost of delivering those services.

Your Petitioners therefore ask the House of Representatives to:

- Replace the current system of indexing pricing in the aged and community care sector with a system which reflects the true increases in the costs of running aged and community care services.
- Immediately inject $10 per day, per bed to restore the existing viability of residential care services.
- Provide a 10 per cent increase in the prices paid for community care to ensure viability of these important services, which help keep our elderly and disabled in their own homes.

by Mr Gibbons (from 179 citizens)
by Mr Ruddock (from 36 citizens)
Australian Defence Force: 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 Ms Hall (from 100 citizens)
by Ms Ley (from 33 citizens)

Howard Government: Antiviolence Campaign
To the Honourable the Speaker and Members of the House of Representatives assembled in Parliament:
This petition of certain citizens of Australia, condemns the Howard Government for refusing to run the anti-violence campaign, “No Respect, No Relationship” that was designed to educate young people that violence in relationships is wrong and must be stopped.
Your petitioners ask the House to ensure that the Government releases the campaign material that was developed over the last 2 years, at a cost of millions of dollars to taxpayers so that it can be used by others in the community to send a strong message to young people.
Public money paid for the development and production of this campaign and we urge the House to demand its release for public use.

by Ms Hall (from 23 citizens)
by Ms Roxon (from 208 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 biggest ever drop in GP bulk billing since the introduction of Medicare occurred in the last 12 months;
• That the rate of bulk billing by GPs has been in serious decline and has fallen by almost 10% since 1996;
• That the average cost to see a GP who does not bulk bill has gone up from $8.32 in 1996 to $12.89 today- an increase of 54.9%;
• That unless the rate of bulk billing by GPs is increased, a greater burden will fall on our public hospitals to treat Australians who cannot afford a visit to the doctor.
Your petitioners therefore request the House take steps to ensure that all Australians can access bulk billing.

by Mr Sciacca (from 31 citizens)

Medicare: Reform
To the Honourable Speaker and Members of the House of Representatives assembled in parliament:
The petition of the undersigned citizens of Queensland 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 Queensland has declined by 13%. 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 Mr Sciacca (from 9 citizens)
New South Wales: Transport Policy
To the Honourable Speaker and Members of the House of Representatives assembled in parliament:
The petition of electors of the Division of Cook draws to the attention of the House to the failure of the NSW State Labor Government and the NSW Minister for Roads for failing to erect noise abatement barriers between houses backing onto Captain Cook Drive in Caringbah.
Your petitioners therefore request the House to call upon the NSW Labor Government to immediately undertake steps to put the required noise abatement barriers in place without further delay.

by Mr Baird (from 148 citizens)

Human Rights: Falun Dafa
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 the United Nations rapporteur on torture to carry out independent investigations on the persecution of Falun Gong practitioners

by Dr Emerson (from 432 citizens)

Health: Pneumococcal Disease
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 432 citizens)

Telstra: Services
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 some residents of Heritage Park (QLD) are currently being denied access to ADSL Broadband Internet unlike other residents of Heritage Park (QLD) due to a commercial decision by Telstra not to provide the equipment required at this time.
We therefore pray that the House takes steps to ensure that Telstra provides the equipment required to ensure equitable access to this service for all residents of Heritage Park (QLD).

by Dr Emerson (from 24 citizens)

Human Rights: Treatment of Prisoners
To the Honourable Speaker and Members of the House of Representatives assembled in Parliament:
The petition of certain citizens of Australia draws the following issues to the attention of the House:
• That political prisoners in Lebanon who stand for democracy, have wrongly been convicted and sentenced to indefinite periods
of solitary imprisonment in barbarous conditions.

- Amnesty International has monitored this situation and has strongly campaigned for the release of all political prisoners and have also criticised the occurrence of torture and incarceration as a result of Syrian occupation in Lebanon.

- With Syria’s intervention and menacing presence there is the absence of self-government and ability to engage in democratic discussions that existed freely prior the civil war.

- Lebanon is a government that has no independent thinking but is only a puppet of Syrian dictatorship.

We therefore pray that the House joins the Australian Lebanese and Amnesty International in taking urgent steps in opposing the imprisonment of political prisoners and to oppose the involvement of the Syrian regime in Lebanon so that all Lebanese can enjoy democratic freedom.

by Mr Martin Ferguson (from 52 citizens)

**Immigration: Asylum Seekers**

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

The petition of certain citizens of Australia point out to the House that:-

The recent Human Rights and Equal Opportunity Commission report has documented the ‘cruel, inhumane and degrading treatment’ of children in detention centres. The responsibility for this situation rests fairly and squarely on the shoulders of the Australian Government. These abuses have been carried out in a number of asylum centres across Australia and in a number of Pacific Islands which have been used as detention centres at the behest of the Australian Government. Since 1999 children have been detained for increasingly longer periods of time. As at the 26th December 2003 the average length of detention of children was one year eight months and eleven days. This didn’t include the 74 children detained at Nauru where many have been in incarceration for over 30 months. (In some instances all their lives have been spent in prison)

These actions have been carried out in the name of the Australian people and we feel abhorrence that this situation is still continuing

Your petitioners therefore request the House to:-

recognise that detention is not the place for any children.

take action to organise the immediate release of all children and their families from detention.

by Mr Gibbons (from 62 citizens)

**Trade: Fur Imports**

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

This petition, of citizens and residents of Australia, is to call the attention of the House to the international trade of dog and cat fur products and accessories, being sold in Australia.

Humane Society International has investigated and unearthed evidence of the appalling international fur trade, where dogs and cats are cruelly slaughtered by inhumane methods, with animals dying by slow suffocation, hanging, clubbing or beating to death. All these methods involved severe panic, trauma and needless prolonged suffering. More than two million dogs and cats are killed each year for use in the international fur trade.

Your petitioners request the House to send a strong message to this terrible industry, by banning the importation of dog and cat fur products into Australia.

by Ms Hall (from 32 citizens)

**Medicare: Bulk-Billing**

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

We the undersigned request that the Government take action to preserve bulkbilling and to strengthen the Medicare system.

The cessation of bulkbilling by many General Practitioners as a direct result of Government policy has caused great hardship to many local
Resident on low incomes particularly the elderly and those with young children.

Your petitioners therefore respectfully request that the House introduce legislation to ensure that bulk billing is preserved and that our Medicare system is strengthened.

by Ms Hall (from 8 citizens)

Centrelink: Staff Cuts

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

The Petition of the undersigned shows we are opposed to the Government’s funding cuts to Centrelink, which will mean the loss of 5,000 Centrelink jobs.

• This staff cut will mean increased waiting times, reduced access and reduced service levels for clients.

• It will place more stress on an already understaffed and underfunded service.

• It is an attack on our right to an efficient and accessible social security system.

Your petitioner’s request that the House of Representatives should stop the Centrelink staff cuts.

by Ms Hall (from 10 citizens)

Medicare: Belmont Office

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

We the undersigned request that the government reopen Belmont Medicare Office as there is no Medicare office between Charlestown and Lake Haven and there has been a drastic decline in the numbers of general practitioners bulkbilling.

The closure of Belmont Medicare Office has caused great hardship to many local residents particularly the elderly and those with young children.

Your petitioners therefore respectfully request that the House of Representatives do everything in their power to ensure that Belmont Medicare Office is reopened as a matter of urgency.

by Ms Hall (from 1,372 citizens)

Defence: Property

To the Honourable the 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:

1. The Central Queensland Military and Artefacts Museum Association Inc. (CQMAM Assoc Inc.) was formed in the year 2000 with the aim of preserving and promoting the unique military heritage of Australia.

2. The CQMAM Assoc Inc. has developed a substantial collection of artefacts, documentation and knowledge concerning military history and specifically, regarding the military history of Central Queensland.

3. The CQMAM Assoc Inc. is housed in temporary premises and has been since its inception.

4. The temporary premises do not meet the needs of the Association, and indeed prevent the CQMAM Assoc Inc. from fully achieving its constitutional objectives.

5. The Archer Street Training Depot, situated in Archer Street, Rockhampton, Queensland, has been used since federation as a training centre by the Army Reserve and its forbears.

6. The Archer Street Training Depot contains a number of heritage-listed buildings of historical and sentimental significance to the Central Queensland community, and represents a local history of voluntary participation in the defence services dating back to 1859, including such units as 42nd Battalion AMF/RQR, 11th Field Ambulance and 9th Field Ambulance.

7. Following its closure as a training depot in October 2000, the Archer Street Training Depot was listed for disposal by the Department of Defence and remains available for acquisition.

Your petitioners therefore request the House to transfer the ownership of the Archer Street Training Depot from the Commonwealth Department of Defence to the Central Queensland Military and Artefacts Museum Association Inc, as your
petitioners believe a move to the Archer Street Training Depot would:

- provide an excellent and purpose-built alternative to the current temporary premises occupied by the CQMAM Assoc Inc.
- provide a venue for the research and education of interested parties in Central Queensland's and Australia's military history;
- preserve the heritage-listed facilities in a manner congruent to their original purpose; and
- rightfully return the facility to the community that has supported it for over 100 years via their enlisting in the Army Reserve

by Mrs De-Anne Kelly (from 26 citizens)

**Health: Medical Services**

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

The Petition of certain citizens draws to the attention of the House the Howard Government's direct contribution to the decline of the Medicare health system and health care on the Central Coast of New South Wales (being the electorates of Dobell, Shortland and Robertson). The undersigned petitioners therefore ask the Parliament to:

- Maintain and improve Medicare, the Pharmaceutical Benefit Scheme and Public Hospitals as a universal and affordable health care system.
- Provide universal access on the Coast to bulk-billing medical services regardless of income.
- Provide an increased rebate to Doctors who bulk-bill all patients.
- Increase the number of Doctors on the Central Coast

by Mr Latham (from 1,100 citizens)

**Immigration: Asylum Seekers**

We, the undersigned, being over the age of eighteen, are deeply concerned at the treatment of Children in Immigration Detention Centres. We believe that the detention of any child should, in accordance with the International Convention on the Rights of the Child, only be a last resort and for the shortest possible time.

We petition the Parliament of the Commonwealth of Australia to amend the 1958 Migration Act to exclude Children and their families from mandatory detention.

by Mr Latham (from 162 citizens)

**Education: Funding**

To the Honourable the 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.

For over 150 years our country has been served by a comprehensive and inclusive system of public education. Public education has contributed to successful lives and democratic social development in an Australia which is highly skilled and economically strong. It has built our national identity and democratic traditions and given the capacity for active citizenship to the Australian people.

All of this has been possible only because the system has enjoyed public confidence and public investment. At this time both are under threat. Public confidence has been undermined by divisive attacks and public investment has been distorted by an unfair system of federal funding which favours an already well-off minority to the detriment of those in genuine need.

We therefore call on all Members to condemn these unjust attacks, and to:

- accept national responsibility to provide priority in funding to public schools to enable them to continue to provide high quality education to all, regardless of wealth, location, ethnicity, religion or special needs; and,
- replace the current unfair SES funding model with a new Commonwealth and State system which provides enhanced educational resources to schools allocated on the basis of educational need and which ends public funding to wealthy schools which are already well resourced

by Ms Macklin (from 367 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:
The need to keep bulk-billing for the families and communities of Inner West Sydney.
We therefore pray that the House opposes the introduction of an upfront fee for GP visits.
by Mr Murphy (from 245 citizens)

Family Services: Child Care
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:
The need for more childcare places in Sydney’s Inner West.
We therefore pray that the House – as a matter of urgency – will create more quality, affordable child care places throughout Sydney’s Inner West.
by Mr Murphy (from 1,093 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 frailest 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 710 citizens)

Telecommunications: Mobile Phone Base Station
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 Government should protect residential and commercial areas across Australia from exposure to electromagnetic radiation (EMR) generated by mobile phone towers installed without adequate community consultation.
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 28 citizens)
Centrelink: St Marys Centrelink Office
To the Honourable Speaker and Members of the House of Representatives assembled in Parliament.

This petition of certain citizens of the Federal Electorate of Chifley draws to the attention of the House the fact that:

The Government has decided to permanently slash services offered at the St Marys Centrelink Office, as of May 31. These changes will:

- force students and jobseekers to lodge claims at the Mount Druitt office; and
- force anyone seeking to lodge claims for family payments, age pension and disability support pensions, carer’s payment and carer’s allowance, and low income cards to travel to the Penrith office.
- will greatly inconvenience residents in St Marys, Colyton and St Clair.

Your petitioners therefore request the House to ensure:

- That St Marys Centrelink Office is not closed and
- That all services remain available at the St Marys Centrelink Office.

by Mr Price (from 422 citizens)

Multicultural Affairs: Muslim Community
To the Honourable the Speaker and Members of the House of Representatives in Parliament assembled: The Petition of the undersigned shows:

A. The specific grievance of ……………….members of the New South Wales Muslim Community, the largest community of Australian Citizens and Permanent Residents who are followers of the Islamic Faith in Australia, numbering about 200,000 citizens. We are burdened with the veiled threat by authorities of being associates and co-religionists with terrorists. We request the House of Representatives directly intervene by making a Bill which distinguishes between a criminal and the religion he associates him or herself with. His crime is an individual matter for the law, while his religion places his community of origin and association on trial with him in public discourse. If this trend of vilification of the religious community from which a criminal comes, continues to be permitted by our elected officials and their administrative authorities, then we deem this destroys the cohesion of Australia’s rich cultural heritage. Since the NSW ethnic gang rape cases which occurred quietly in the Olympic Year 2000, and were trumpeted before the NSW State Elections of 2001, and followed by 11 September 2001 World Trade tragedies in New York, the Australian Public has been directed by certain politicians, judges, journalists and media corporations to associate religions with criminal acts of one or a group of private individuals acting outside the religious precepts they came from. We petition the House to call a nation-wide ban on open prejudice against our local and overseas Muslim parishioners by Australian politicians, media corporations and their employees, and Government authorities against our male parishioners, women and youth.

By way of General Grievance of concern to Australian Citizens of all Faiths, our Petitioners request that the House of Representatives should urgently:

1. Draft and table for consideration “The Prevention of Religious Vilification Bill, which if passed into Law would expressly prohibit the following:

   (a) Naming of the religion of a person accused or convicted of a crime in Australian jurisdiction, whether citizen, resident or foreign visitor, in the parliament during its proceedings, and in its record of the same, Hansard.

   (b) Naming of the religion of an alleged, or convicted criminal in Federal Police internal records or Courts, or State Police, or Courts internal records as well as published records and reports to State or Federal Parliaments.

   (c) The choice of Holy Book upon which a person of any faith wishes to swear their affidavits or statutory declarations or oral evidences before a Court shall appear in all Court records.

   (d) Naming of the religion of a person by any Media Corporation, individual journalist or editor in a print, radio, television, cable, internet or other electronic
media known or as yet uninvented. A fine of $1,000,000 to a corporation and $200,000 or 5 years gaol for an individual.

(e) Any attempts, written or spoken to vilify or alienate or incite prejudice by other Australian Citizens against one identifiable section of the Australian community which adheres to one particular system of religious tradition.

(f) Any attempts by a person paying funds for election campaign funds, a lobby group, or a political party fielding candidates who are standing for a Federal or State election to incite and influence the Australian electorate to vote in a certain direction by manipulating public feelings and issues surrounding a particular religious group prior to a State or Federal Election. This occurred in Hitler’s rise to power in Germany.

(g) Incarceration of a person by a Judge, or panel of judges, or a jury, on the grounds of treason against the Australian national interest while attributing his or her religious-ideological beliefs as a causal factor in their purported or proven crimes against the State.

2. In the Regulations or Standing Orders of the Bill, the religious affiliation of an Australian resident or citizen shall be determined from statements to this effect on their Certificates of Birth, Marriage and Death and if unable to be proven, then by official State issued booklets of certificates of Religious affiliation and conversion which shall be issued by suitably qualified religious officials. A person whose faith is unknown to a State registry shall not be deemed a member of a religious faith. The number of parishioners of a faith may be made public annually, while certificates proving one’s faith may be obtained by private applicants like a birth or other certificate, and shall be subject to the same privacy legislation as other official registration information.

by Mr Price (from 47 citizens)

Foreign Affairs: Aid

We, the undersigned, respectfully request the Members of the House of Representatives to note that in the last thirty years Australia’s giving to development funding for needy countries has fallen from 0.5% of Gross National Income (GNI) to 0.25% of GNI (Source: DAC Development Corporation Reports 1982-2002).

We further request Members of the House to take action which leads to an increase in Australia’s development aid to needy countries with the goal of returning funding to 0.5% of GNI, at least.

by Ms Roxon (from 71 citizens)

Australia Post: Services

To the Honourable the Speaker and Members of the House of Representatives, Australia.

The Petition from the resident of the Berowra Electorate brings to the attention of the House the need for a Post Office in the suburb of Westleigh, New South Wales.

The undersigned petitioners therefore ask the House of Representatives to address the need for a Post Office in Westleigh, New South Wales.

by Mr Ruddock (from 62 citizens)

Health and Ageing: Aged Care

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

The petition of certain residents of the State of Queensland draws to the attention of the House:

• the growing community demand for quality aged care services and staff;
• the inadequacy of one-off payments to solve long-term capital raising shortfalls;
• the absence of long-term measures to assist the aged care industry in the Budget; and
• that the aged care Budget announcement amounts to increased funding of only $1.37 per resident per day, despite the aged care industry’s recommendation that $10 per bed per day is needed to restore the viability of the industry.

Your petitioners therefore pray that the House take urgent steps to ensure the quality of aged and community care services are preserved.
by Mr Sciacca (from 26 citizens)
Political Parties: 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 eligibility 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 Stephen Smith (from 162 citizens)
Shipping: Nuclear Armed and Powered Vessels
To the Honourable the Speaker and Members of the House of Representatives assembled in parliament:
We, the undersigned residents of Australia ask that the House of Representatives consider the health and welfare of the present and future residents of this country and the environmental impacts of possible negative impacts relating to the visits of nuclear powered and armed vessels into Australian ports.
Nuclear navies are not welcome here whatever the colour of their flags.
The recent spate of accidents involving nuclear-powered submarines should be enough to convince all governments that the risk to the environment of these floating Chernobyls is a risk we don’t have to take.
Accordingly, we respectfully request that the Parliament legislate to prevent all visits of nuclear armed/powered vessels to Australian ports and waters.
And your petitioners as in duty bound, will ever humbly pray.

by Mr Stephen Smith (from 80 citizens)

Petitions received.

PRIVATE MEMBERS’ BUSINESS

Foreign Affairs: Sudan
Mr DANBY (Melbourne Ports) (3.33 p.m.)—I move:
That this House:
(1) notes:
(a) reports of many independent observers, including those sent by the African Union, that the so-called Janjaweed militias have carried out numerous massacres, summary executions, rapes, burnings of towns and villages, and forcible depopulations in the Darfur region of western Sudan;
(b) reports by Human Rights Watch that the Sudanese military regime has armed, supported and supervised the militias, and that Sudanese government forces have directly participated in some of these actions;
(c) estimates by reputable sources that at least 300,000 people have already been killed or died as a direct or indirect result of this campaign, that more than a million people have been made homeless, that more than 100,000 have been forced to seek refuge in Chad, and that an unknown but large number of women have been raped in the course of these attacks; and
(d) reports that the militias have destroyed mosques, killed Muslim religious lead-
ers, and desecrated Qurans in the course of their attacks;

(2) condemns the military regime in Sudan for instigating a policy of forcibly depopulating areas considered disloyal to Khartoum and which has led to massive social dislocation and deaths of innocent civilians, in particular, the Fur, Masalit and Zaghawa ethnic groups in Darfur;

(3) holds the Sudanese regime responsible for the crimes committed by its armed forces and by the militias under its control;

(4) welcomes the decision by the Australian Government to allocate $20 million for relief in Darfur, but calls on the Government to make a significantly greater commitment to aid the people of Darfur through appropriate international agencies;

(5) notes that UN Security Council Resolution 1556 has imposed an arms embargo on Sudan and authorised the creation of an international protection force for Darfur; and

(6) calls on the Australian Government:

(a) in the event that this force does not succeed in preventing further armed attacks on the people of Darfur, to take immediate action at the United Nations to ensure that the UN force is given a mandate to disarm the militias, secure the withdrawal of Sudanese government forces from the area, protect the people of Darfur and enable all refugees to return to their homes;

(b) to make a contribution, proportionate with Australia’s military capacity, of Australian forces to any peace-keeping force dispatched to Sudan under a United Nations mandate; and

(c) to take action at the United Nations to secure the prosecution for war crimes at the appropriate international tribunal of President Omar Bashir and other officials of the Sudanese military regime responsible for the massacres of civilians in Darfur.

I thank the House for the opportunity to raise this important motion. It appears that 30,000 to 50,000 people have already died in the desperate situation in the Darfur region in Sudan. Since I submitted this motion for consideration last month the situation has, if anything, grown worse. Let me quote what CNN’s chief international correspondent, Christiane Amanpour, reported today:

There could be 300,000 people dead in Darfur by the end of the year, and that’s if aid gets to them rapidly. If aid does not get there quickly, a million people could die in Darfur by the end of this year. So the need to get the Sudanese government to react and to end this is very, very urgent right now.

That is a quote from someone on the spot at the moment. When we hear of hundreds of thousands of people dying it is usually in connection with some natural disaster such as an earthquake or a famine, but what is happening in Darfur is not a natural disaster; it is an entirely man-made catastrophe being brought about by the Islamist dictatorship of General Bashir in the Sudan.

Many members will know that there has been a long-running secessionist movement in south and south-western Sudan, which is mainly black African and Christian, seeking independence or autonomy from the mainly Arab north. Now the military regime in Khartoum has decided to bring this matter to a head by launching a massive campaign of ethnic cleansing against the peoples of the Darfur region. The so-called Janjaweed militias are being used as a cover by the Sudanese government for its activities, but reliable reports make it clear that the government itself has planned and instigated attacks. People have testified to Amnesty that Sudanese Antonov aircraft have dropped bombs on columns of people leaving villages and that the Sudanese air force has participated in direct attacks on people in the Darfur region.

As the motion I have moved notes, as many as 30,000 people have already been
killed and about one million have been forced to flee their homes. Several hundred thousand have fled to Chad, a very poor country which cannot afford to support these refugees. They are currently in squalid camps and in immediate danger of starvation and disease, as we can see on any of the channels that are beaming into Parliament House this afternoon. But they are the lucky people of Darfur because at least they can be reached by international aid. Perhaps half a million people have been displaced inside Sudan and no-one really knows what is happening to these people. Clearly the Sudanese regime wants all these people either dead or driven from the country, and so far the regime is being allowed to get away with, quite literally, murder on a massive scale.

It is only a few months since this House marked the 10th anniversary of the genocide in Rwanda, where nearly a million people were killed, when the United Nations and the international community did little. I am pleased to see that, perhaps as a result of the international concern over that experience, we seem to have learned some lessons. The UN Security Council and the Secretary General have been very active in demanding that Sudan disarm the militias and prevent further attacks on civilians in Darfur, and have threatened sanctions if the demands are not met. The African Union, to its credit, has taken a similar stand, and France and Nigeria have dispatched troops to Chad where it borders Sudan.

I note the Arab League has said that they will dispatch troops rather than have British or American troops in that area, but clearly more is needed if a disaster on the scale of Rwanda is to be prevented in Darfur. The Sudanese regime, and General Bashir personally, must be told that the most serious consequences will befall them if they fail to stop immediately their campaign of genocide in Darfur. Large-scale humanitarian aid must be dispatched at once, followed by a peacekeeping force with the power to enter Sudan and rescue the people of Darfur if necessary. I think it is quite understandable that the Arab League would prefer to set its own house in order rather than have outsiders come and do it.

I do not move this motion in any partisan spirit. I note that the Australian government has announced $12 million in relief funding for the people in camps in Chad, and I welcome that. I note that the government has indicated its willingness to contribute to a peacekeeping force, and I welcome that too. But I think we all need to understand both the scale and the urgency of this crisis. I also note that there are many government members who will speak in favour of this motion. We are talking about up to a million people being in immediate danger of death. If the invasion of Iraq was justified after the fact by the doctrine of pre-emptive humanitarian intervention, as the government now maintains, then I would like to know why very firm action against the regime of Sudan cannot be justified on the same grounds. I am not arguing in favour of armed intervention, but sanctions and other things must be contemplated in a month or so when the UN Security Council considers these matters. (Time expired)

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

Dr Lawrence—I second the motion and reserve my right to speak.

Mr Baird (Cook) (3.38 p.m.)—I rise to support this motion on the situation in Sudan and also to congratulate the member for Melbourne Ports for bringing it into the House. The motion is similar to one I had prepared for the same day, so I am very glad we combine it and express the views of both sides of the House in condemning the Sudanese government for allowing this incredible
humanitarian disaster to proceed. We call on
governments around the world and the UN to
take rapid action to minimise the number of
deaths. We know that 30,000 to 50,000 peo-
ple have already died in Sudan and that that
number significantly increases each day. It is
ture to say that, unless significant aid is in-
troduced into the region, more lives will be
lost and it is possible that we could see as
many as one million people die in that area.
The motion calls on all of us in this House to
take urgent action to do our small part to
ensure that that outcome does not occur.

The UN has described Darfur as the worst
humanitarian crisis in the world today. This
is a catastrophe that demands immediate in-
ternational action. We on this side of the
House applaud the government for respond-
ing generously to the crisis in Darfur. We
welcome the announcement on 27 July by
the Minister for Foreign Affairs of an addi-
tional $12 million in emergency humanitar-
ian assistance, which brings to $20 million
the government’s commitment and contribu-
tion to the region since May. This is a sig-
nificant amount. As events unfold, it is likely
that we will see a further commitment of
funds to try to minimise the impact of events
as people are simply removed from their own
homes and forced into Chad. We have seen
images on our television sets of many thou-
sands of children dying from the appalling
starvation that exists in this area. That high-
lights the need for aid to be sent to this re-
gion as soon as possible. Funds that the gov-
ernment has provided are being channelled
through major UN agencies, such as WFP
and UNICEF, and NGOs, including ICRC,
Oxfam, CARE and World Vision to provide
emergency food, water supplies, sanitation
and health care for displaced people in Dar-
fur and Sudanese refugees in Chad.

I have noticed that World Vision have
ramped up their campaign in recent days and
that Tim Costello is over there and drawing
attention to the problem. I also noticed that a
Channel 9 journalist reported on it last night.
We need a greater emphasis to make people
aware of the problem and to ensure that the
NGOs receive funds to help make their aid
programs significant so that they assist in the
best way possible.

There is still a huge need for emergency
assistance to keep displaced people in Darfur
alive over the next few months. With the
onset of the wet season in western Sudan,
there is a real risk that many displaced peo-
ple will be cut off from international aid ef-
forts. The security situation is also restricting
the access of humanitarian agencies and
many thousands are now at risk of starvation
and disease. We understand that various UN
agencies and NGOs involved in the provi-
sion of aid are still well short of the funds
and resources they require to save the vic-
tims of this conflict. We need this combined
effort of governments around the world as
well as the initiative and determination of the
UN to not only condemn the government of
Sudan but also to galvanise aid efforts to
ensure that people recognise the seriousness
of the unfolding tragedy.

Although Australia cannot be expected to
be the leading donor in Africa, we should
consider favourably any further request. It is
vital that the international community fo-
cuses on what is happening there. We wel-
come the adoption of UN Security Council
resolution 1556, which calls on the Sudanese
government to end the humanitarian disaster
in Darfur and disarm the Janjaweed militias
within 30 days. We are pleased that the gov-
ernment of Sudan has taken steps to facilitate
humanitarian relief in Darfur in line with its
3 July commitments to the UN Secretary
General Kofi Annan. We urge further strong
action by the government of Sudan to ensure
desperately needed aid reaches the people of
Darfur. I commend the motion to the House.
(Time expired).
Dr LAWRENCE (Fremantle) (3.43 p.m.)—I had pleasure in seconding this motion moved by the member for Melbourne Ports. We have already heard the outlines—bare as they may be, given the time we have available—of the catastrophe that has unfolded in the Darfur region of Sudan. Some of us have seen the images and read material, and there is now a considerable amount of information available because of reports by groups such as Amnesty International, Human Rights Watch, the International Crisis Group and the UN itself. So we cannot plead ignorance of this very serious problem.

As we have heard, it was described by the United Nations in March as the ‘world’s greatest humanitarian crisis’. We should respond accordingly to the estimated 30,000 deaths—some put it higher; the displacement, both internally and over the border, particularly into Chad, of some 1.2 million people; and the systematic rape of thousands, maybe tens of thousands, of women. I want to return to this in the body of my speech. Homes and crops have been burned and cattle—the main form of subsistence for many people in the region—killed or looted, so we have looming starvation and the related illnesses that go with that.

This amounts to a massive human rights violation. It has been committed in a systematic manner by the so-called Janjaweed—often, it would appear, at least according to Amnesty International and others, ‘in coordination with Sudanese soldiers and the Sudanese air force, with total impunity’. According to Amnesty International the Sudanese government themselves have clearly been supporting and indeed sponsoring the Janjaweed and have engaged in their own arbitrary arrests, incommunicado detentions, disappearances and torture of their own citizens, unfair and summary trials, confessions extracted under torture, amputations, floggings and the death penalty.

There has been violence perpetrated particularly against women in Darfur. Amnesty has collected personal testimonies from some hundreds of women, mainly those in the camps, because they are not able to get access to women in Sudan itself. They tell appalling stories of rape, abductions, sexual slavery, torture and, of course, forced displacement. As we well know, the consequences of rape in the context of civil violence are many and varied, for the individuals and for the society. First of all, you get in societies such as this the inevitable social stigmatisation of women who have been raped. In the process of their being set outside their communities, there is considerable destruction of the social fabric of those communities, because it is women who are responsible for the children and other dependants, and they are the main caregivers in these societies. Of course, for the women themselves, there is the trauma of the rape itself and the health consequences.

One of the tragedies is that in a society such as this, with a taboo against speaking about such matters, women are really very hesitant to speak openly and to complain. The risk of stigmatisation is great. As a result, it is certain that they are not getting the necessary medical and psychological care. They cannot even begin to speak about it. Obviously, in the long term we are going to need to investigate what has happened to these people and attempt to reintegrate them into their communities.

I think it is worth pausing briefly to think about the use of rape in civil conflict. Death is obviously the worst possible outcome for any individual, and a great many men have been killed in this conflict. A lot of the people in the camps are women caring for children, and rape has been used as a form of humiliation of these women. The stories show that they have been raped in public, often in front of their husbands and relatives.
and the wider community, so their shame—as they would see it—is known. It is meant to humiliate them as well as to injure them. From time to time it has included gang rapes. There are reports of the rape of pregnant women and of killings of unborn children—one woman’s stomach was slit, with the observation from one of the soldiers of the Janjaweed militia: ‘It’s the child of an enemy,’ Women who resist are beaten, stabbed, killed, and tortured to reveal, sometimes, their husbands’ whereabouts. There are systematic abductions and sexual slavery. Women are being held in Janjaweed camps.

In supporting this motion, I want to draw attention to the fact that it is vital for the United Nations to stick to its timetable; for the African Union and the Arab League to pressure Sudan to act to prevent this catastrophe unfolding even further; and of course for Australians, as they do so generously, to do what they can to support the humanitarian aid effort and to ensure that we pay attention to the people in these parts of the world, who may not look like our neighbours but are people just like us. (Time expired)

Mrs MOYLAN (Pearce) (3.49 p.m.)—First, I thank the member for Melbourne Ports for bringing this matter to the parliament and giving us an opportunity to speak on this motion. There is no doubt that the world has watched in horror as we see the unfolding of a tragedy of monumental proportions. I am sure that everyone who is aware of this situation is deeply concerned about the shocking abuses of human rights in Darfur. I support the comments from the member for Fremantle that what we are seeing is the men being killed and the women being systematically abused in a very deliberate campaign of indiscriminate killings, looting, mass rape and wanton destruction of property, which all amounts, in anyone’s language, to ethnic cleansing.

It is particularly disturbing to see growing evidence that the government of Sudan has encouraged, armed and supported the Janjaweed militias in their attacks against the people of Darfur. There is also evidence that the Sudanese air force has bombed villages in this region and that government officials have obstructed access of United Nations officials, international aid agencies and the media in an effort to conceal the true nature and extent of this terrible crisis. I know that many Australians have watched the horror scenes unfolding on their television screens, and I guess it brings these terrible events closer to home. As my colleague the member for Melbourne Ports said, as we think about the anniversary of the happenings in Rwanda where almost a million people were killed, we all need to speak out, speak up and condemn in no uncertain terms these terrible crimes against humanity.

I must say that I welcome our government’s continued efforts, which I am sure are supported by those on the other side, to ensure that Sudan complies with the terms of United Nations Security Council resolution 1556 on Darfur, which calls on the Sudanese government to cooperate with the United Nations in allowing independent investigation of violations of human rights and international humanitarian law. The Sudanese government must end its support for the Janjaweed militias. It must prosecute all those who have committed ethnic cleansing and the atrocities in Darfur.

Again I welcome the intervention of the Minister for Foreign Affairs, the Hon. Alexander Downer, who on 21 June wrote to the Sudanese foreign minister to express Australia’s deep concern over the situation in Darfur, urging the government of Sudan to end its support for the Janjaweed; to disarm the militias and bring to justice the perpetrators of human rights violations; to commence negotiations with the Darfur rebel groups in
an effort to reach a lasting and peaceful solution to the conflict there; and to give free access and freedom of movement to all humanitarian workers and agencies and facilitate the distribution of aid to the victims of conflict.

I must say there are many non-government agencies who have been involved in providing humanitarian aid. What we are seeing on our television screens, as I think the member for Melbourne Ports said, is just the tip of the iceberg. There are many thousands of people whose plight is unknown. But I know the Australian Red Cross, World Vision and UNICEF are all in there trying to alleviate the terrible suffering that we have seen amongst women and children in particular who are homeless, who have been abused and who have perhaps only disease and death to look forward to. I congratulate those who are involved in providing that aid. I hope that the Australian public will continue to give generously to support the tremendous efforts of our non-government agencies.

Mr LAURIE FERGUSON (Reid) (3.54 p.m.)—An earlier speaker said that the genesis of this might be seen as far back as March. I initially congratulate those 50 members of this parliament who signed a letter some months ago urging the administration to desist from certain practices. One of the more fascinating television glimpses after September 11 was actually in Sudan, where Sudan’s minister for foreign affairs and other government dignitaries were rushing to the US embassy to sign a book of condolence and saying that Sudan would defend the US embassy there. It was a typical attempt by the government there to change its spots—has been dismally unsuccessful.

As previous speakers have indicated, the degree of collaboration between the government and the Janjaweed militia has been exposed by most commentators. Clearly the government have been logistically supportive of it. There have been bombings by Sudanese forces in conjunction with the Janjaweed. There is clear evidence that the Janjaweed’s arms are supplied by the central administration and that they are very much implicated in this. Particularly cynical are the comments of a spokesman for the department, who described the UN resolution as a direct declaration of war and went on to say:

The door of the jihad is still open ...

The pure effrontery of this government, which instigates an attack upon black Muslims and then talks about launching a jihad to renew the war in the south! And they have come up with the outrageous allegations—such as those that were overnight mentioned at the Arab League—that basically Israel is behind this Darfur insurgency. The sheer abuse of religious prejudice by the government of Sudan is so thorough as to allege that what is happening is in some way a result of external interference. The notion that the UN has no right to push very strongly for action within 90 days to disarm these militias is preposterous, because quite clearly it is a regime that has historically been involved in the most, probably the only, clear-cut instance of slavery, sexual abuse of opponents et cetera being enforced by a government.

Peter Moszynski in an article in the *Guardian Weekly* this week commented that, with 50,000 expected to die in this latest surge added to the two million victims in the war in the south over past decades:

... President Omar al-Bashir is responsible for more deaths than Slobodan Milosevic, Saddam Hussein and Pol Pot put together.
That perhaps puts it in some context. He is certainly in there with some major international offenders. It gives some indication of the magnitude of repression instigated by this regime. They have unfortunately perhaps been given an impression that if they negotiate with their southern opponents—strongly related to the country’s oil industry’s needs—then they might be given a free hand in the north. There has been international criticism of the fact that they have felt the world would turn a blind eye to this oppression of the northern regions if they ended this war and gave some stability to the oil industry in the country. It is interesting to note that in total contravention of the peace treaty with the southern forces they moved 40,000 soldiers into that southern region to protect oil installations.

Previous speakers have said that we support the government’s efforts in voting $20 million to this international humanitarian disaster. I agree with them in regard to the need for adherence to the UN resolution and for the UN to stick to its guns. I deplore the degree to which the Arab League overnight seems to have given some comfort to the regime by being critical of some of this UN activity. I also support very strongly the other speakers who have said that we must maximise international efforts to make sure that humanitarian aid does get in, because, quite frankly, as the UN has indicated, it is a humanitarian disaster of the first order. I commend the resolution.

**Mr Hunt (Flinders) (3.58 p.m.)**—In supporting the motion moved by the member for Melbourne Ports in relation to the tragedy in Darfur in Sudan, I recall the words of William Shawcross, the great British author, who has said that some areas of the world are bathed in light, some areas of the world live in a half-light and there are those areas of the world which dwell in darkness. He was referring to the way in which the international media covers the different parts of the world.

In looking at this tragedy, I am reminded that in my own life I have had the opportunity—dark as it was—to visit Rwanda soon after the genocide there; to serve in Cambodia as Australia’s chief electoral observer in 1998 and to witness the aftermath of the genocide there; and to work for the United Nations in Geneva chronicling some of the most extraordinary abuses in Bosnia, which included the rape of families, the mutilation of children and the murder of entire legions of young men. In each of those cases what struck me was the inaction and passivity of the international community.

This topic—this day, this moment—brings to life the challenge we face in Darfur in western Sudan. I want to make two brief points: firstly, that this is a recurring problem; and, secondly, that there is an inadequate set of international approaches to the solution. This problem has occurred in Ethiopia, Cambodia, Rwanda, Bosnia and Iraq. It is the problem of systemic, systematic and ruthless human rights abuse, which amounts to crimes against humanity. This case in Darfur, as the member for Fremantle pointed out, is characterised by a process of ethnic cleansing, including the most brutal and publicly humiliating practice of rape on a systematic community-wide basis, the utter humiliation of the women involved and the murder of children and adults on a systematic basis.

In the face of this activity, which is not new to the world that we know, how do we deal with it as an international community? I think there are two parts to the answer. There is a systemic weakness in that chapter 7 of the United Nations Charter recognises the role of the UN to take action in the case of threats to peace, breach of peace or acts of aggression. It does not formally recognise
the need and opportunity for humanitarian intervention by the international community in the case of gross, systematic, prolonged and precipitous human rights abuse, and that is a conversation to which I dedicate myself over the coming decade. It is something which I am passionate about and committed to and believe is absolutely fundamental and necessary to the maintenance of peace and the prevention of crimes against humanity. There is work which as an international community we have to do. That is something which I believe we must work on.

In the case of Sudan, there are fundamentals and we are involved in those. It is vital for the people of southern Sudan that the work and commitment of the United Nations is carried through. There must be backing to stop these crimes against humanity. There must be a willingness to carry through and to enforce the decisions that are made. There must be a commitment to bring in the African Union to carry on, on the ground, the work which is necessary to prevent abuse and to protect and promote a respect for human rights. These are the things which are fundamental. We need a systemic change and we need a commitment on the ground. Above all else, it is the African Union which can do that in a way which promotes civil harmony. But we must not cower in the face of crimes against humanity—for that is what is occurring. I commend this motion, I commend the mover and I urge the international community to take steps, both generically and in the particular case of Darfur.

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

War Correspondents

Mr NEVILLE (Hinkler) (4.03 p.m.)—I move:

That this House:

(1) acknowledges the role of Australia’s war correspondents in the wars, conflicts and peace-keeping roles in which Australian military personnel have served since the Boer War;

(2) celebrates the high standard of journalism, reporting, pictorial data and electronic material that has marked the war correspondent in keeping the Australian public well informed at times of heightened national concern;

(3) records the bravery of these correspondents in compiling their material, often under extreme and life-threatening conditions;

(4) laments the loss of life in the ranks of Australia’s war correspondents;

(5) believes that their contribution to the national fabric of war-service should be acknowledged beside that of military personnel, coast watchers and wartime merchant mariners; and

(6) supports the CEW Bean Foundation in its endeavours to build a national memorial to commemorate the service of war correspondents.

At time of war, a nation is subjected to many strictures and anxieties, to say nothing of the danger and the terrors that enlisted personnel must face. It is therefore our duty to keep the Australian public aware of battles and conflicts in which Australian troops, sailors and airmen participate, to learn of their progress, their setbacks, their victories and their acts of individual or unit courage. It is also important that the parents, siblings and relatives of those serving the country be given an honest and frank assessment of the actions in which their loved ones participate. This is the role of the war correspondent.

In the 105 years since the outbreak of the Boer War, hundreds of Australian war correspondents have done just that—and 28 have
paid the ultimate price, being killed in action whilst reporting conflicts on foreign soil. I cannot imagine the conditions endured by some civilian reporters in war zones, the very best of them venturing into the firing line totally unarmed, with little or no protection save their pen, camera or satellite link. Australian journalists show particular nerve and news sense in war settings, and few countries can boast correspondents of such a high calibre. It should come as no surprise that sometimes these journalists become stories themselves.

For instance, cinecameraman Damien Parer’s *Kokoda Front Line* documentary, which chronicled the fighting in the jungles of New Guinea during World War II, won Australia’s first Academy Award. Neil Davis was the only Western cameraman to film the famous scene of the NVA tank crashing through the gates of Saigon’s Independence Palace during the Vietnam War. And the fate of the Balibo Five in East Timor in 1975 was headline news around the world. All these correspondents died while performing public service. They were not soldiers and they sought nothing more than the integrity of their reports to their bureaux and, through them, to the Australian public.

The work of these men and fellow correspondents such as Banjo Paterson, Sir Keith Murdoch, Harry Burton and, more recently, Paul Moran and Simon Little opened a window to the world for those back home and showed Australians the true nature of war but, more importantly, the performance of our troops under fire. Australian war reporters have singularly excelled in providing timely, accurate and hard-hitting reports from the front line, as events in Iraq recently demonstrated. But they are also key players in the forming of public opinion. Sir Keith Murdoch had such a profound effect with his reports from the front line that it affected policy decisions of the government of the day. War correspondents have had a hand in developing our political, cultural and literary traditions, and those killed on the job will always hold a special place in our history because their words, pictures, films and reports are permanent snapshots of the Australian condition—sealed in time and oft times sealed in blood.

Our war correspondents also deserve a fitting memorial for their service and sacrifice. I call on the House today to support the establishment of a national memorial to Australian war correspondents, particularly those killed whilst reporting. The CEW Bean Foundation is at the forefront of collecting, collating and conserving the work of our war correspondents and it has lobbied for such a memorial for several years. I, too, strongly believe that our nation’s capital should have a permanent memorial to our war correspondents. It should not be a token one but should take its place proudly on Anzac Parade with the memorials to the Army, the Navy, the Air Force, our allies, our special conflicts like Korea and Vietnam and our serving nurses. Let us recognise those people who have worked alongside the various services in the various conflicts and with our Greek and New Zealand allies. To do less would be unconscionable.

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

Mr BRENDAN O’CONNOR (Burke) (4.08 p.m.)—I second the motion. I support the member for Hinkler’s motion and the idea of a national memorial for war correspondents in recognition and thanks for the large number of journalists, photographers and artists who have given us the most extensive and elaborate record of war ever made by human beings. I say this with a certain regret because it is over 150 years since the invention of photography, yet it is obvious that these images of violence and up-
heaval have not lessened our eagerness to rush into military conflict on thin and unconvincing arguments, overblown rhetoric, shifting pretexts or ambiguous military intelligence.

In any statement honouring the service to our country by war correspondents we must pay tribute to those Australians who died while attempting to do their dangerous job, beginning with William Lambie, who was killed while reporting on the Boer War in 1900, to today, with the deaths of ABC cameraman Paul Moran and sound recordist Simon Little in Iraq. The honour roll of the dead includes Damien Parer, who was just mentioned by the member for Hinkler. Most of us know him as the man who filmed the iconic image of the blinded soldier, his eyes bandaged, being led across a swollen river in New Guinea by a fellow digger in Parer’s film *Kokoda Front Line* which, as the member for Hinkler acknowledged, won the first Oscar awarded to an Australian film-maker. That image is now firmly lodged in the Australian consciousness. It is as emblematic of the Second World War to most Australians as the image of Simpson and his donkey is of the First World War. Parer was killed while walking backwards behind a tank to get shots of the faces of advancing soldiers in 1944. He always claimed that he needed to film from as close to the action as possible, sometimes even in advance of the troops.

‘Keep the camera rolling, no matter what,’ was cameraman Neil Davis’s motto. In 1985 he filmed his own death while reporting a coup in Bangkok. Davis’s footage screened to millions nightly during the war in Vietnam, and his images defined the times for many watching in living rooms throughout the Western world. He showed remarkable independence of spirit, filming the war from the South Vietnamese perspective and even crossing on one occasion to film from the Vietcong side. This upset the United States military authorities, but it did not stop American news networks seeking out his film. We all know his footage of the North Vietnamese tank crashing through the gate at the entrance to the presidential palace, again mentioned by the member for Hinkler, after he famously remained alone in Saigon to film advancing soldiers ending the war.

Today we have Michael Ware, Australian journalist for *Time* magazine and one of the very few Western journalists to have met and even lived with insurgents in Iraq. He has put his life at risk in order to get an accurate picture of the conflict there. It is that independence of spirit that I celebrate in supporting this motion, but it is that same independence that I fear is at risk from commercial and political pressures in the coverage of conflict in our present age. The media fail us when they refrain from asking the most difficult and complex questions or when they censor themselves, when governments and media organisations offer slippery justifications in place of argument, through fear of commercial or political reprisal. This is a breach of trust, since the powerless rely on the media to speak for them and tell them the truth. This breach of trust can be seen in the creeping cynicism about the motivations of the news media. Many turn away from news institutions and instead look to independent media sources and the most marginal corners of the Internet for a truly disinterested opinion.

I am very pleased to express my support for the CEW Bean Foundation in its efforts to honour and commemorate Australian war reporting. This is a tradition stretching back a century and it remains just as relevant today—official war artists have recently been dispatched to the conflict in East Timor to record the work of Australian troops in securing the reconstruction of that country. I commend the motion to the House.
Mr CAUSLEY (Page) (4.12 p.m.)—It is with great pleasure that I support my colleague the member for Hinkler and the member for Farrer this afternoon in speaking about war correspondents and their contribution. I daresay that, of the hundreds of thousands of troops that have served Australia in the Army, Air Force and Navy, only a small fraction of those have served on the front line. Yet these correspondents were right there on the front line.

I probably speak from a different perspective because I have known troops who were in both the First World War and the Second World War. They spoke of the exploits of the journalists who were right there with them. My father-in-law, Vere Roy Patch, fought on the Western Front. He has told me of some of the things that happened there in a war unimaginable to many today. Yet the journalists were there taking the photographs that we often see at the War Memorial—graphic photographs of what went on. This is where hundreds of thousands of troops were just mown down. The war that was raging there was trench warfare, which had not been seen by the world before.

In New Guinea my father’s cousin, Allan Causley, was on the Kokoda trail, as he called it. I know that we call it the Kokoda track these days, but he often referred to it as the Kokoda trail. No-one could imagine the problems that they had there, not just with the tropical jungle but also, of course, with the Japanese snipers who used to get up into the trees. He was shot by a sniper, but thankfully in the leg. His buddy next door—someone from only a few farms away from where he lived—was shot dead and never came back from New Guinea. Yet photographic evidence and also reports came back from that war about exactly what was going on.

We celebrate this in a democracy. I know that we have always believed that people should be able to see and know what is going on, even in the theatres of war. I daresay that the world would have been aghast if it had known what was going on behind the Nazi lines in the Second World War, particularly in the prison camps. We did not see that, unfortunately, because that particular country did not believe in the freedom that we believe in, where a country is allowed to know exactly what is going on in the theatres of war.

I had friends who went to Vietnam and I think there is no doubt that that was the first time where we saw a war every night on the news. That was the first war that came home to the living rooms of America, Australia and other nations and showed us what was going on. Some of the photographs of women and children who had been hit by napalm really linger in my mind as representing the horrors of war. It is not just the troops who suffer in war; it is the civilians in those countries where the war is being fought. I believe that those images certainly had a big bearing on the minds of Australians and, obviously, Americans concerning what was going on in that particular war. That is not to say of course that the other side were not using equally cruel methods, but the fact is that we believe that you should not use those types of methods. I believe that that had a big influence—and it was the correspondents who were sending back those factual stories about what was going on. I believe that many of these correspondents were very honest to their trade. I would not say that about all journalists, but I do believe that the war correspondents over the years have been very honest to their trade. They have told these stories without fear or favour, and they have obviously influenced the politics at home.

In Iraq everyone was aghast when they saw what was going on in the prison system
there. No-one in the Western world, I believe, would condone that type of treatment of prisoners. It is not what we believe should be done with prisoners; it is not our way of fighting a war. There is no doubt that when those photographs were revealed they had a very big influence on the attitudes of all people in Australia as to the sorts of methods that were being used. It cannot always be said that the ends justify the means. Obviously, you do need interrogation, you do need to know what is going on, you do need to support your troops and you do need to defend yourself. But to use those methods does not justify the means. I would gladly support some recognition for these reporters and photographers who have put their lives on the line in their duty to send stories back to their country.

Mr Hatton (Blaxland) (4.17 p.m.)—I support the member for Hinkler’s motion in every particular. This is a great motion. It is a motion that encompasses the experience of war correspondents in every form of media—print and radio journalism, cinematography and still photography. These people have been involved in many conflicts—as referred to in this motion, starting with the Boer War. Most important iconically was the rendition of the First World War and the fantastic work done by C.E.W. Bean. Indeed, Australia’s view of the First World War has been fundamentally conditioned by that monumental, multivolume work of C.E.W. Bean. It is history by a practising historian. He was not just a war correspondent; he was a historian and a war correspondent. He drew together Australia’s experience in the First World War, where 60,000 Australian soldiers put their lives at hazard and where, compared on a population basis, a higher number of Australian troops were killed and injured than from any other part of the Commonwealth.

In C.E.W. Bean’s history we see through a war correspondent’s eye. Similar work has been done throughout history to that done by Bean. Indeed, probably the greatest historical work on a series of wars was that done by Thucydides on the Peloponnesian War. Effectively, Thucydides was a war correspondent. He was involved in the wars. He recreated that for us. It is the only historical document that we have of a crucial period in world history. This was something that formed the contact between East and West in military and historical terms, and it was a war correspondent who told us about it.

Equally, as the member for Hinkler and others have alluded to, the work of Damien Parer is fundamental in Australia’s rendition of what it was actually like to be on the Kokoda Track and participate as an Australian at war during the Second World War. We know that in the First World War, but more so in the Second World War, there was a managed output from war correspondents. That was far less so during the Vietnam War. In the original Gulf War that returned, and things were certainly highly managed in the recent conflict in Iraq. Part and parcel of what war correspondents do is intimately tied to their home country. Their output is managed, as it needs to be in a war situation, so that the information they give us and the stories they tell do not impinge negatively on our troops at war. That is enormously important.

This motion fundamentally points to the great courage of those people—people from the Vietnam era like Mike Carlton and Mike Willesee. They were the first people I knew of as war correspondents. They were people who put their lives at hazard, together with the Australian troops, to tell us our particular story. In the conflicts in which Australians have been involved, we have only been part of the show, not the whole show. It has been important that we understand them from
Australia’s point of view so our troops’ experiences are covered.

There is one particular example of a war correspondent who was a historian and who also became a politician—indeed, he became Prime Minister of Great Britain. He was someone who led his country through the darkest days of the Second World War. That was Winston Churchill, who was a war correspondent during the Boer War. He was captured by the Boers and escaped, and he wrote one of the most thrilling sets of stories about his experiences. He created for Britain what C.E.W. Bean in his dispatches created for Australia. He created an understanding of what the troops went through, as well as an understanding of the dash and vigour of war and the great courage and heroism of the troops. He also created a fundamental understanding of the country in which the particular conflict occurred. The C.E.W. Bean Foundation is right to be pressing for a memorial. The member for Hinkler has done a great job in putting this motion forward. I commend it to the House. (Time expired)

Ms LEY (Farrer) (4.22 p.m.)—I too am grateful for the opportunity to speak today in support of the private member’s motion sponsored in the House by my colleague the member for Hinkler. The motion supports the C.E.W. Bean Foundation and confirms the need for a national memorial to commemorate the service of war correspondents. I think it is for members of the foundation to decide on the type of memorial and where it should physically be located and to make other necessary considerations, but we as government should, in a bipartisan manner, take the advice of the foundation and do all we can to make it a reality.

It is certainly true that, from the Boer War onwards, war correspondents who understand the society, the history, the language and the terrain of the conflict they become part of have given a great deal to those of us back home who read their reports, usually from the safety of our armchairs. Outstanding war correspondent Harry Gordon overcame immense odds to get his accounts of the Korean War to Australian readers. He personally delivered copy from the bitter Korean battlefields to Japan, showing great commitment. He said:

I would leave the battalion, hitch a ride to the nearest airfield and take my copy across to Japan. I would ring some people on the Japan Times and dictate my copy. Then I would ask them personally to take it to AAP.

This was to avoid censorship.

The noted Australian war historian Charles Bean, after whom the C.E.W. Bean Foundation is named, was the official war correspondent attached to Australian troops in World War I. He later became the official historian of the war, and his writing helped to inspire the Gallipoli legend. Bean said Australian soldiers faced enemy shellfire ‘as you would go through a summer shower, too proud to bend their head, many of them because their mates were looking’. Writing from Gallipoli, he said:

The West Australians assumed that death was certain, and each in the secret places of his mind debated how he would go to it. Mate, having said goodbye to mate ... went forward to meet death instantly, running as straight and swiftly as they could at the Turkish rifles. With that regiment went the flower of the youth of Western Australia ...

In these few stark words from a war correspondent, there is a world of meaning that articulates the indiscriminate human cost of conflict. I cannot help but contrast these simple pieces of writing with the 24-hour ‘shock and awe’ coverage from Baghdad during the recent Gulf War. In the era of television, fast modern Internet and unlimited network budgets, I wonder whether we are covering more in terms of the visual
spectacle while conveying less in terms of insight, analysis and a dignified search for the truth.

War on television responds to what the public wants to see, but the reality of what is happening is not immediately apparent. I think this is a problem because, in designing a war for television—as CNN, Fox and the BBC so often do—people are obsessed with the outcome. When will the war end? How many casualties are there? Can we see the mortar bombs, soldiers diving for cover, civilians screaming in terror? If you ask the simple question of what the media is really there to do, I would suggest that the sole correspondent with pencil, paper and time may be more balanced and truthful than might the proliferation of mass media that we now have to see. The slow-burning issues of troop morale, integrity of leadership, strategy, the army’s relationship with civilians and domestic politics will always require something more than television and certainly require the perspective of history.

Reporting war and conflict is a seriously risky business. Whether a correspondent is providing quick flicks for the nightly news or settling in to study deeper issues, they are inescapably going to find themselves in harm’s way. No matter how careful and experienced you are, you can always make the mistake of just being unlucky. When cameraman Paul Moran was killed in the recent Iraqi conflict, he was the 28th Australian journalist or cameraman killed while reporting on wars in the past century.

It is fitting that this parliament recognises the work of our war correspondents. They are charged with describing and reflecting what they see and hear, as accurately as they can. Within the confines of unfolding and complex scenarios, they deal with the daily dictates from their editors back home who demand they file daily reports that bring the battlefield to life with graphic language, useful insights, forward-looking conclusions and grand exposition. They must put aside prejudices and preconceived ideas. They must remain unaffected by brutality and wretchedness. They must keep check on their emotions. To remain objective, they cannot identify too much with the sufferings of one side, even if they only witness one side’s pain. They walk a fine line between reporting what they see and not compromising the safety of soldiers on their side. In 1943, a censor in Washington recommended, when dealing with the media, ‘Tell the bastards nothing till the war’s over and then tell them who won.’

(Time expired)

Ms LIVERMORE (Capricornia) (4.27 p.m.)—I too would like to support the motion proposed by the member for Hinkler acknowledging the role of Australia’s war correspondents. As we have heard from previous speakers, these journalists have placed their own personal safety at risk by venturing into areas of conflict so that they can keep the Australian public aware of the often gruesome events of war. The valour and determination of these men and women have allowed the details, conditions and surrounding events of conflict to enter our homes for over 100 years.

Ever since the Boer War, these individuals have demonstrated their own personal bravery and utilised their journalistic talents to report the goings-on in a diverse range of distant and not so distant lands. The list of localities to which Australian troops, and subsequently the correspondents, have ventured runs like an atlas index: South Africa, Turkey, the Middle East, North Africa, the Mediterranean, Europe, Vietnam, Korea, Cambodia, East Timor, Malaya, New Guinea, Iraq, Indonesia and many more. These places have seen some of the most brutal and disturbing human conflicts, and it was the correspondents who kept us in-
formed of the daily events, the victories, the bungles, the turnings of tides and the sometimes forgotten effects on civilians. The lengths to which these correspondents went to deliver their message were extraordinary. They dodged bullets and bombs, snipers and mines, spiders, snakes and other adversities in order to get their words heard. This level of dedication is rarely called upon in most other occupations.

I believe that all in this chamber have at some stage seen images from the Vietnam War. These images have been etched into our minds as a result of the honesty and brutality portrayed within them. Reporter Tim Bowden, who reported the early years of the Vietnam War in 1965 and 1966, later remarked, ‘I wasn’t wounded, but no-one who had anything to do with that war walked away unscarred.’ This was the first war to be portrayed on television, and I think it is safe to say that it changed the way most Australians viewed wars, as it brought the conflict so much closer to home.

Although I cannot speak from personal experience, as some in this chamber can, I have spent many hours with veterans of this conflict who do remember first-hand the horrors of that time. Vietnam was not an inviting place for anyone, let alone correspondents armed with just paper and pencil. Yet, despite the dangerousness of the situation and the slayings of their compatriots, these individuals remained and not only did their job but excelled at it.

Filing stories from South Vietnam in the early stages of the Australian involvement, the years of 1966 and 1967, was a battle of a special kind. The telephone connection to Singapore ABC was not of broadcast quality, so voice report tapes for radio and television had to be sent by air to Singapore for relay to Sydney. Stories are told that often the only reliable way to get tapes and film on the desired flight was to bypass airline officials in the city and take the tapes to Saigon airport. A bribe to the freight clerk enhanced the likelihood that they would actually be put on the plane.

This underscores the fact that reporting wars is not glamorous work. Tragically, it has not been without casualties for Australian journalists. For example, on 5 May 1968, three Australian correspondents and a British colleague were killed in an ambush in Cholon. Several others died in that same year in helicopter crashes, trying to get the best possible coverage of the effects of the war. As David Brill, a cameraman in the Vietnam War, said:

Anyone can film guns going off. It’s what guns do that has always affected me.

All Australians commemorate the sacrifice of our military and the civilian support personnel in wars, but the contribution of war correspondents has often been overlooked. How else would Australians have been able to be provided with an accurate representation of the proceedings but through independent sources who were free to report what they experienced? It is important to note that without war correspondents it is unlikely that the ANZAC legend would have been what it is today. The bravery, integrity and accuracy of these reporters has enshrined the images of war in our brains and made us more aware of the world around us. The importance of a national memorial commemorating war correspondents is acknowledged by both sides of this chamber, and so it should be. Australia does not forget those who served, and our war correspondents should be no exception. Therefore, I support the motion. (Time expired)

The DEPUTY SPEAKER—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.

Canberra Electorate: Australian Public Service

Ms ELLIS (Canberra) (4.33 p.m.)—It gives me pleasure to speak during the grievance debate today on a matter of very great importance not only to my constituency of Canberra but to the broader Australian community. In doing so, I would like to note that the local Liberal Party are currently distributing material around Canberra stating what I think is quite a laughable proposition—that it is only they who are the party dedicated to protecting Public Service integrity and Public Service jobs. When we look at the history of the Public Service, particularly in recent times, one would have to sit back and think that maybe they are joking a little. I would imagine that some of their representatives may be exercising selective memory when they talk about this.

I would like to reflect on a comment that Treasurer Peter Costello made in his response to a question at the National Press Club on 12 May this year. He was asked how Canberrans can trust the coalition to increase jobs in Canberra ‘given that your administration axed 17,000 public sector jobs in its first term’. In his response, the Treasurer stated:

Now, I think you are coming from another angle, you are saying there should be more public servants, I think. I think you are saying that we have cut too many, but I don’t think that is right. I think Canberra actually survived the cuts in the public service and I think it was the best thing that ever happened to it.

I am not sure whether he meant it was the best thing that has happened to the Public Service or the best thing that has happened to Canberra. In both cases I would debate that point with him quite seriously. I find it a little disturbing that he could have such a quick and simple response. The fact that Canberra as a community did survive—eventually—the sorts of things that happened in 1996 onwards in relation to jobs in this town has nothing to do with the Treasurer. I would suggest that it has everything to do with the entrepreneurship, hard work, dedication and sheer determination, despite those sorts of decisions, displayed by the small and larger sectors of the Canberra business community and the ACT government of the day.

I particularly pay tribute to the Canberra business community, because times really were very difficult at that point in our history. The only type of business in Canberra that was actually growing at the time—and I say this very seriously, because it was reflected in the news at the time—was the furniture removals business, because there were so many people being forced to leave this town. I recall that an article in the Canberra Times showed that, horrendously, the furniture removals business in Canberra was doing really well. Nobody else was, but it was.

I would like to look at this government’s record in relation to the Public Service and what actually happened. Before the government came to power in 1996, they stated that they would cut only 2,500 Public Service jobs and that there would be no forced redundancies. It is interesting that I am talking about this on a day when we have been reflecting on truth in government. The truth is that on coming to power the Prime Minister sacked six departmental secretaries virtually immediately. By the end of the first financial year in office, his government had cut 11,200 Public Service jobs. The total number of Public Service jobs lost under this government was 32,400—at a total cost to the budget of $700 million. This was a massive blow to the Public Service and to its corporate memory. The government replaced ex-
experienced public servants with contractors and consultants at a cost to taxpayers of more than $2 billion.

We on this side of the House are very concerned at the abuse of government processes by this government. We have seen ministers hiding behind ministerial advisers and senior public servants. We have seen the reputation and the integrity of the Australian Public Service brought into question as a result of this kind of behaviour. I believe the actions of this government have failed the APS and the Australian community. The children overboard affair best illustrates the claims that the Public Service has been politicised. Reporting mechanisms have been constructed which assist the denial of matters and incidents which affect our national interest. There is no doubt about the effect that this government’s policies have had on the Public Service and on this community.

We in the Labor Party believe in a truly independent, professional and innovative Public Service. I might add that, prior to 1996, the Australian Public Service was held up in the OECD and elsewhere as one of the most efficient, proficient and highly regarded in the world. We are releasing a policy in relation to the Public Service; it is available publicly now. I would like to talk about the fact that only Labor have a plan to reverse the damage that we believe has been done to the Public Service by this government. We recognise the essential role that the Public Service plays in our society. We are committed to making the Public Service responsive, accountable, efficient and independent.

While the APS works for the government of the day, it must never become an extension of the apparatus of the particular party in government at the time. We have developed a Public Service policy to ensure that, under a Latham Labor government, the gross excesses of the Howard government’s interference with the Public Service will end. We will foster a frank and fearless Public Service by giving senior public servants the freedom to give honest advice without fear of repercussions. We will make political advisers accountable. We will improve the administration of the Public Service by making it more open and transparent. And we will restore a unified, merit-based, career public service. We will amend the Public Service Act to give departmental secretaries a minimum term of engagement of five years, unless a shorter term is agreed by the parties concerned due to some exceptional circumstances that may be in place.

We on this side of the House see the Howard government as being driven by an ideological obsession in relation to the Public Service. They believe that the Public Service must be constantly cut and its role taken over by the private sector. This is a flawed belief. There is a fixation that the private sector will always do a better job than the Public Service. Chasing the fantasy of outsourcing and privatisation has led to the waste of hundreds of millions in taxpayers’ dollars over the past few years. The disaster of information technology outsourcing is the best example of the government’s folly and its needless, ideology-driven waste. We are committed to a best practice Public Service based on commonsense improvements, and we are committed to open and honest outsourcing where and when outsourcing is proven to be the best option economically—not just on an ideological basis.

People would understand that, as the member for Canberra, on behalf of my constituency I have a very strong interest in matters to do with the Public Service. In the past, Canberra has been called a Public Service town. That is right, but only to a certain extent. We have a vibrant, entrepreneurial and well-developed private sector, which now employs the majority of workers in this town. Some decades ago, public sector em-
mployment was very much the major area of employment here, with a small component of private sector employment as well. The situation now is reversed—or almost. Over 50 per cent of this town’s employment base is now in the private sector. I applaud that. It adds diversity and complexity to our employment base, but the public sector here is also a vitally important component of my community. It is fair to say that a lot of that private sector work comes from supporting the public sector in the work they carry out here.

My constituents, my community—and, I believe, the community around Australia that have any interest in the public sector—want to see it as a really good, vibrant, honest choice of career. We are committed to a single, integrated, merit-based, non-discriminatory career Public Service. We want to see long-term security for public servants, ensuring access to promotion based on merit. We want to attract young, talented people to the Public Service by offering them training and career paths. We want to improve the representation of women in the higher levels of the Public Service, especially at executive and SES levels, where currently they are woefully underrepresented. We want to rebuild the corporate memory of the Public Service so that we actually see good policy and advice coming out of it, innovation being promoted and good professionalism available to it. We also want older public servants to be assisted to stay within the service longer, if they wish. These are not the sorts of actions we have seen under this government in recent years.

In conclusion, we want a unified, professional, innovative Public Service. People working in the public sector do all they can, under these difficulties, to serve the community as best they can. I want to guarantee them that under a Labor government they will be allowed to do that and promoted to do that. It will be a good, professional, open and innovative service, not one that has been dampened down from the top—by this government. (Time expired)

Crime: Sentencing

Mr PEARCE (Aston) (4.43 p.m.)—I rise in the House today to grieve about the increasing lack of public confidence in the Australian justice system. It is time that the justice system got back to delivering justice. Consider these examples from across Australia that demonstrate the growing number of cases—and, more particularly, sentences—that have fuelled public frustration. In one case, when a sleeping woman was attacked in her own home, the offender pleaded guilty to charges of rape, aggravated burglary and indecent assault and received a suspended sentence of 33 months; he walked free. In another case, a seven-year-old girl was sexually assaulted three times by a 27-year-old man: the girl’s mother wore a bugging wire to catch the offender and, when caught, the offender pleaded guilty to charges of indecent assault and sexual penetration of a child, receiving a suspended sentence of 30 months, with a requirement to do 200 hours of community work. In a third case, a five-year-old girl was hanged from the pergola of her home by her mother’s de-facto and left there until after daybreak, but the offender pleaded guilty to manslaughter, which the DPP accepted in a pre-trial plea bargain and, despite the judge noting that this was a very serious case of manslaughter, the offender received a 12-year sentence with a non-parole period of only eight years. Finally, when a 73-year-old grandmother was brutally killed in her home by two teenagers, the Crown again accepted a guilty plea for manslaughter, rather than seeking a murder charge, and the offenders were each sentenced to six years, with a minimum of only four years.
As a member of parliament I am acutely aware of ongoing public debate about the relationship between elected representatives and the judiciary. While I acknowledge that judges should be accorded the respect that their office deserves, I reject the contention that parliamentarians should avoid public discussion of the performance of the judiciary. To support my proposition, I point to remarks made by Chief Justice Gleeson of the High Court to the Judicial Conference of Australia in 2002. Chief Justice Gleeson argued that legitimate criticism of the courts or their decisions should not be stifled. The chief justice went on to say that consistent questioning and challenging of people who exercise authority was in fact ‘a good thing’.

More than a right, I believe that as members of parliament we have a responsibility to get the system right. I believe that as a society we have an obligation to continually work hard to improve our justice system. We should be continually looking at law reform options which seek to improve the security of our community and reduce the occurrence of injustice. To see rapists walking free from court with little more than a slap on the wrist and a wish of good luck from the judge discredits and undermines the entire judicial system. It is totally unacceptable. It seems to me—and, obviously, the broader community—that too many judges are just not doing their job. Add to that the refusal of state and territory governments to live up to their responsibilities, and it is clear that they are all letting us down.

I want to look at the role of the community in the exercise of judicial power. The role of the judiciary is to respect and administer the law made by our elected representatives in an impartial way. In sentencing, this means that judgments must be just, consistent and credible—as much for the victim as for the offender. But there is more to it than that. Chief Justice Gleeson of the High Court once noted that judges are servants of the public—not public servants, but servants of the public. Their job is to administer the law on behalf of the community. Their power is distilled from the public will through laws that spell out judicial powers and through executive appointment of those who will exercise that power. This is an important point that is often neglected.

While we may talk about the primacy of the law and the need for judicial independence, the judiciary must also reflect the community which provides their authority. Like the exercise of executive or legislative power, the exercise of judicial power relies fundamentally on public legitimacy. Legitimacy is vital for the peace, order and good government that our society strives to achieve. More specifically, judicial legitimacy is necessary for the public acceptance of decisions. This legitimacy is grounded in a number of factors, most notably public confidence. Public confidence in the judiciary is encouraged through characteristics such as transparency of decision making and the obligation to provide reasons for a judgment. Public confidence is perhaps most shaped by community perception. One of the greatest threats to public confidence in the judiciary is the increasing leniency reflected in sentencing. This leniency is highlighted by judgments, including those I mentioned earlier, that dramatically depart from community standards and values.

So what are these standards and values? I think that we have a right to expect that justice will be done and that the punishment will fit the crime. This sentiment was echoed strongly by the thousands of Victorians who attended a public rally which I addressed yesterday on the steps of the Victorian parliament. It is clear from the ongoing public debate and the range of examples that I have highlighted that this is not happening. Regu-
lar public disbelief has become an all too familiar mark of our legal system.

What can be done? Given the failure of the states and territories to resolve these issues, I believe the federal government can show leadership in finding practical solutions to these concerns. What we need to consider is whether Australia needs a new framework to address this issue on a nationwide basis. Today I have written to the Prime Minister, asking that he write to the other members of the COAG—the Council of Australian Governments—as a matter of urgency, regarding the issue of sentencing. I have asked the Prime Minister to seek agreement from the state and territory leaders for the commissioning of an urgent review and report into this issue. This review would consider recent reforms designed to limit judicial discretion and improve consistency in sentencing, as well as proposed new alternatives. These could include the introduction of minimum sentences, guideline judgments and sentencing grids or matrixes.

Minimum sentences are sentences prescribed for a particular offence, which may be determined by the offender’s criminal record, as well as by the offence. Under this measure, judges are required to set the sentence between the minimum and maximum penalties. New South Wales already has in place mandatory life penalties for selected murder and drug trafficking offences. Guideline judgments are judgments from courts of appeal that go beyond the matter before them and set out appropriate levels of sentencing for variations of the offence. Guideline judgments have already been used in New South Wales and are provided for in Victoria. Sentencing grids or matrixes usually take the form of a graph that measures the seriousness of the offence and the prior criminal record of the offender. The sentence is determined by the range in the grid or matrix that corresponds to the offence and record of the offender in question.

As I have outlined, some states, such as New South Wales and Victoria, have introduced some of these new measures in response to public concern about sentencing. The problem is that concerns continue to persist, as problems with inconsistency in sentencing go on unabated. We need to look closely at how to ensure reforms actually deliver the outcomes that the community wants. But, more importantly, we need to get it right on a national basis. Take the recent example of the Bracks government’s neglect of the victims of crime and their new so-called Sentencing Advisory Council. This council was established to address community concerns about sentencing. The problem was that, of the Bracks government’s 12 appointments, not one had been a victim of crime or had been publicly critical of the government or the sentences handed down in controversial cases. These appointments by the Bracks government miss an important opportunity for our justice system to benefit from the experience and knowledge of those who have been directly impacted by crime.

How can anyone expect that justice will be delivered without the input of the victims? Our community deserves better. It is clear that there is growing widespread public concern about sentencing, which profoundly threatens public confidence in our judiciary. What we need is more than a legal system; we need a justice system. Millions of Australians have lost faith in our legal system providing justice. This is a matter that must be urgently corrected for the benefit of all of Australians.

Centrelink

Ms JANN McFARLANE (Stirling) (4.53 p.m.)—I rise today to bring to the attention of the House a grievance which is close to my heart and very important to thousands of
families in my electorate of Stirling. That is the issue of staffing and customer service at Centrelink. The fact is that both the people of my electorate and the hardworking staff at Centrelink deserve better. They deserve a government which values the work done by Centrelink and recognises the vital importance of the services this agency provides.

By way of background, I would like to point out that in Stirling in June 2003 there were around 13,500 people on the age pension, around 4,500 people on disability support and a similar number on Newstart. In fact, for my electorate of Stirling the total number of recipients of these benefits—as well as carer allowance, youth allowance, parenting payment, family tax benefit, childcare benefit and rent assistance—was nearly 62,000. I will repeat that. There were 62,000 recipients of those benefits in my electorate alone. Some of those recipients may have been receiving more than one benefit, but it is easy to see how the quality of service which is provided by Centrelink affects almost every household and every family in Stirling. Stirling comprises 130,000-plus people.

The people receiving these benefits are mainly mums and dads trying to do what is right—that is, trying to balance the budget and trying to make ends meet. They are individuals who have been in employment for most of their lives but have hit a rough spot and need some support to get back on their feet; they are young people just heading out into the world and trying to get a start in a labour market which is increasingly hostile; and they are seniors who have worked long and hard and are now trying to get by on the pension. The fact is that Centrelink—with the services it provides—reaches into almost every home and affects the daily lives of so many of the people of Stirling.

Every week I hear from constituents who have experienced problems in their dealings with Centrelink. Every week when I am out and about in my electorate I talk to people who are not happy with the treatment they have received. They tell me that they do not feel they have been understood by the staff at Centrelink. These are most often people who are falling into debt. They are seniors with complicated superannuation and pension circumstances and often they are people who are trying to manage periods of short-term contract work with variable income and periods of no work at all. I hear about how they have to wait in queues for hours at a time and about how the staff do not understand where they are at and do not have the time to come to grips with their cases.

At the same time, I often speak to the staff in the local Centrelink offices in Stirling. My singular impression of these people is that they are compassionate, dedicated and extremely hardworking. Whenever I phone—and whenever one of my staff members phones—to discuss a constituent matter, it is clear that the people on the other end of the phone are keen to do whatever they can to solve the problem and to administer the regulations equitably, professionally and with a healthy dose of empathy. There would be many of us in this House who would say we have long and tiring work days, but the people at Centrelink are working long hours in difficult conditions with none of the recognition and status enjoyed by those of us lucky enough to sit in this House.

Recently, I was contacted by a staff member at a local branch of Centrelink in my electorate. They pointed out that staff levels in the area had recently been dramatically reduced. This reduction corresponded to a significant increase in the number of customers needing to be seen each week. This person pointed to a backlog of hundreds of claims with no-one to process them and hun-
dreds of pieces of correspondence with no-one to answer them. This backlog leads in turn to more people coming into the office wanting to know why their claims have not been processed and their letters answered. The shortage of staff means that there is no cover if people are off sick or on leave. It means staff meetings cannot be held and workplace training is an impossibility. All of this means that the staff have less and less time to deal with customers and that their knowledge and skills are not kept up to date. This means the customers do not get the service they deserve. In short, everybody loses.

Sadly though, this sorry state of affairs is not confined to my electorate of Stirling; this is a pattern which is recurring all over the country. Staffing levels at Centrelink have been reduced from around 27,500 to around 25,000 over the last financial year. Staff numbers are now comparable to those in 1997. At the same time, the work of Centrelink has only increased. In 1997-98 Centrelink received 19.2 million phone calls. By the financial year 2002-03 that had risen to 25.6 million. In 1997-98 there were 81 million letters to customers and by 2002-03 that had risen to 94 million. Perhaps most telling of all, in 1997-98 there were around eight million individual entitlements and by 2002-03 that had risen to around 9.6 million. But, as I said, staffing levels at Centrelink are now comparable to those in 1997. With all that extra work but without the extra staff to carry it out, everybody loses. Customers do not get the service they deserve at the time when they most need it and staff are put in an impossible situation, doing more and more with less and less. Everybody loses.

Everybody loses, of course, except the Treasurer. In a period where service delivered to the people of Australia has deterio-rated and staff have suffered and struggled to keep the system going, Centrelink has returned more than $1.08 billion in efficiency dividends to the federal government. To me, what this points to is a fundamental difference between the government’s priorities and values and those of the Labor Party. On the one hand, the Liberal/Nationals coalition has a resentful attitude toward social services. It is an attitude that people do not deserve help when they are down and that those who require help should wait quietly in the corner until they are called and shuffle off gratefully with whatever crumbs they are offered from the high table. In the Labor Party, on the other hand, we recognise that people need help at different times in their lives for a variety of reasons—very often it is beyond their control and their doing. We know that society does not treat everybody equally and that a strong society is one that looks after its members when they need it. Although we value enterprise and hard work as much as any member of the government, we also recognise that much in life is dependent on the luck of the draw. Labor are committed to social security being an integral part of the social wage and the social safety net. On a more practical note, we recognise that the staff at Centrelink deserve decent working conditions, training and respect and that the millions of families that receive services from Centrelink deserve an efficient and well-resourced service.

There is one final consequence of the neglect of Centrelink which I would like to discuss today, and it is the darker side of the debate about funding and staffing and how much we can claw back in efficiency dividends. When the government plays politics with the social security system, as it has been doing in the last few months, the level of workplace violence rises. In the last couple of months there has been an increase in the incidence in Centrelink offices of customers harming themselves, computers and chairs being thrown about and threats being made against staff members and their families. At
one office in Adelaide a dead snake was thrown at a staff member. I am absolutely certain that these types of outcomes are the last things that any of my parliamentary colleagues want to see happening in Australia. But this is what happens when services are down. This is what happens when one group of people is targeted to pay back overpayments while others are allowed to keep the extra $600 they received by accident. This is the consequence of neglect and mismanagement, and it is time something was done.

In my previous career, before coming to this place, I was community worker—as you are all aware. I worked for a welfare rights service which dealt primarily with people with income support issues. I hear from the people at the local welfare rights services and related services of the increasing difficulties they have in getting through to Centrelink, in getting issues sorted out and, often, in coming to an equitable outcome, because—as I have pointed out—the staff are stressed and overworked. I must also point out that the turnover of staff at my four local Centrelink offices is around 40 to 50 per cent, so it is no wonder that the staff lack skills and, often, an understanding of the regulations in the legislation they are dealing with.

When people—particularly, in my electorate, people from non-English-speaking backgrounds—get an overpayment, they often do not understand how it has arisen. The staff treat them very politely and try to be helpful to them and point it out to them, but these people make statements to me like, 'I got this overpayment and I don’t know how I got it. I feel like a criminal; I feel I’ve done the wrong thing.' Often they point out that they have spent many years working hard. Many of them, when they had periods of unemployment in their younger lives, would not take social security because they felt that they should work and contribute to the economy. As I said, the people of Stirling and the staff at Centrelink deserve better. They deserve respect and efficient services. That is why Labor is supporting the CPSU’s Centrelink Pledge, to ensure that Centrelink customers and staff get a better deal, and that is why I call on the government to do the same.

Roads: Funding

Mr ENTSCH (Leichhardt—Parliamentary Secretary to the Minister for Industry, Tourism and Resources) (5.02 p.m.)—I would like to raise the issue of roads in my electorate. As a representative of Leichhardt, an area of some 151,000 square kilometres, you can appreciate that for me roads are a major issue in relation to essential infrastructure. It is absolutely vital that we in the Australian government continue to focus, as we have, on ensuring that we upgrade that infrastructure and provide a much better service, particularly in light of the fact that outside the Cairns area few or no public transport facilities are available so people are very heavily reliant on our road networks.

Something that has been concerning me deeply in recent times has been the tendency of the Beattie state Labor government towards what appears to be buck-passing. When a road issue arises, they are very quick to blame the federal government for lack of funding. In fact, an unprecedented amount of funding is going to the Queensland state government at the moment. Unfortunately, as you are well aware, the state governments set the priorities; control the bureaucracy of the main roads departments; and, in most cases, construct the roads. The states even set the priorities for the national highway systems.

What prompted me to rise tonight was the way the state government handled a serious issue regarding a road in the Tully area south of Cairns between Corduroy Creek and Banyan Creek. That is outside my electorate, but the road is a vital link. It is a national high-
way connecting Cairns and further north. It is a vital link for freight going into the area and, of course, for our tourism industry. Given that over 70 per cent of our tourism is domestic, a lot of vehicles on the road are self-drive vehicles. There are huge problems when people cannot access Cairns because of flooding. For some years the state government has been taking the opportunity, whenever there has been a flooding incident, to blame the federal government because the road is a national highway.

With the recent announcement of the AusLink program, we challenged the Queensland state government to quarantine some of the $429 million that they got. I was hoping and expecting that some of the $210 million for the Bruce Highway north of Caboolture would go to areas like Tully, to fix this problem, but that did not happen. We then had the opposition transport minister up there recently making promises from a federal Labor government that if they got in they were going to put up the $80 million and fix the problem immediately and all would be right.

In challenging Minister Lucas, the state Minister for Transport and Main Roads, we said, ‘Well, where are your plans? You claim you need this road; you need it upgraded. Where is the plan so that we can see what we can organise in relation to funding?’ What came through—they must have blown it out of the archives of the main roads department—was a very old document that really had no relevance to today’s situation, and the minister had to then admit that was all he had. The Queensland state government had absolutely no idea of what the costing was going to be. They had done absolutely no planning whatsoever for the road as to the impact on the environment and adjoining landholders. They did not even know how high they had to raise the road in order to fix the problem. No cultural or economic impact studies had been done and, interestingly enough, they had no idea what the cost would be. The road was in fact up for consideration in the year 2008; that was when they were planning on doing it. So we basically caught them out there.

The state government then suggested they needed $1.5 million to do these studies. I was fortunate enough to be able to raise that money through Senator Ian Campbell, who was the minister at the time, and then supported by Jim Lloyd, the current minister. We then found out they were going to take three years to do a study of that road, which of course is another three wet seasons. So at the moment we are encouraging the state government and Minister Lucas to expedite the process so that we can start to get that work done. Once that is done and we know what the price is, we can then look at ways in which we can possibly quarantine some of the federal money to make sure that the funding priorities that are needed for that area are met.

We have another instance, in Russett Park, which is just west of Cairns. For some 20-odd years now, the community of about 110 gets stranded every couple of years when the river comes up, because they only have a causeway to cross. They had no problems in the past because they could travel through a gazetted road that went through the rainforest. Unfortunately, since World Heritage listing, the Wet Tropics Management Authority have decided that it is environmentally unsuitable for them to travel through there and basically locked out their only emergency access. As a consequence, some members of the community have struggled to try to cross the flooded rivers at different times when they have had to leave the community, and over a period of time we have had three deaths, we have had some very close calls and a number of vehicles have been lost.
I am currently working with the Mareeba Shire Council. We have in fact put up a proposal that is going to cost an additional $1 million over what it would have cost the council to maintain the existing gazetted road. That $1 million, I believe, should be paid for by both the state and federal governments, given that it is their agencies that are denying the community that access. I currently have a submission in to both the minister for the environment and the minister for roads requesting funding from those departments to meet the federal government’s obligation, in my view, of half a million dollars. Again, the Beattie state Labor government does not want a bar of it, and I think they are going to have to be dragged kicking and screaming to that. The community is very strongly galvanised behind it, and the council are doing an outstanding job in making sure that they are also fulfilling their level of commitment. I am hoping that we can fulfil ours as soon as possible and then, between the community, the council and me as the Australian government representative, we can make the state government fulfil their obligations.

Under this government, a lot of money has been committed to roads. The Black Spot funding has been of huge benefit to my electorate. We have received about $11 million under the program to date; we have another $8.9 million coming on. That money has provided tremendous opportunities and a lot of dangerous areas have been fixed up. The other program is of course Roads to Recovery, which has certainly stopped the state governments from cost shifting and has given local governments a tremendous opportunity to build roads—in Cook, Douglas and Cairns shires, over $7 million has been received for over 100 different projects. Torres Shire Council has got $1 million for their small road network, but $1 million goes a long way.

So, given that we are prepared to come to the table and put down our money, I call on the Beattie state Labor government to follow our example—to start planning ahead instead of dragging the chain, to start working cooperatively to provide these services that are desperately needed in Far North Queensland and to make sure that a fair level of funding is quarantined for our region rather than being spent exclusively in the south-east corner. *(Time expired)*

**Karalis, Mr George**

Mr SERCOMBE (Maribyrnong) *(5.12 p.m.)*—It was back on 8 December 1998 that I first raised in this House the death of a 28-year-old constituent of mine, George Karalis, in terrible circumstances in Greece. I alerted the House and, through the House, the government at the time to the existence of a coroner’s court order from Victoria submitted through DFAT to the Greek authorities, requesting a number of items to enable the coroner to carry out an investigation. Two days later, on 10 December, I went into considerably more detail on the circumstances of the murder of Mr Karalis. Mr Karalis and his cousin, a former Australian resident, were both murdered at sea in Greece in horrific circumstances. Mr Karalis was hanged as well as assaulted and slashed a number of times with a knife. His cousin had wounds that were consistent with being repeatedly rammed against the propeller blades of the boat in which they were found.

The families were greatly aggrieved about the way in which the Greek authorities carried out the investigation. Initially, Greek police indicated that in their view this was a murder suicide, and that grossly offended the families. There were a number of subsequent comments from Greek authorities—time makes it difficult to go into details—which also offended the families, and aspects of the investigation were, frankly, botched outra-
geously. For example, after the boat was towed back to shore, it was left out, exposed to the elements, for a number of hours, in the process destroying vital forensic evidence or allowing it to deteriorate rapidly.

The purpose of my raising the matter in the House at that stage was to encourage the government to very actively pressure Greece to ensure compliance with the order of the Victorian Coroner’s Court. I came back to the matter on 22 March 1999 when I informed the House that the body of George Karalis had been returned to Australia and subjected to examination. The senior pathologist of the Victorian Institute of Forensic Medicine produced a report in which he concluded:

In my opinion, the death of George Karalis is a case of homicide—quite contrary to the views that were being propagated by some authorities in Greece.

Subsequently, in debate in consideration in detail of the appropriations bill I raised with the then Attorney-General this question of the difficulties, which were still ongoing on 20 June 2001, of ensuring adequate effort in Greece in relation to the murder investigations and inquiries which should have been pursued much more vigorously. Interestingly, the then Attorney-General made the following comment:

We have had some problems in dealing with Greek authorities in relation to criminal matters. It has not been an entirely satisfactory relationship generally.

Since that time a coroner’s inquest has been held in Victoria and, on 28 July this year, the Victorian Deputy Coroner produced the record of his investigation. He concludes:

Whilst I am satisfied the deceased met his death by foul play, the evidence does not permit a finding as to the identity of the person or persons contributing to the cause of death.

Interestingly also in the deputy coroner’s report he says the following:

On behalf of the Karalis family, it was submitted that the investigation carried out by the Greek authorities was flawed from the outset, as it was biased and incompetently undertaken. However, as the investigation did not take place under the direction of the Victorian State Coroner’s Office and occurred outside the jurisdiction of this Court, it is not appropriate that I address the merits of this submission.

Having read the report I can certainly say that, allowing for the niceties of the way in which a coroner or a court official might deal with his brothers in another jurisdiction, the fact that the coroner has included those and other references, including references to an investigation carried out by a former Victorian homicide squad member, makes it quite clear that the Greek authorities, frankly, have botched the handling of this particular matter.

Following on from the inquest, the solicitors acting for the Karalis family have written to the Prime Minister. That letter is dated 30 July and I will just read some sections of it:

You will note upon perusing the reasons ... that is, the reasons given by the deputy coroner—

that [he] was of the view that Mr Karalis together with his cousin Mr G Loizos was murdered by unknown third parties which was contrary to the conclusions reached by the Greek Authorities who determined the cause of death to be murder suicide.

A submission was made to the Coroner on behalf of the Karalis family to also question the manner in which the investigations in Greece were conducted. The family has been very critical of the way in which Greek authorities failed to properly undertake the investigation and they believe that there may have been other motives for the decision reached.

Accordingly on behalf of our clients we are instructed to request that you demand from the
Greek government that a new and independent Coronial inquiry be undertaken into the cause of death of George Karalis and further that a Parliamentary enquiry be established to enquire into the conduct of the investigation by the responsible Greek Authorities in 1998.

In view of the fact that Australian Citizens were involved in this tragic circumstance our clients believe that there is an obligation on the Australian Government to ensure that due process has not occurred and therefore it is imperative upon the Australian Government to influence the Greek Government to reopen the Coronial enquiry and further enquire into why the incorrect conclusion was reached.

As I said, that is from the solicitors acting for the Karalis family.

A variety of issues seems to me to arise from this matter. One is very much the adequacy of the vigour with which Australia, through its various services, pursues the interests of and justice for Australians overseas who have become the victims of serious crime. A Senate foreign affairs committee report was produced back in 1997, for example, which referred specifically to the disappearance of a David Lindner in Iran. That report states that presence and liaison of the AFP officer in Nicosia—in the words of the committee:

... encouraged Iranians in their endeavours, and kept that case going when otherwise it might well have ceased to be in the in tray.

We are saying that, whilst Australia obviously enjoys close and cordial—good relations—with Greece, it is extremely important for the appropriate Australian authorities, including our law enforcement community, to be vigorous in pushing colleagues in other jurisdictions, within the bounds of diplomatic nicety, to ensure that the interests of Australians are properly protected. I would suggest that, as the Karalis family suggests, that has not been adequately done in the case of the murder of my constituent George Karalis. It is very much in the mutual interests of countries like Australia and Greece to ensure that there is a high level of public confidence in a country like Australia, which is a source of large numbers of tourists going to countries like Greece, in the adequacy of criminal justice procedures and—God forbid, if an Australian becomes a victim of a serious crime—that they have confidence that justice will be done. This is a very pertinent point for authorities in countries like Greece to consider, particularly with Greece attracting very considerable public interest over the coming weeks with attendance at events associated with the Olympics.

A further matter that arises from this is the support for families in these sorts of situations. The loss suffered by a family like the Karalises from their son's murder is simply incapable of being compensated for; nonetheless some attempt needs to be made to consider their particular circumstances. We are aware of the patchwork of support available for victims of crime across Australia but, as I understand it, except in the sorts of special circumstances such as the Bali disaster and Bali tragedy, there is no mechanism by which victims or survivors of victims, within Australia, of serious crime are able to adequately receive some sort of compensation for their loss.

This matter indeed ought to be vigorously pursued with Greece, although one would have to say that the track record to date here might not suggest that justice is going to be done. But certainly the Australian authorities ought to be vigorously pursuing with Greece the fact that, now that a finding of murder has been made, some compensation should be paid to the survivors in Australia. They have incurred extraordinary costs in pursuing justice at a great distance—over the very large distance between Australia and Greece—in circumstances where such justice ought to have been more adequately pro-
vided by the Greek authorities. The solicitors for the family have made a number of suggestions. I would encourage the Prime Minister and the foreign minister to actively look, within the bounds of the close relationship we have with Greece, at pursuing those opportunities. (Time expired)

Bushfires: Stretton Group

Mr McARTHUR (Corangamite) (5.22 p.m.)—The report by the House of Representatives committee on the recent bushfires, A nation charred, was tabled in this House in November 2003. This reported on the worst bushfires since human settlement, and other reports have been forthcoming. There was also the McLeod report from the Canberra government and the Esplin report in Victoria. Today I wish to review the state of play in August 2004. Summer is approaching. The CFA in Victoria, the New South Wales Rural Fire Service and national parks would be anticipating a difficult fire season this summer. The Nairn report, as the House of Representatives committee report has become known, provided 59 recommendations. The members of that committee are waiting for the government response on the important issues that that committee raised.

Regarding the hazard reduction burning, there have been some changes by state governments and more attention has been given to that issue. Western Australia has been good with hazard reduction burning. Victoria has been behind in the allocated amounts and has taken a greater interest trying to implement that program. Local knowledge was reported on in A nation charred, and it was clear that local knowledge was not used in fighting those bushfires. Another important factor was the lack of vigorous attack on the bushfires, particularly here in Canberra, where McIntyre’s Hut was allowed to burn for 24 hours, and eight or nine days later Canberra was engulfed in a major bushfire. Lightning strikes have been put out in the Brindabellas over the last 20 or 30 years, as they have been in Victoria, but under the new regimes they were allowed to burn. In my view, that was a major factor in these bushfires. Communications left a lot to be desired here in Canberra, in south-east Gippsland and in Victoria. This committee received 500 submissions. All the submissions are on the Hansard record. Cross-examination of witnesses took place, and the parliamentary committee produced a bipartisan report. It has not been challenged by any authority, although I was disappointed that state fire authorities did not contribute to that report.

The Esplin report in Victoria was commissioned by the state government. It was really the commissioner inquiring into himself. The evidence was not on the public record, and the tone of the report is that we had a ‘successful fire’, the worst since human settlement, which was a terrible ecological disaster where no-one was killed except one person in a flash flood. That was the attitude of the Esplin report.

The Canberra coronial inquiry is yet to report. It will report in November this year. Phil Cheney, a well-respected CSIRO scientist, has given evidence at that inquiry, and other witnesses have given evidence on oath. Those of us interested in these matters will be very interested to see the outcome of that coronial inquiry in regard to McIntyre’s Hut, where the lightning strike was allowed to burn. Mr Val Jeffery, who was an outstanding witness to our inquiry, had to provide legal representation in putting his evidence forward. The New South Wales Rural Fire Service had a two-day coronial sitting and found no problems. That leaves a few questions over that particular investigation.

Discontent from rural fire brigade members, farmers, national park management and the possibilities of an Ash Wednesday loom-
ing in the future encouraged a number of us to form the Stretton Group. That group has been formed to look at bushfire control and mitigation and forest park management. It was named after Judge Stretton, who provided a fearless report on the 1939 bushfires. He was an advocate for change after those terrible fires. Members of this group have been meeting monthly and more often to seek future action in bushfire control and forest management. Members of the group are: Mr Athol Hodgson, who has 50 years of experience in the forest service, is a former forest commissioner and is highly regarded within the industry; Mr Simon Paton, who is a sixth generation farmer in northern Victoria who was burnt out in 2003; Mr David Packham, who has 40 years bushfire research experience with CSIRO and Monash University; Mr Bill Middleton, who has 50 years of experience in forest management; Professor Peter Attiwill, who is a world authority on fire and ecology matters; Tony Cutcliffe, who is a Eureka Project consultant committed to truth in fires and the environment; and me, Stewart McArthur, the member for Corangamite, who was a vigorous participant in the federal inquiry.

You can see that there is over 200 years of accumulated experience in bushfires in that group, which includes people who have a high degree of integrity and respect. In challenging the Esplin report, that group asked Mr Allan Myers QC to provide his forensic assessment—an independent QC’s opinion—of the Esplin report. He was approached with no preconceived view. Mr Allan Myers has a first-class legal mind, a formidable reputation at the Melbourne bar and some personal experience because of his extensive pastoral interests, which are subject to fire. I would like to quote from his signed QC report, which is now a public document. He found a number of disturbing aspects in the Esplin report. In his review, Mr Myers cast doubt on the independence of the Esplin inquiry, stating Mr Esplin:

... was not, and did not appear to be, independent in relation to the matters inquired into.

Another serious criticism is that the Esplin report could make recommendations on the future of fuel reduction burning—which was, and I quote Mr Myers again, ‘possibly the most sensitive area in the Esplin inquiry’—but failed to do so. I note that the Esplin inquiry did not make any recommendations in this area. Mr Myers went on to make the following other comments in his written report. The Esplin inquiry terms of reference were deficient, too vague, too focused and too narrow. The report of the inquiry was also vague and failed to address important environmental and economic consequences of the fires, including the effects on water catchments. There are doubts about the validity of the evidence to the inquiry, because it was not tested by cross-examination and was not protected from potential defamation action. The report invites grave misgivings about the manner in which it was written and it makes:

... few specific recommendations upon the most crucial issues and contains a great deal of peripheral and irrelevant material.

They are the comments of Mr Allan Myers QC in a report to the Stretton Group. They are on the public record. The Age article continued:

Reviewing the inquiry’s treatment of criticism of the relationships between paid firefighters, volunteers and landowners, Mr Myers says the one recommendation ‘is so generalised as to be worthless. It completely ignores the evidence of serious deficiencies in the organisation of the permanent fire-fighting bodies.’

There we have it. That is from an independent QC, somebody who came to these arguments to review the reports. He had a chance to read A nation charred, which is an extensive report by this parliament. He read the
Esplin report, which is a fairly heavy document, plus other supporting material. Mr Allan Myers provides an insight into the validity and the importance—or otherwise—of the Esplin report to Victoria.

I will conclude by saying that the Stretton Group are seeking to find the truth and the facts about bushfires, forest management and the locking up of forests in Victoria and New South Wales and other parts of Australia. If governments of all political colours wish to lock up their forests then there needs to be a management strategy to ensure those forests are managed properly, looked after for the people, accessible and protected from the possibility of a major bushfire such as those that occurred on Ash Wednesday and in 2003.

The light on the hill and the hope for the possibilities of better management are found in the USA, where—after years of difficulty in managing their forests—the outbreak of massive bushfires in the Yellowstone National Park convinced both the Bush and Clinton administrations that there needed to be a review of the operations of parks and forests and that fuel reduction burning and the harvesting of timber was in the best interests of maintaining pristine parks and maintaining their integrity and their longevity.

The Stretton Group are encouraged by that outcome in the USA. They are working vigorously to ensure that there is enlightened and clear debate on the integrity of these issues and that those people who call themselves environmentalists are drawn to account to address the facts of the matter. Bushfires are here to stay in Australia. They can be mitigated with sensible management; they can be controlled with up-to-date firefighting techniques. But we need to ensure that the people who are in control of bushfire and park management have the methods, the political support and the management team support necessary to ensure a much better outcome than was the case in 2003, when more than two million hectares were burnt. It was an ecological disaster. The people of Australia should fully understand that. (Time expired)

Transport: Maritime Security

Ms GEORGE (Throsby) (5.33 p.m.)—In tonight’s grievance debate I would like to raise the issue of maritime and port security as it is a matter of vital concern to my electorate, which encompasses Port Kembla harbour and port operations. I am most concerned that current government policy is creating obvious opportunities for the breaching of our maritime security. Historically, Australia’s coastal trade, like that of most of our trading partners, has been protected by cabotage. This is in essence a form of protection for Australian registered ships in our coastal trade. The Howard government gets around this protection by abusing a system which allows foreign ships to conduct coastal trade under special conditions, either on a single or continuing voyage permit issued by the government. In 2002-03, according to the information received from the Parliamentary Library, the government issued 839 such permits to foreign ships to carry approximately 11½ million tonnes of domestic cargoes which should have been carried by Australian registered ships and crews.

A recent independent review of Australian shipping prepared for the Australian Ship Owners Association—a bipartisan report written by former ministers John Sharp and Peter Morris—reported that:

The Review heard evidence that over the past few years, the criteria—

for issuing permits—

have been administered in such a way that the coastal trade could now be regarded as virtually deregulated.
In the words of Dean Summers, the coordinator of the International Transport Workers Federation, taken from a recent press release issued by him:

The most obvious prospect for potential terrorists to breach our maritime security is by using flag of convenience shipping on government permits to replace entire trades on our coast at the expense of Australian shipping.

A graphic example of such a risk was described in a submission made by the Maritime Union to the Senate committee looking into the Maritime Security Bill 2003. Under the heading ‘A disaster waiting to happen’ the union’s submission stated:

On 18th September this year—that is, 2003—the day this Bill was introduced into the House of Representatives, the ship the Henry Oldendorf, carrying over 10,000 tonnes of ammonium nitrate, as well as 100s of tonnes of diesel fuel, was plying the Australian coastal trade. This FOC—flag of convenience—Monrovian registered ship was presumably operating under a Single Voyage Permit issued by the Federal Government. She had amongst her crew of 20, seven different nationalities, Indonesian, Indian, Filipino, Ghanaian, Egyptian, Turkish and Maldivian. The potential for a terrorist incident is great given the well known connections between some of their homelands and terrorist cells and ease by which the cargo of this vessel could be turned into an extremely powerful bomb. The damage that it could cause in this port, and to people and property nearby, is immense but this threat to our national security is a relatively recent one. The fertiliser trade on the Australian coast was previously conducted in Australian ships manned by Australian seafarers but the Federal Government through single and continual voyage permits has favoured foreign shipping to such an extent that many Australian operators have been driven out of the trade. The example of the Henry Oldendorf is by no means an isolated case in our ports.

Intelligence experts have been saying that ships are more vulnerable to potential terrorist attacks than even commercial airlines. Targets could include cruise ships, oil supertankers, LNG carriers and chemical tankers. A ship could, in effect, become a floating bomb docked near critical infrastructure, particularly if it is a ship carrying ammonium nitrate. It should be of grave concern to all Australians that the fertiliser shipping trade around our coastline is now completely in the hands of foreign vessels. It is not beyond the realm of possibility that organisations with terrorist links could own and operate ships under the flag of convenience system—and the identity of shipowners in this system is protected through impenetrable ship owning structures.

The independent report that I previously referred to as the Sharp-Morris report also pointed out that the subject of seafarer identification is critical to the ultimate effectiveness of the International Ship and Port Facility Security Code. The review expressed serious doubts about the identification of seafarers, either on board or on shore, noting that this remains a significant risk factor, with awareness of any missing crewmen being totally dependent on information provided to authorities by the ship’s master. Labor is alarmed by the government’s admission that, since July 2001, 103 crew members from foreign flagged vessels have gone missing once they have reached an Australian port. We know from answers to questions raised by the Labor shadow minister for homeland security that crew members went missing from Wollongong on 6 and 15 November 2001 and from Port Kembla on 1 and 5 January 2002. One hundred and three missing foreign crew are 103 potential threats to Australia’s homeland security. The fact that the crew often went missing in groups of three or four is especially concerning.
In my view, this is an open gate in our border protection regime—one that Labor will of course address in its coast guard and armed marshal commitments already announced. One should note that, as of 1 July this year, every foreign flagged vessel that sails into a US port will be boarded by the US Coastguard to check whether it is complying with international rules aimed at foiling terrorists.

There have been more foreign crew going missing from foreign flagged vessels in Australian ports since July 2001 than there have been unauthorised boat arrivals in the same period. You have to draw the conclusion that there is an obvious inconsistency in the government’s approach. Its coastal shipping policy has deregulated that sector of our trade and has led to substantial job losses for Australian seafarers. So, on the one hand, it wants to deregulate that coastal trade and dismantle a viable Australian industry while, on the other hand, it makes grand pronouncements about the need to strengthen border protection. The independent Sharp and Morris review also said:

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.

In concluding my comments this evening in the grievance debate, I want to express my ongoing concern about the government’s continued deregulation of the Australian coastal shipping industry and the loss of jobs in that industry and the impact that it is having on local families. I particularly want to alert the government and the minister to the loopholes that are so evident in our marine security policies. As I said earlier, 103 missing crewmen from foreign flagged vessels since July 2001 is a cause for serious concern. I do not believe the government, even in its revamped maritime security policies, has adequately recognised the potential risks that this poses to the security of our nation.

Environment: Water Management

Mr FORREST (Mallee) (5.42 p.m.)—I would like to bring to the chamber my thoughts on the nation’s single most significant challenge at the moment in relation to a national resource—that is, water. This will not be any surprise to you, Mr Deputy Speaker, or to other members, as I am often on my feet on this significant issue. We are currently in a drought of 25 years. The state of the nation’s water storages south of the Tropic of Capricorn is dire. There are 16 million Australians—which is 80 per cent of the population—experiencing some level of water restriction. Sadly, the people in my part of the world, in the constituency of Mallee, are currently enduring the worst of all of them.

But there has been enormous progress, and I am immensely proud of the fact that this government has introduced a national program to address this serious issue, getting around the problems of section 100 of the Constitution, which makes water a state issue. I refer to the national water initiative. The focus of this initiative has recently been expanded from being just on the Darling and Murray rivers to being on the whole of the nation—and that is a good thing.

We now have an appropriation available in partnership with all of the states that will enable important water conservation projects to be funded. We have already had a significant amount of Commonwealth funding to assist the states in the capping of the artesian bores. That has been going for six years. But we now have a renewed emphasis to encourage the smarter use of water—for example, the smarter use of grey water. We now have a
process whereby we can negotiate the dis-
couragement of profligate wastage of water
right across the nation. It is alarming that, in
such a dry continent, we waste so much wa-
ter.

We also now have an appropriation to
supply the necessary capital to pipe wasteful
channel systems right around the nation.
That brings me to the success story of the
piping in the Wimmera-Mallee. This is a
scheme, over 100 years old now, which sup-
plies water to one-third of the north-west
corner of Victoria, through 17,000 kilometres
of open channels in sandy country. It took
almost 67 years to complete—quite an engi-
neering achievement for its time. Even dur-
ing its construction, it was urged that the
water be piped. I had always thought that this
urging for piping started in the 1930s, until I
came across a minute from a meeting of the
Shire of Dimboola in the 1890s, which was
when the project was just starting. But it is a
success story, and I am really proud to stand
in this chamber and say that one-third of this
scheme is already piped and that this is al-
ready saving huge amounts of water. Already
55,000 megalitres—that is, 55,000 Olympic
swimming pools—of water is being saved
every year. If you laid those swimming pools
end to end, they would go from Perth to
Sydney and back again.

The region is split into two parts: the
Wimmera and the Mallee. The Mallee is in
the north and the Wimmera is in the south, a
large wheat- and sheep-growing region of
Victoria. It was decided that the easiest way
to get this scheme started was to supply the
northern section with water from the Murray
River, rather than bringing it all the way
south from the Grampian mountains, which
is probably almost 300 kilometres. It was
realised that the states alone would not have
necessarily the capital to fund such a large,
capital-intensive project. This is a project
that has always had bipartisan political sup-
port, and I am really saddened by the last
couple of years when the state government in Vic-
toria have taken the opportunity for political
opportunism, which does the project abso-
lutely no credit.

In the early nineties a small commitment
was made by the Kirner government to get
the project started. I believe it was about
$1.6 million. The community was up in arms
at that time. I can remember being urged in
1992-93 to take my engineering knowledge
to Canberra and make sure this project got
onto the national agenda and got a national
profile. It might have taken 11 years, but I
am delighted to say that that has now hap-
pened. I had not even been sworn into the
parliament after my election in March 1993
when I was on the ball on 28 April writing a
letter to the then Minister for Primary Indus-
tries and Energy, the Hon. Simon Crean, the
member for Hotham. He responded with
$2.1 million from the National Landcare
Program, so I felt that my message was being
received here in Canberra, as part of a genu-
ine partnership with the state and in a non-
partisan fashion. Shortly after that, the newly
elected Kennett-McNamara government in
Victoria committed $25 million of state re-
sources for seven stages in the northern sec-
tion, supplying the townships and farming
community from the Murray.

The Commonwealth has followed suit
with partnership funding now for up to nine
stages. This has been principally through the
Natural Heritage Trust. With respect to the
use of that appropriation, the community
have been saying that, because the project
draws such a large amount of capital—$4
million a year or slightly less, depending on
the intensity of the construction—they
wanted a separate appropriation. Now that
has been delivered by this government
through the national water initiative. I am
looking forward to advancing this project in
the community’s interests from here on, us-
ing that appropriation and, again, in genuine partnership with the state.

The Commonwealth’s contribution to this project to date has been over $30 million. Stage 1 was completed in 1993, stage 2 in 1995 and stage 3 in 1997. That was a significant and sizable stage, opened by the now Deputy Prime Minister, the member for Gwydir, who was the minister for agriculture at the time. Stages 4 and 5 were opened by the Hon. Warren Truss, member for Wide Bay, in his capacity as minister for agriculture. I had the opportunity and the honour of opening stage 6 in 2001, and the subsequent stages have been opened by the Deputy Prime Minister—stage 7 in November 2002 and an extension right across to the western section, which we never thought we could achieve in the early days, at Patchewollock in November 2003. While we speak, a huge section along the Cannie Ridge between Swan Hill and Quambatook is under construction and is expected to be completed in October.

This is a tremendously successful story. It has been really disappointing over the last few years to see the Bracks Labor government taking political opportunity. The Commonwealth’s position in respect of funding this project has always been to observe proper process. We are, after all, asking taxpayers from the Northern Territory to support a project in Victoria, and it must survive proper process. This is a responsible government, and that is why the economy is in such good shape. My constituents need to understand this. The assertions by the Premier in Victoria that we are dragging the chain with respect to funding this project are an unacceptable and dishonourable way to behave, given the record of this government in funding this project. In fact, to the contrary, I would say the Commonwealth have led the charge in getting this important project so well advanced, to the extent that we can say today that 30 per cent, or one-third, of this project has already been piped.

The Commonwealth has been very active in its desire to ensure the best interests of the people of the Wimmera-Mallee are served so that they are not saddled with having to make large contributions of their own to fund this project, which is expected. I would like to give a few examples of this leadership. One was in 1999, when the Commonwealth led the charge for a feasibility study and contributed $110,000. I am grateful to the member for O’Connor, who at the time was the Minister for Forestry and Conservation, for granting that funding after a visit to the region. I did not run around belting up the state at the time. I waited for the state to observe due process, and the Treasurer, John Brumby, did that. We had a feasibility study undertaken, which gave us a few shocks and raised a few questions that still need answering.

The Commonwealth is going to ensure that the momentum for this important project continues in the national interest. It welcomes the request from the state for $125 million to fund this project through the national water initiative. I am looking forward to the ongoing debate we will have to make sure that in the next six or seven years this project will be affordable for the community, that the interests of the ratepayers and constituents in Victoria are served, and that they will not be saddled with a huge amount of capital debt—(Time expired)

Question agreed to.

CRIMES LEGISLATION AMENDMENT (TELECOMMUNICATIONS OFFENCES AND OTHER MEASURES) BILL (No. 2) 2004

Second Reading

Debate resumed from 4 August, on motion by Mr Slipper:

That this bill be now read a second time.
Mr McCLELLAND (Barton) (5.52 p.m.)—The Crimes Legislation Amendment (Telecommunications Offences and Other Measures) Bill (No. 2) 2004 is an omnibus bill which updates a number of offences originally enacted in 1989 relating to the misuse of telecommunications services and moves them from the Crimes Act to the Criminal Code. The bill also creates a number of offences on a range of topics, including offences of using a carriage service, including the Internet, to access, transmit or publish child pornography or child abuse material, or to procure or groom a person under 16 years of age for sexual activity. These complement existing offences in place at the state and territory level.

Secondly, the bill includes offences of using a carriage service, including the Internet, to make threats to kill or cause serious harm, to perpetrate a hoax relating to explosive or dangerous substances, or to engage in menacing, harassing or offensive behaviour. Thirdly, there are offences to prevent the rebirthing of stolen mobile phones and the copying of mobile phone SIM cards. Fourthly, there are offences of making hoax or vexatious calls to emergency service numbers. There are also offences of contaminating goods, threatening to contaminate goods or perpetrating a contamination hoax. Finally, the bill includes offences of dishonestly obtaining or dealing in personal financial information, targeted at credit card skimming and Internet banking fraud. These implement model legislation developed jointly by the Commonwealth, state and territory governments. The bill also makes a number of miscellaneous amendments to criminal law statutes, dealing with matters including alternative verdicts, knowledge of criminal law, proof of narcotics offences and international assistance in criminal matters.

We note that the bill appears to have had a long period of gestation within the government, if the public statements of numerous ministers, past and present, are anything to go by. As long ago as 4 April 2003—almost a year and a half ago—the Minister for Justice and Customs, Senator Ellison, issued a media release titled ‘New offences to clamp down on Internet child pornography’. That release made mention of the offences covering child pornography and material that incites suicide. Then, on 20 August 2003, just a year ago, Senator Ellison and the then Minister for Communications, Information Technology and the Arts, Senator Alston, issued a joint media release titled ‘Using Internet for offensive and menacing purposes to be outlawed’. This release mentioned offences dealing with offensive, menacing or harassing Internet content, re-announced the child pornography offences and also mentioned the offences dealing with rebirthing of stolen mobile phones.

On 14 March 2004, Senator Ellison and the then Minister for Communications, Information Technology and the Arts, the Hon. Daryl Williams, issued a joint media release titled ‘Tough laws to target Internet child sex crime’, re-announcing the legislation and releasing an exposure draft. Then, on 19 March 2004, Senator Ellison again issued a media release, titled ‘Agreement reached on new national laws to outlaw credit card skimming’, which announced the offences of fraudulent dealing with personal financial information. Finally, on 25 June this year, Senator Ellison and the Hon. Daryl Williams, then the communications minister, issued another media release titled ‘Internet child sex abuse offences bill tabled’. That coincided with the introduction of an earlier bill in the Senate which bears the same name as the current bill—that is, of course, without the words ‘No. 2’—and which we understand the government will no longer be proceeding with.
All of these announcements have culminated in the current bill, which was introduced into the House last Wednesday, 4 August. It is worth summarising this series of announcements for the public record so that the community has an accurate picture of how the bill has developed and in anticipation of the Attorney-General, who is so fond of accusing all and sundry but the government of procrastination when it comes to the implementation or development of legislation.

In conclusion, the opposition supports the second reading of this bill. The overwhelming majority of the bill is not controversial and makes improvements to the criminal law. In some areas of the law, members on both sides of the House would regard the conduct to be penalised and criminalised as entirely reprehensible and properly the subject of the strongest possible criminal sanction. We note that, following discussion between the government and the Democrats in the Senate, the government itself has referred the bill to a Senate committee, with a reporting date this week, to examine any controversial issues surrounding particular provisions of the bill. We look forward to the report of the Senate Legal and Constitutional Legislation Committee, and we can further address those potentially controversial issues with the benefit of the committee report during the debate in the Senate. But certainly, from the opposition's point of view, despite the long lead time in the development of this legislation, we can indicate to the House that we will cooperate with its expeditious passage.

Mr Baird (Cook) (5.58 p.m.)—It is my pleasure to support the Crimes Legislation Amendment (Telecommunications Offences and Other Measures) Bill (No. 2) 2004. It certainly reflects the changes that have occurred in our community and society and our use of the Internet and mobile phones. Very few areas of life these days are not impacted by the use of the Internet and mobile phones. They have changed our way of communicating and our way of life. The changes that have occurred have also meant that we have seen some people in our society use the Internet and mobile phones in less attractive ways. That is why some of the offences that have been included in this bill have been brought forward. I congratulate the Parliamentary Secretary to the Minister for Finance and Administration for bringing this legislation forward, because it is long overdue.

I am particularly pleased to speak on this bill because I chair the Joint Committee on the Australian Crime Commission and we actually undertook an inquiry and produced a report on cybercrime. We looked at how the Internet was being used by criminal elements. We particularly looked at how the Internet is used in banking fraud, pornography, chat rooms, the grooming of under-age children by paedophiles and the skimming of credit cards. I am very pleased to see that the recommendations we made in that report have been picked up by the government and instituted in this legislation, because these offences are of concern in a number of areas.

The No.1 concern with the Internet for me and for many people in our community is the way in which chat rooms are used for the grooming, as it is called, of young people, particularly those who are around 12 or 13 years of age. We actually set up a simulated exercise with the High Tech Crime Centre, which is in the AFP, whereby we created the name of a young person who we said was 12 and we went into a chat room and watched what happened. Within 24 hours, someone was targeting this young person—who of course was fictional—making all types of pretty suggestive comments to them. As it happens, this instance was monitored by the police and they were aware of this individual, who was a paedophile using this groom-
I am very pleased to see that the High Tech Crime Centre of the AFP is able to track down these individuals, both within Australia and internationally, and that offences have been included in this bill for those who use the chat rooms for grooming.

New federal offences targeting online grooming practices by sexual predators will provide national leadership on an emerging aspect of child sexual abuse. The offences align with the government's commitment to a nationally consistent child sex offender registration system and the CrimTrac Agency's work in this area. I think the worst nightmare of every parent in Australia is their child being molested by a paedophile. The Internet has been used on a number of occasions for the grooming of an individual—where paedophiles pretend they are a similar age to the young person whose name comes up in the chat room and then they pursue them. They talk to them, make suggestive comments to them and eventually set up a meeting. It is then that the child finds that the other person is not a 14- or 15-year-old boy but rather a 35- or 40-year-old man. We have had some very unfortunate instances of this occur. This bill has provided these new offence categories in recognition of the fact that this practice does occur and that it is a danger for all parents. Parents think they are protected by using Net Nanny. To a certain degree, it does offer protection in terms of the use of words et cetera, but because of grooming they should still be concerned when their children go into chat rooms. That is one of the key aspects of this new bill that I believe needs highlighting.

The other aspect concerns the Internet child pornography and child abuse material offences. These are a significant step, with law enforcement agencies estimating that around 85 per cent of child pornography seized in Australia is distributed via the Internet. We have seen cases where a significant amount of pornography that has been downloaded from the Net onto CDs has been seized. This new offence carries a prison term of between one and 10 years, making it consistent Australia wide. Currently, an array of state and territory child pornography offences are used to prosecute these people, so this bill brings these offences into line.

Another aspect of the bill is the telecommunications offences and personal financial information offences. These demonstrate the Australian government's commitment to proactively combating new and emerging technological developments in crime, which is important. Telecommunications related offences reflect the changing telecommunications environment and our growing reliance on various telecommunications technologies. That is significant as well.

The offences dealing with the making of threats and hoaxes using a telecommunications service target conduct that has become more prevalent post 11 September 2001. We saw a high-profile hoax publicised in the last 24 hours, when someone in the United States pretended that they were about to be beheaded. That turned out to be a total hoax. This legislation will deal with that.

The offences dealing with the improper use of emergency service numbers, such as triple zero, target an increasing problem which significantly drains the resources of those involved in the provision of the emergency call service and adds to the response time for legitimate calls made to report actual emergencies. It is estimated that fewer than 10 per cent of calls to emergency service numbers relate to anything approaching an emergency. That figure of 10 per cent is pretty small, so obviously there are some people who take up the time pretending that there is an emergency. This legislation will make sure that we minimise this problem and
allow the phones to be used for genuine concerns and genuine emergencies.

Contamination of goods offences and financial information offences are included in this legislation, which also addresses the question of credit card skimming, something that is becoming quite common in restaurants, roadhouses and service stations. Credit card skimming is the practice of taking an imprint of a credit card and then using that imprint—it is passed on, often finding its way up into Asia. The bill before the House addresses that particular issue and the wrong use of mobile phones, as I have outlined.

This bill is important for a number of key reasons. It recognises that changes have occurred in everyday life in relation to the use of the Internet and mobile phones. It addresses some of the key and most significant concerns in those regards, including those relating to pornography and all the implications there. The bill introduces penalties of one to 10 years imprisonment for the offence of keeping pornographic images of young people. It also addresses the issues of grooming, hoax calls which are made to emergency services, rebirthing of mobile phones, offences concerning the wrong use of phones, credit card skimming and the passing on of numbers to others for criminal purposes. Overall, this is a comprehensive range of measures which should be supported by all members in the House. I commend the bill to the House.

Mr SLIPPER (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (6.09 p.m.)—in reply—On behalf of the government, I would like to thank honourable members for their support of the Crimes Legislation Amendment (Telecommunications Offences and Other Measures) Bill (No. 2) 2004. The amendments in this bill address a number of important issues that impact on many Australians’ everyday lives. Schedule 1 of the bill contains a range of new and updated offences dealing with abuse of and interference with the telecommunications system. Measures in this bill deal, most importantly, with use of the Internet to access, transmit or make available child pornography and to ‘groom’ or procure children with the intent of engaging in sexual activity with them. These measures will ensure that paedophiles who use the Internet to facilitate their repulsive activities can be prosecuted consistently, Australia-wide, under federal law. Those caught under these new measures will face very strong penalties of up to 15 years imprisonment. These penalties illustrate the government’s zero tolerance approach towards child sexual abuse. I am pleased that members of the House agree with the government on the need for strong, uncompromising laws dealing with this issue.

Schedule 1 of the bill also contains a range of other new and updated telecommunications-related measures which will work towards making Australians’ use of telecommunications more productive and more enjoyable. Amongst these measures are offences dealing with improper use of the emergency call service; use of a telecommunications service in a menacing, harassing or offensive way; threats and hoaxes made using a telecommunications service; and modification of the International Mobile Subscriber Identity number of a mobile phone.

Schedule 2 of the bill contains comprehensive new contamination of goods offences. These offences reflect the economic loss and public alarm that can arise from the actual contamination of goods, the threat to contaminate goods or falsely claim that particular goods have been contaminated. They will be an important addition to the federal Criminal Code, and they will complement existing state and territory offences and ex-
tend to threats made to contaminate Australian goods from outside Australia.

Schedule 3 contains personal financial information offences that are a key component of the government’s national strategy to crack down on credit card skimming and Internet banking fraud. These offences will ensure that Australians can feel more confident when engaging in electronic, telephone or Internet banking. Dishonestly obtaining or dealing with personal financial information without consent will become an offence under these amendments, as will the possession or importation of a device with the intention of using the device to engage in this type of conduct. These offences also capture Internet banking fraud, such as ‘phishing’, where apparently legitimate emails are used to trick people into divulging their banking details.

This bill contains critical child protection measures and other measures that demonstrate the Australian government’s commitment to proactively addressing new and emerging technological developments in crime. In particular, it contains measures that, as well as putting behind bars those people who would abuse our children for their own gratification, are intended to make the Internet a safer medium for our children to use and enjoy. The bill contains a package of new telecommunications offences that will contribute towards making telecommunications services more effective and making our use of these services less stressful. For example, the offence that targets improper use of the emergency call service will contribute towards a speedier response to calls to the triple zero emergency service.

The bill also contains new measures attacking actions that sap our confidence in the things we should be able to take for granted, such as the safety of our food supply and the security and confidentiality of our personal financial information. I thank honourable members for their support and I commend the bill to the House.

Question agreed to.

Bill read a second time.

Third Reading

Mr SLIPPER (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (6.13 p.m.)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

INDIGENOUS EDUCATION (TARGETED ASSISTANCE) AMENDMENT BILL 2004

Second Reading

Debate resumed from 5 August, on motion by Dr Nelson:

That this bill be now read a second time,

upon which Ms Livermore moved by way of amendment:

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

“whilst not declining to give the Bill a second reading, the House condemns the Government for:

(1) failing to provide real increases in funding for urgently needed recurrent and capital programs in primary and secondary schools for indigenous students and their families;

(2) introducing major changes to the operation of programs, particularly ASSPA committees, without full consultation with indigenous communities;

(3) failing to provide strategic intervention in the early years of primary schooling by changing the focus of support for tutorial assistance to indigenous students who fail to meet national literacy and numeracy benchmarks in Years 3, 5 and 7; and

(4) fostering instability in funding arrangements for the Supplementary Recurrent Assistance program and failing to recognise the disad-

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vantage experienced by all indigenous students whether they live in metropolitan, regional, rural or remote areas of Australia”.

Mr CAMERON THOMPSON (Blair) (6.14 p.m.)—It is a pleasure to speak this evening on the Indigenous Education (Targeted Assistance) Amendment Bill 2004, because the government’s proposals in this regard focus a lot more of the attention that is given to Indigenous education onto the specific issue of Indigenous education in remote areas. That is an important direction for the government to be taking, because of the huge imbalance that exists between the educational outcomes of Indigenous students in urban areas and the educational outcomes of Indigenous students in areas that are not so fortunately located—those students whose education is conducted in areas that can be quite remote, where the availability of and access to education is very restricted and the purpose of education can be less apparent and less immediately relevant to the local population. In discussing that, I will raise a whole range of issues, because this is the core of the question of performance in Indigenous education. It is important for Indigenous communities, just as it is important for other communities, that people be fully aware of the opportunities that are created by education and of the future direction that those communities can seek to undertake as a result. Doors are opened by education, and communities and young people, no matter what their background may be, need to be able to receive maximum benefit from their education.

The purpose of this bill is to improve education for Indigenous students in a way that is proven to work. I underline that point—proven to work—because, whether the students are in remote communities or in urban communities, it is essential that we look at strategies for Indigenous people that are proven to work. There has been a lot of experimentation and a lot of theories have been tried. Things have gone around and around many times and many different aspects of education have been explored and tried in remote communities and among urban Indigenous people, but not all of them have worked. Some, though, have and, where we have strategies that have worked, it behoves us to focus our attention in that regard.

The Indigenous Education (Targeted Assistance) Amendment Bill continues funding for the next four years. Indigenous education and non-Indigenous education do not produce the same results in this country. Under the Howard government there has been a marked improvement in Indigenous education’s results, but there is still more to be done. Studies in 1996 indicated that the year 12 retention rate for Indigenous students was 29 per cent, and since then the retention rate has jumped to 38 per cent, but I do not select the retention rate as being the arbiter for what is good in Indigenous education. I really think that is entirely misguided. This is not purely about the retention rate; it is about the value of the education that the children get when they go to school—and going on to higher education is one course of action that they might seek.

That applies to students in general just as it applies to Indigenous students—and I must admit that Indigenous students do have innovative and appropriate methods for seeking out higher education. Batchelor College in the Northern Territory is an example. It has always had special meaning for Aboriginal people from remote communities. So I think it is important that higher education be considered as one course to be taken, but there is also practical vocational education. That is something that we need to encourage more people in general into, and it is also something that we need to encourage more Indigenous students to focus on.
Going back to the retention rate, however, just to use it as a measure of the situation, we find that the retention rate for Indigenous students is still only half the retention rate for non-Indigenous students. Today in primary schools we have the highest literacy and numeracy rates ever attained by Indigenous students. However, one in four year 3 Indigenous students still does not pass basic reading tests. This bill ensures that assistance to Indigenous students goes to where it is most needed. It ensures that help is given to those needing it most. It redirects funding to initiatives that have been demonstrated to work. Students in remote areas—the most disadvantaged in terms of education—will be the focus of the funding. There will be conditions attached, such as attendance benchmarks, to ensure performance and results.

One aspect of this bill is the provision of highly targeted tutorial assistance. Tuition assistance will be available to those not meeting performance benchmarks. In-class tuition will be provided in years 3, 5 and 7, benefiting about 45,000 children over four years. After-school tuition will help about 11,600 students in years 10, 11 and 12. This bill also provides for the involvement of parents and communities—an essential part of Indigenous education—through the development of partnerships between schools and Indigenous communities.

The previous speaker on this bill focused to some extent on the ASPA committees and their fate. In some cases there has been a good experience in relation to ASPA committees. In other cases that I am aware of there has not been a good experience. What is important about this bill goes back to the opening statement that I made. We must focus on strategies that have been proven to work. There is no point in having ASPA committees just for the sake of having them. They have to work. If you want to pursue ASPA committees as a strategy then that has to be done in the context of those cases where they have worked. There are many cases where they have not worked, and we need to look at those cases. If we are expending quite a lot of money on an educational strategy that has had mixed results, we need to refocus our efforts in places where we have seen proven results—more across the board, so that the strategy is more reliable and people can be more confident of a positive outcome from the money spent.

We need a reliability of service in providing Indigenous education. It is not a hit-and-miss exercise—well, in fact, the problem is that it is a hit-and-miss exercise. What we need to do is to try and ensure that, to the maximum extent possible, the hit-and-miss character of this type of education is reduced so that it becomes more reliable, so that issues that get in the way of the development of a child’s education through the Indigenous system as we provide it now are reduced. At almost every turn we need to ensure that to the maximum extent possible there will be a positive experience. I raise that because in some of the material I want to discuss later on, particularly in relation to attendance, there are situations where the negative experience can totally undermine the overall performance in education. That is a rather long way of discussing the fact that I think ASPA committees have not been completely without fault and there are other strategies that are more focused. This bill is seeking those out and seeking to fund them.

Localised problems will be isolated with the measurement of outcomes at a remote and regional level instead of the current state level reporting. That is important too. In studies that have been done in relation to performance in Indigenous education, we see that there are too many glaring black holes in this system that have not been picked up by globalised reporting. If we look at the question of attendance, which I spoke about, you
can speak state wide about the attendance record but, as I think has already been mentioned, over 50 per cent of the Aboriginal student population is in New South Wales and Queensland and the vast majority of those students are in mainstream schools. To incorporate into their attendance records the attendance records at really remote Aboriginal communities is to gloss over the existence of two completely different worlds and to come up with a scenario which really says nothing. A statistic that incorporates all of that together says nothing about either of those worlds; it just runs up the middle somewhere. The fact is that attendance at schools in remote Indigenous communities can quite often be absolutely woeful. That is something that needs to be addressed. It is something that has to be addressed, and I will discuss it at greater length later on.

Under this bill, quality education will be available to all students in Australia and assistance will be targeted to help those who need it most. This is the most accountable system. It will ensure funding tackles the hardest problems and produces the best results. The bill continues $865.9 million of non-Abstudy funding and $101.4 million in Abstudy away from base funding.

I would like to continue, drawing some remarks from the Bills Digest. It says:

Since 1990, when AESIP—the Aboriginal Education Strategic Initiatives Program—was introduced, there has been a steady increase in Commonwealth funding for Indigenous education.

I repeat:

... a steady increase in Commonwealth funding ...

It goes on:

The commitment to AESIP, now the Indigenous Education Strategic Initiatives Program (IESIP), in both policy and funding terms, has continued under the Coalition Government. However, in section 5(g) of the Indigenous Education (Targeted Assistance) Act 2000 (the current Act) the Government included the object of better literacy and numeracy outcomes and better attendance outcomes for Indigenous students.

This bill continues that trend to seek out the questions related to the core competencies and the issues of greatest importance in Indigenous education and seeks to provide strategies that work to address those problems. The Bills Digest goes on:

The Bill—that is, the existing bill—provides additional funding for further ‘practical reconciliation’ through an additional $11.4 million for non-ABSTUDY payments over the period 1 January 2002 to 30 June 2005.

That particular provision of funding, as I say, has ensured that we have continued increases in funding for Indigenous education. Research that has been conducted provides evidence that the rate at which Indigenous education was advancing stalled in 1996; and there is evidence that there has been a recovery since 1996. That is canvassed quite effectively in the Bills Digest, and I commend the Parliamentary Library on the work that has gone into that.

I want to talk about some of the statistics and about how there really are two worlds in Aboriginal education—something I spoke about earlier. This bill at last really focuses on that. I want to make a few remarks that highlight some of the problems. I look firstly at the proportion of the Australian Indigenous population that attends schools in various states. Queensland has 27.5 per cent of the Indigenous school population; New South Wales has 29.7 per cent; Western Australia has 16 per cent; and the Northern Territory has 10.8 per cent. We can see that over 50 per cent attend schools in Queensland and New South Wales; and the Northern Territory, which encompasses a lot of very remote schools, covers 10.8 per cent. Of the Indige-
nous population, 87.5 per cent attend government schools and 8.3 per cent attend Catholic schools. It is interesting to note that the more than 50 per cent of Indigenous students who attend school in Queensland and New South Wales make up less than five per cent of the school population in each of those states—only that small percentage. So it is very hard to say that those Indigenous students are engaging in a system that is tailored purely to them. Perhaps that is one of the problems and is something that needs to be addressed, but there is a significant problem that arises further out, in remote areas where the population is largely Indigenous and where the system is tailored directly to them.

I would like to talk about the 2002 National report to parliament on Indigenous education and training, which was tabled last year. We have seen some significant changes in the number of people from Indigenous backgrounds seeking access to higher education courses. It is interesting to note that the number of Indigenous students undertaking studies in natural and physical sciences has fallen by 10.8 per cent. In IT that number has increased by 14.1 per cent, in the creative arts it is up by 24.1 and in education it is up by eight per cent. In my home state of Queensland, 1,083 students from Indigenous backgrounds attended higher education in 2002. It is interesting to compare that with the figure of 1,052 students in the Northern Territory, including the 818 at Batchelor college which I made special mention of earlier on.

Looking at that vexed question I raised about attendance, one of the deficiencies in the National report to parliament on Indigenous education and training from 2002 is that it makes the mistake of dealing with it globally. It says that primary attendance is between 76 and 96 per cent for Indigenous students versus 90 to 95 per cent for the general population and secondary attendance is between 69 to 92 per cent for Indigenous students versus 88 to 93 per cent for the general population. I am disappointed that it does not break those figures down and say, ‘Let’s look at what’s actually happening with attendance in remote areas versus attendance in the mainstream system.’

I know from personal experience visiting a range of remote schools in the Northern Territory that attendance is quite significant. I am sure that a great deal of effort has been going into lifting attendance at those remote schools, and I congratulate everyone who is engaged in that, but it is a core problem. When I visit a school that has a capacity to cater for the local population of 300 students and maybe 30 per cent of those students attend the school on any given day—and it is a different 30 per cent every day—I know that the educational outcomes achieved by those students are going to be dramatically undercut by the issue of attendance. It is a very difficult question to address, and it cannot simply be glossed over.

One thing that I would like to report—and there has been quite a lot of coverage of this in Queensland—is the recent performance of the Cherbourg State School, which is just north of my electorate in Queensland. The current Queenslander of the year, Chris Sarra, became principal of the Cherbourg State School in 1998 and he has achieved some stunning turnarounds in relation to absence. I read the text of the ABC program Message Stick from 17 October 2003 about his contribution. Chris Sarra runs specific activities focused on attendance in the school, telling kids that they are strong and smart. In that program he was talking about how students were going not only in their learning but in their attendance, and he was celebrating and congratulating students on the fact that there were zero unexplained absences from the senior part of the school at
that time. In 18 months, unexplained ab-sences at Cherbourg have dropped by 94 per cent. Three years ago, 13 per cent of year 2 students reached the expected literacy mark and today more than 60 per cent reach the expected literacy mark. I believe that this is tightly linked to Chris Sarra’s work and I believe that focusing on those remote area issues will reap a great reward in Indigenous education. (Time expired)

Ms MACKLIN (Jagajaga) (6.34 p.m.)—Two weeks ago I visited a number of Aboriginal community schools in the Northern Territory with the member for Lingiari and had a first-hand lesson in the importance of targeted assistance programs for Indigenous education. This experience has instilled in me a fresh enthusiasm and a renewed determination to improve Aboriginal education. Unfortunately, my enthusiasm does not extend to the Indigenous Education (Targeted Assistance) Amendment Bill 2004. Labor will be allowing the bill to go through not because we agree with the changes that it contains but because we do not want to hold up vitally important funding for Aboriginal education.

It has to be pointed out that the funding contained in this bill does not represent any significant new investment in Indigenous education, and that is a terrible shame. The combined Indigenous education programs contained receive just a 3.25 per cent per annum increase, which barely covers inflation in this four-year funding package. We also have very serious concerns about the amendments to Indigenous education direct assistance contained in this bill. I have had the opportunity to talk with some members of the Aboriginal education community and I certainly believe that the changes to the Aboriginal Student Support and Parent Awareness program will be a barrier to community participation in Aboriginal education.

Labor is also opposed to the measures in the bill that prevent funding from flowing to Aboriginal children until they fail a year 3 literacy test. Delaying extra assistance to Aboriginal students until they have failed a year 3 literacy test is nothing short of a very serious tragedy. These changes demonstrate that this minister for education and this Howard government are more interested in testing Aboriginal students and finding out how many of them fail than preventing them from failing in the first place.

I must say it is typical of this government to, on the one hand, give the biggest funding increases to the wealthiest schools in this country, with absolutely no requirement for them to demonstrate that they are in need, and, on the other hand, hold back funding to the most disadvantaged group of children in our education system until they demonstrate that they have failed. It just goes to show that this government, the Howard government, is very generous and loose with taxpayers’ funds when the recipients are the most privileged but turns extremely mean when providing extra educational support to the most disadvantaged children in this country.

I do not think anyone would be surprised to know that there are educational benefits to parental involvement in school decision making; these things are well documented. I think this is particularly so for Indigenous students, who often feel alienated from traditional schooling arrangements because these are so foreign to them. It is vitally important that we encourage Indigenous parents to be involved in the decision-making processes of their children’s school. We do know that through their activities some of the cultural barriers can be broken down, some of the language barriers can be broken down and a much more supportive environment for Indigenous students can be fostered.
The Aboriginal Student Support and Parent Awareness program was originally established to promote Indigenous parental involvement in their children’s education. It has been recently reviewed, and that review is supposedly being used to justify the minister’s changes to the program. But when you look at the findings of the review you will see they do not actually recommend what we are debating in this bill. That review concluded:

- despite the lack of ‘hard’ data there is evidence that ASSPA has in many cases significantly increased Indigenous students’ access to school programs and activities, expanded students’ educational horizons and helped raise students’ confidence and self-esteem in the classroom. Case studies highlighted the potential of ASSPA to significantly improve student attendance and retention.

So, despite this positive endorsement of the work of ASSPA committees, this bill contains measures that effectively abolish them.

At present, funding is allocated to each ASSPA committee on a per capita formula based on the number of Indigenous students enrolled in a school. The funding flows automatically once an ASSPA committee has been established, developed an annual ASSPA activity plan in line with program guidelines and lodged the ASSPA application for funding. The process requires that at the end of each year these committees complete an end-of-year report detailing the committee’s activities and expenses.

The review in fact contains no justification for changing the funding process to a submission based process. That is what this bill does: it basically requires Indigenous parents to put in a submission to get the money that they had previously received if they had Indigenous children in their schools. What the review said in its conclusion was:

… more work would need to be done to bring clearer focus to attendance, retention and other educational outcomes …

The minister has not indicated how he plans to overcome the serious barriers that submission based processes represent for Indigenous communities. It is going to be a total catch-22. This funding is designed to get Aboriginal parents involved in their children’s schooling, but to receive funding these parents must already show sufficient nous to submit a successful funding submission.

I have received serious representations from the Darwin-Palmerston and rural area combined ASSPA working party, who are passionately opposed to elements of this bill because they believe it will disenfranchise Indigenous parents from the education system. As the ASSPA working party state in their letter to the minister, which they have copied to me:

Another problem with submission-based funding is that it will further disadvantage those Indigenous parents who do not have the capacity or confidence to articulate or negotiate their children’s needs. There is a danger that schools within their current system will either write these submissions without proper consultation with Indigenous parents or worse, not bother writing them at all. The process needs to ensure that Indigenous parents continue to have a voice and retain ownership of the decision making process.

There is real concern within the Indigenous education community about the lack of consultation that preceded these changes and the fact that this bill disempowers Indigenous parents. I want to say tonight that, if Labor are elected at the forthcoming election, we will not proceed with these changes. Schools with Aboriginal students should not be forced to compete with other schools for targeted funding.

We all know that there is a clear need for all of these schools to promote Indigenous parental involvement in their schools and
that assistance should be directed to those schools that do not have the capacity to write a funding submission in the first place. Submission based funding undoubtedly requires extra support for Indigenous communities to prepare successful submissions. Given the urgency and extent of the need, I believe—and it is certainly Labor’s position—that it is much better to channel these resources into helping parents and communities provide the best support they can for their children, not deal with paperwork.

Labor do not support the submission based funding model included in this bill and, if we do win the election, in consultation—I emphasise that—with the Indigenous community Labor in government will introduce a funding system that will promote, not hinder, Indigenous parental involvement in schools.

Labor is also concerned that this bill abolishes the Aboriginal Tutorial Assistance Scheme and replaces it with a new scheme, called the Indigenous Tutorial Assistance Scheme. It does not sound like much from the name change, but it has very serious implications. The old scheme, the Aboriginal Tutorial Assistance Scheme, was focused on prevention; the new scheme, the scheme that this bill contains, is all about testing and only providing assistance once an Aboriginal child has failed the year 3 literacy test.

The government’s own discussion paper recognises that ‘around one in four Indigenous students cannot achieve agreed minimum year 3 reading standards and around one in three by year 5’. In the Northern Territory the statistics are even more alarming. In his 1999 review of Indigenous education in the Northern Territory, Bob Collins found that just four per cent of Aboriginal children in year 5 could read to the standard of the national benchmark—four per cent—and yet this government is saying that those children have to wait until they have failed before they will get any help. Among those year 3 Indigenous children who start school without any English language, from parts of the Northern Territory where English is a second language, that number fell to just two per cent. Not surprisingly, they are not able to pass a grade 3 reading test. And this government is saying that they are going to delay assistance to these children until they have failed their year 3 test.

Let us consider what this means. In 1999 almost all Aboriginal children growing up in the Northern Territory’s outback could not read to the basic standards that we, as a country, expect. It is very clear that we do not need to test these children to find out that they need extra assistance and they need it from the day they start preschool. We need to make sure that we provide this assistance from the earliest point possible. Year 3 is far too late to be providing Aboriginal children with extra literacy support. For many of them, English is a second language and they need extra targeted literacy materials—and I have actually got some of those here with me today. I do not know how we can make them known to the parliament, but these are the sorts of books that are being produced in schools. One is being produced in Shepherdson College, a school I visited on Elcho Island—a fantastic book for young children, written in the children’s own language. Children can then learn to read and write in their own language. It is just outstanding that we have these quality materials being provided for the children by the schools so they are given additional literacy support in the very early years of school.

We want Shepherdson College on Elcho Island, and other great schools like it, to have the financial resources to provide these early literacy programs and materials when the children really need them. They have a great preschool program on Elcho Island where
the tiny little children as well as three- and four-year-olds come along to the preschool; they do not speak English. The only way we are going to make sure they can learn to read and write in English is to provide the additional support that they need in those very early years as well as throughout their schooling time. Delaying assistance until year 3 will mean that more of these children will fail these tests—and what will that do for the kids? It certainly will not improve their literacy.

There is a great need for extra resources for Aboriginal education. I must say that I completely reject this bill’s premise that one disadvantaged group, urban Indigenous children, should forfeit extra funding because another disadvantaged group, children in remote Indigenous communities, are in greater need. We know that both groups are in urgent need of additional assistance, and it is a great shame that this government should take responsibility for introducing a bill such as this.

The minister in his speech introducing this bill said that this will more heavily weight resources to the most disadvantaged students, being those in remote areas. Yes, they are very disadvantaged; there is no question about that. After I had been on Elcho Island where so many of the children have huge needs, I went to an outstation school of Shepherdson College at a place called Marparu, a tiny settlement where the children are in desperate need of additional resources. Yes, they do need additional resources, but so do those in inner Sydney, in the inner suburbs of Melbourne and in country towns where so many Indigenous students are in such great need. What this government is doing is just shameful—taking from one disadvantaged group to give to another. It is the height of hypocrisy for this minister to say that it is right to reduce funding for urban and regional Aboriginal education programs because remote Aboriginal people are in greater need, while he, this minister, doles out millions of dollars to some of the wealthiest schools in this country. We should not have the needs of urban Aboriginal students set up against the needs of remote Aboriginal students, but, very sadly, that is exactly what this bill does.

The minister for education says that school resources do not matter. He says that it is a student’s ability that determines their academic achievement, not resources. He says that high-fee schools perform well because they attract students with high ability. You would have to ask why on earth he is giving high-fee schools the biggest funding increases in the country—as much as 300 per cent—while children in these schools in remote Australia are getting a bit over three per cent. Where is the sense in that? If this minister says that additional resources do not matter, I have to say that I do not know what world he is living in.

The minister needs to get back out into these schools and see the enormous need for resources at Shepherdson College at Marparu, and at the third school we went to in Oenpelli, a school at Gunbalanya. They do not even have proper classrooms; they are old classrooms, tiny classrooms. They have great teachers, I have to say, who are doing an outstanding job. But they have classrooms that would not be acceptable in any other part of Australia, and they should not be acceptable in Gunbalanya either. This minister has the hide to say that resources do not matter. How else will that school at Gunbalanya get new buildings if they do not get the money that is so desperately needed to make sure that those children have the resources they need? How will the school on Elcho Island or the one at Marparu have the capacity to produce these terrific reading materials in their own languages if they do not have
The resources? Frankly, the minister is on some other planet. Let’s get real.

The massive funding increases that this Howard government has given to the highest fee schools in Australia would be much better spent on helping poorer performing children in needy schools like the ones I have been talking about here today. That certainly is Labor’s policy. We will be taking money off these high-fee schools, and the money will be going to the schools where the resources are so desperately needed. We are very reluctantly supporting the passage of this bill because we do not want to hold up these resources for Indigenous education, but we have very serious concerns about specific measures in the bill. As I have said, we do not believe that the changes to the ASPA committees will promote greater parental participation in their children’s schooling. I am totally opposed to delaying literacy support until students fail their year 3 literacy tests. That means that in those vital early years students will be missing out on much needed extra literacy resources.

I want to finish by saying that these changes will not proceed if Labor are elected. Labor will provide additional funding for Indigenous education over and above the miserly amount that this government is providing in this bill. We will not make parents write submissions for funding to encourage parental involvement or for the running of breakfast or homework clubs. Labor will make sure that early literacy funding is available right from the start of a child’s education. We will not be waiting until a child fails their year 3 test. We want to make sure this money is in the schools at the earliest possible time. Most importantly, we will end the outrageous policy that has given the biggest funding increases to the wealthiest schools in Australia. Our funding will be based on the real needs of non-government schools and government schools. We will make sure that that is where the money goes. All of these schools that have large numbers of Indigenous students are in desperate need. That is where the money needs to go, not into the wealthiest schools that certainly do not need it.

Ms PLIBERSEK (Sydney) (6.54 p.m.)—Labor reluctantly support the Indigenous Education (Targeted Assistance) Amendment Bill 2004 simply because we do not want to see further delays to funding for Indigenous students, but we do have a number of concerns about the bill. On 22 June 2004, the Prime Minister released a document called the ‘Australian agenda for schools’ which included a reference to significant commitments to:

... accelerate Indigenous education outcomes, to which the Australian Government is committing a record $2.1 billion over the next four years ...

The Minister for Education, Science and Training said in the chamber on the following day that the bill was to:

... maintain and enhance the Australian government’s effort in improving education outcomes for Indigenous Australians over the 2005 to 2008 funding quadrennium.

If you were listening to the hype, you would think that a good thing had been done for Indigenous students through this announcement, but what you would be missing is that the very great areas of need experienced by Indigenous students and the subsequent effects on their life expectations and work expectations have not been addressed at all by this package. This bill presents us with an indexed continuation of current funding. We are looking at around three per cent for Indigenous students. It really compares very poorly, as the shadow minister for education has pointed out, with funding increases of up to 300 per cent for some of our wealthiest schools. Surely in any objective analysis of how governments should spend their money, the areas of greatest need should get first
priority. This is another example of where the government has completely turned that notion on its head and instead gives greatest attention to the areas where greatest privilege already exists.

In summary, this bill legislates for $641.6 million over the 2005-08 period for the Indigenous Education Strategic Initiatives Program. That is $513.5 million of funding, which, including indexation, is essentially maintaining the value of the grants, and $128.1 million for ongoing and new strategic projects. Some supplementary funding will continue for education providers across preschool, school and vocational education and training. The figures sound large like that. It is only when you look at the detail of what a small improvement they are on existing figures—in fact, I think it is fair to argue that there is no improvement, but there is some indexation—that the problems with this bill really emerge.

The other serious problem that Labor are very concerned about is, as the shadow minister for education also said, the delaying of targeted literacy funding until kids are failing, until you pick up that they are failing, before you pay them some attention. We know—it is incontrovertible—that the earlier we start inculcating children with a good attitude and good habits when it comes to literacy, the greater their chances of success are later in life. In an area where we have already measured low educational outcomes for many Indigenous Australians, it seems insane to wait until we have documentary proof that they are failing literacy tests before targeting attention to literacy problems.

It should be noted also that the government is setting up a situation such that urban and regional Aboriginal children will lose funding and that money will be transferred to remote communities. Nobody argues that remote Aboriginal communities do not need more attention. Of course they do. I do not think there would be a single person in the parliament who would argue that the resources available to children in remote Aboriginal communities are adequate and that they provide the same standard of education that any other Australian citizen should expect for their child. However, to improve that situation or to supplement that funding at the expense of other disadvantaged communities—and I certainly have a significant Aboriginal population in my seat and I can tell you that there are significant educational issues that have to be addressed there—and to say that money should be taken away from kids in urban areas to make up the shortfall in remote communities beggars belief, especially when you look at the way that funding has been massively increased to the wealthiest category 1 schools.

In my seat almost half of the Indigenous population is under the age of 18. That is fairly common across the Indigenous community. It is a very young community. I see constantly in my visits to the local schools that have a large number of Aboriginal kids that the schools are doing fantastic, innovative work. They are looking at the new Aboriginal studies syllabus developed by the New South Wales department of education but they are also doing their own things. They have good relationships with local Aboriginal communities. They have language programs to teach Aboriginal languages. They have sporting programs that involve Aboriginal sporting celebrities. Alexandria Park Community School, which is just one example in my electorate, has adopted terrific measures for dealing with truancy, which was a significant issue not just with their population of Aboriginal kids but with their population of non-Aboriginal kids as well. These innovative measures show the sort of special attention that is needed in urban Aboriginal communities.
I think that these measures might be reduced to try and do something about remote Aboriginal communities boggles belief.

The existing strategic initiatives funding will continue in 2005-08 but has basically been frozen, so the funding for programs like the National Indigenous English Literacy and Numeracy Strategy, English as a Second Language for Indigenous Language Speaking Students, Scaffolding Literacy pilots, Indigenous education consultative bodies, Indigenous support units and CrocFest mentoring pilots is frozen. All of them are good and successful projects. Funding for all of them has been frozen.

One of the areas of concern that I also wanted to raise was the Aboriginal Student Support and Parent Awareness programs and the effect that this bill will have on funding for ASSPA. Indigenous parent committees were created as a way of improving access, participation and outcomes for Indigenous preschool and school students and involving Indigenous parents in educational decision making. In the past, each Indigenous parents committee was funded at about $215 per Indigenous student. The government’s changes now require these committees to apply for funding, and there is a fairly well-founded expectation that a number of communities will not pick up the new arrangements. They will be further disadvantaged, even if they do find out what they are supposed to do, by not having a great deal of experience in putting in submissions for funding from government departments.

The area of government support and financial assistance for Indigenous parents is an issue that is of particular interest to me. Recently we had a state government inquiry into issues in the Redfern and Waterloo area. The inquiry was sparked by the tragic death of a young Redfern boy, TJ—Thomas—Hickey. At the time, I presented a submission to the inquiry. I said then that early childhood programs can be really useful as a way of developing parenting skills, promoting health and improving the school preparedness of children from disadvantaged backgrounds. Child-care centres and preschools are generally unthreatening environments to run excellent courses like positive parenting programs. We should be extending our relationship with parents of all disadvantaged kids, but it really applies in Aboriginal communities as well.

In areas where there is a significant Indigenous population preschools should reflect that. While it is commonly acknowledged that preschool is a major benefit in overcoming early disadvantage, only a small minority of Indigenous students actually attend preschool. So improving residents’ access to local and culturally appropriate child-care centres and preschools in my area should be a priority. That is just the sort of thing that the parent committees could be talking about. But it is also another example of how we should be focusing on disadvantage in urban areas, as well as in regional areas and remote areas.

We have a terrifically well-regarded preschool, Murrawina, in Redfern. I note that in New Zealand they have Maori preschools where part of the education is undertaken in the Maori language. In doing that, you develop bilingual children from an early age and you also instil in children an understanding of and a sense of pride in their culture, which I think is really important and valuable.

The Senate report on poverty and financial hardship, which was released earlier in the year, recommended that the Commonwealth provide additional funding to approve affordability of child care for Indigenous children and that the Commonwealth work with the states to improve access by Indigenous
children to early childhood education facilities. Better access to culturally appropriate child care and early education would be very beneficial in the Redfern and Waterloo communities. In addition to such structured programs, support and recognition should be given to the Aboriginal aunties who perform such a stabilising and caring role for children as much in urban communities as in regional and remote communities. Another advantage of the Aboriginal Student Support and Parent Awareness Program is that it involves people like that in decisions about education.

The Senate report on poverty also acknowledged the failure of the education system to meet the needs of disadvantaged children and recommended that the Commonwealth fund the establishment of school breakfast programs in disadvantaged areas and provide additional funding for services for disadvantaged students based on the socioeconomic profile of the school community. That is a bit different to what this legislation suggests.

Another area of the bill that I wanted to raise was the Aboriginal Tutorial Assistance Scheme. The department has indicated that there is a proposal to transfer $50 million from the Aboriginal Student Support and Parent Awareness Program to the Aboriginal Tutorial Assistance Scheme. As we said earlier, there is a concern when it comes to linking funding to literacy testing where tutorial assistance may not be available until the year after the first year of testing year 3 students—waiting for kids to fail before we start to do something about poor literacy standards.

I also wanted to speak a little about Abstudy. I have been contacted more than once by Aboriginal people seeking support for their studies in, for example, community management at university level and finding that the way the Commonwealth pays Abstudy makes it very difficult to undertake or complete these studies. In 1998 the government, as part of its mainstreaming of specialised and targeted assistance, foreshadowed changes to Abstudy that would in effect bring Abstudy in line with the then non-Indigenous student assistance—Youth Allowance. There were also significant changes to away from base benefits, whereby payments would no longer be made to the individual but instead would be made to the educational institution.

Under the Hawke-Keating governments, Indigenous enrolments doubled from two per cent in 1986 to 4.1 per cent in 1996. Most of this increase occurred in the non-university sector. Since then, the figures have fallen, which has to be, at least in part, because of the changes to Abstudy which have made life so much more difficult for Aboriginal students. In 2000, there was a 15.2 per cent drop in the number of Indigenous students commencing university courses. Broken down, there was a 16 per cent drop in male Indigenous students commencing enrolments and a 14.7 per cent drop in female Indigenous students commencing. Overall, there was an 8.1 per cent drop between 1999 and 2000.

There is another issue that I wanted to briefly mention in relation to Indigenous education. The Bachelor of Nursing, Indigenous Australian Health, course at Sydney University—a four-year degree, including a major in Indigenous studies and health—is, we hope, going to be offered at the Orange campus. There has been a great deal of controversy at Sydney University because the minister for education has made all sorts of announcements about allowing cuts to nursing to proceed at Sydney University. The Bachelor of Nursing, Indigenous Australian Health, is an incredibly highly specialised degree that has taken years to develop at Sydney University. The fact that this course
will be cut at Sydney University is a terrible waste and a real disappointment.

We have a number of excellent supports for Aboriginal students—at Sydney University, the University of Technology and Tranby College in my electorate—but it is very hard to encourage young Indigenous Australians to take up their places at a university level when what we see is a government at infant school level, before preschool level, preschool level and high school level undermining support for Indigenous students and pitting one group of Indigenous students against another group of Indigenous students.

Ms HALL (Shortland) (7.13 p.m.)—Before I get into the main part of my speech, I would like to endorse what the member for Sydney has said, in that it is very wrong for the government to introduce legislation that is creating two classes of Indigenous students. I would also like to acknowledge that the member for Sydney’s electorate has one of the highest—if not the highest—populations of Indigenous Australians in Australia. The Indigenous people whom she represents in this parliament are as disadvantaged as Indigenous Australians elsewhere—if not more disadvantaged. I think it is very important to recognise that the level of disadvantage is the same for Indigenous people no matter where they live, and I will concentrate a little bit more on that later in my contribution to this debate.

I rise to support the amendment to the Indigenous Education (Targeted Assistance) Amendment Bill 2004 moved by the member for Capricornia. In doing so, I would like to draw the attention of the House to the fact that it is International Day of the World’s Indigenous People—a day on which Australia’s Indigenous people. It is interesting to note on International Day of the World’s Indigenous People that this government has not recognised the entrenched disadvantage experienced by all Indigenous Australians and has not made any real commitment to addressing this disadvantage.

During the time that the Howard government has been in office, it has been the decade of Indigenous people. That ends this year. I hope that coincides with the ending of the Howard government’s term in office because I think that would be a really positive outcome for Indigenous Australians. Nations like the United States, Canada and New Zealand have narrowed the opportunity gap between Indigenous and non-Indigenous people, but Australia, unfortunately, has failed to make real progress in this area. In some cases, the level of disadvantage has even increased. That is a shameful legacy of this government. We as Australians should hang our heads in shame when we look at the fall in life expectancy of Indigenous women and the growing gap in the life expectancy of Indigenous and non-Indigenous Australians. I feel that any nation that can allow this to happen is not addressing the real issues.

One of the real issues that needs to be addressed is education. When you improve educational outcomes, you improve all other socioeconomic outcomes, such as the health of Indigenous Australians. I have already noted that poor health outcomes are one of the legacies of Indigenous Australians. They have a much higher morbidity rate and a much higher mortality rate than non-Indigenous Australians. In the previous parliament I was involved in an inquiry into Indigenous health. The inquiry found that no matter where Indigenous Australians lived those health outcomes were the same. If they lived in remote areas they had much poorer
health outcomes than non-Indigenous Australians, but that was also the case in metropolitan and provincial areas. It was not something that was confined to remote areas.

Indigenous Australians have much poorer educational outcomes in every facet of education, and I will spend a little more time on that in my further contribution to this debate. They also have a higher level of unemployment, which is of course linked to their education and their ability to develop the skills and knowledge they need to compete in the employment market. There is a higher proportion of the Indigenous population in prisons, and that is something that we should hang our heads in shame about. Once again, that is linked to poor educational outcomes. There is a greater percentage of the Indigenous population in receipt of welfare payments. Once again, poor education leads to high unemployment and poorer socioeconomic outcomes.

What is the response of the Howard government to the crisis that we have in Indigenous Australia? The Howard government’s response is to mainstream programs and to remove specialist programs that are designed to address that level of disadvantage. Those programs that are left in place are to take place within the mainstream. Legislation like this will entrench the level of disadvantage that already exists and is synonymous with the Howard government’s approach to anything to do with Indigenous Australians.

The Indigenous Education (Targeted Assistance) Amendment Bill 2004 will legislate funding of $641.6 million over 2005-08 under the Indigenous Education Strategic Initiatives Program. A sum of $513 million will be provided to maintain supplementary recurrent assistance for Indigenous students and $128.1 million will be provided for ongoing and new strategic projects. Unfortunately, despite the rhetoric from the minister, there is no real growth money. When you look at the figures—when you look at the money that has been allocated—it really is indexation money that just keeps pace with the increase in costs.

Supplementary funding for Indigenous students will continue to be paid to government and non-government education providers across the preschool, school and vocational education and training sectors in remote, provincial, rural and metropolitan areas. The issue I have with this is that there will be a greater level of funding to students who are attending in remote areas. As I have pointed out, for health, education and every socioeconomic determinant there is a similar gap, be it in a remote area or in a metropolitan or provincial area.

No matter where an Indigenous student goes to school, they are more likely to leave school early, they are more likely to perform poorly and they are more likely to be unable to find employment once they leave school. I think that this is a very poor approach to dealing with Indigenous education, where you create two classes of students, where you create a situation where students that I represent in this parliament, who are equally as disadvantaged as students who live in remote areas, are going to be treated in a different way. There are special circumstances for students attending schools in remote areas, and those special circumstances need to be catered for within the education that they are offered. They do have some special needs. But the point I am making is that students within metropolitan areas—within areas like the electorate I represent—also have significant problems and also need special assistance. This government is failing to recognise the special needs of Indigenous students in electorates such as Shortland and Sydney.
This legislation will continue the strategic initiatives funding at its existing level of $128.1 million. That means that the funding has been frozen in nominal terms. Of course, this will have implications for Indigenous students. Existing projects which will continue to be funded include the $74.5 million National Indigenous English Literacy and Numeracy Strategy; the English as a Second Language-Indigenous Language Speaking Students program; the Scaffolding Literacy program, which is an excellent program that I may talk about a little later in my contribution; Indigenous education consultative bodies and Indigenous support units; Croc Festivals; and mentoring pilot programs. Those mentoring programs should be further extended. I do not think there is a better way of improving the situation for young Indigenous students than through mentoring and putting in place the resources to support those mentoring programs. Other projects will progress: coalitions with school principals to champion Indigenous education in their schools and communities by setting measurable goals for improvement in literacy and retention tests, and extending the Scaffolding Literacy program. The scaffolding approach to teaching literacy is a new flagship project that has proven especially effective with Indigenous students in remote areas.

This legislation will also have implications for the Aboriginal Student Support and Parenting Awareness, ASSPA, program. This program has been very successful in bringing the parents of Indigenous students and the community as a whole into the school community. It has had very positive outcomes. The funding is around $215 per Indigenous student in the program within the school. I think that ASSPA has been a very positive experience in the schools that I represent in this House. I know that the ASSPA committees in my schools work very closely with the Indigenous students and with the school community as a whole. They have helped develop the self-esteem and the educational and sporting outcomes of many of the Indigenous students within those schools.

There is widespread concern about the government’s proposal to change the funding arrangements for these programs. The arrangements will effectively be abolished, and funding for such programs will be based on submissions. Once again, that will produce a situation that this government uses regularly, where in order to get any funding you have to complete a submission. Your ability to complete that submission will determine the level of your funding, so a school or a community that has a high level of expertise in being able to complete a submission will do so and be able to attract the funding and the most disadvantaged communities with the least skills will be those that miss out. I have real concerns about that.

Let us look at the history that precedes this legislation. In 1989, all governments in Australia signed up to the National Aboriginal and Torres Strait Islander Education Policy. The broad goal of this was to increase equity between Indigenous and non-Indigenous Australians, and this was to be achieved through delivering supplementary programs to provide for Indigenous specific education. This has happened, and I think there have been some real improvements in the educational standards and outcomes of Indigenous students accompanying that, although I must say that that improvement has not been nearly good enough.

In 1999, the Ministerial Council on Education, Employment, Training and Youth Affairs reaffirmed a set of eight priorities. These were: improving literacy; improving numeracy; improving educational outcomes for Indigenous students; increasing Indigenous enrolments; increasing Indigenous employment in education and training, which is
a very important point, because once that happens it works well for the Indigenous students; increasing professional development of staff involved with Indigenous students; involving Indigenous parents and community members in education, which is exactly what ASSPA has done, and it has been very successful; and expanding cultural diversity and activities within schools.

When I was looking at how successful these initiatives have been, I decided to look at the National report to parliament on Indigenous education and training 2002. The retention rate to year 12 for Indigenous students was 38 per cent, compared to the rate for non-Indigenous students of 76.3 per cent. I must put on the record that the retention rate has improved over the years, but I think it is an absolute disgrace that the retention rate to year 12 for Indigenous students in this country is basically half that for non-Indigenous students. We need to look at all of the social indicators and the retention rates of Indigenous students, and I am doing that by referring to the report I just mentioned. There is a gap between Indigenous and non-Indigenous students in formative writing, in numeracy and literacy, and in retention rates all through school. Also, there is a distinct gap between Indigenous and non-Indigenous students in truancy. It is very important to point out that this gap is similar be they in remote Australia, metropolitan areas or provincial areas.

In 2001, the results showed that 72 per cent of Indigenous students achieved the reading benchmark, compared to 90.3 per cent of all students; that 67.8 per cent of Indigenous students reached the writing benchmark, compared to 89.5 per cent of all students; and that 80.2 per cent of Indigenous students reached the numeracy benchmark, compared to 93.9 per cent of non-Indigenous students. It is important to note that numeracy was the category that Indigenous students performed best in. When it came to retention rates and school attendance, once again there was a big disparity between the rates for non-Indigenous and Indigenous students.

In the last minute remaining to me, I would like to turn to the amendment moved by the member for Capricornia and endorse the four points she made. It is absolutely imperative that the ASSPA programs continue and I think the changes mooted by the government will be very detrimental to them. The government has failed to recognise the needs of Indigenous students in non-remote areas, and that needs to be addressed. If this government continues to create two classes of people, Indigenous people will not be the only ones who are disadvantaged; all Australians will be disadvantaged. It is imperative that the government embraces Indigenous students who live in non-remote areas just as it embraces those living in remote areas. (Time expired)

Mr KATTER (Kennedy) (7.33 p.m.)—In speaking on the Indigenous Education (Targeted Assistance) Amendment Bill 2004, I do not wish to canvass the debate and repeat the things I said in the House the other evening, but I think it behoves me and everyone else in the House to recall the figures that I quoted. Those figures show that, if you live in urban Australia, retention rates to 12th grade are over 70 per cent; if you live in rural Australia, retention rates are around 70 per cent; but, if you live in remote Australia, retention rates are only 55 per cent. The reason for those figures is that they incorporate what in Queensland were the old mission areas and the 40,000 or 50,000 people living on the Napranums and Mer and Yam islands in the Torres Strait, as well as the Woorabinda, the Doomadgees and the Mornington Islands. They also incorporate small towns, and so many of our small towns in Queensland—particularly in Western and Northern
Queensland—comprise a very large proportion of people of part Aboriginal, part Torres Strait Island or part South Pacific descent.

There is no doubt, as the previous speaker, the member for Shortland, mentioned, that people in these areas show very low success rates academically. That being the case, the government should be going where the problems are most serious, and there is no doubt that the problems are most serious in these areas. You are dealing with people whose cultural values do not really lend themselves to having a formal education system.

When I was the Aboriginal affairs minister in Queensland, we launched programs that taught rough riding. In the first year, three of our pupils were in the money in the Mount Isa rodeo, which was a remarkable achievement. We went into the field of rugby league and got rugby league going in most of the community areas. This year, with the help of a number of others, I am proud to say that we have restarted the Mid West Rugby League, which includes Doomadgee. I do not know whether Doomadgee were really part of the rest of Australia until they started playing football. Now all the people in the mid-west towns of North Queensland know all the people in Doomadgee by name; they know them personally. They have met them and are friends with them—although in some cases they are worthy enemies on the football field. The people in Doomadgee are now a part of the rest of Australia.

It is quite remarkable to see the achievements that come with success in these areas—including in the field of country music. When it is said that these people are culturally bereft, that is not actually true. I always listen to the Aboriginal radio stations when I am in the big major cities, because they play an awful lot of Australian country music and that is the music I most like. Having been brought up in a town where probably 50 per cent of the population were of part Aboriginal descent, the cultural background that I enjoy is the same as that of the people in the community areas of Doomadgee, Mornington Island, Pompuraaw, Kowanyama or wherever.

The problems with education in these remote areas are very real indeed. One of my first memories of one of these very isolated settlements was when I was out at Camooweal for the Camooweal sports. The wife of a friend of mine was a teacher out there. Of a morning they used to round the kids up from the Aboriginal part of Camooweal. One young teacher would go around the back and another would go around the front. When the kids would run out the back, playing truant, they would pick them up, put them in the car, and take them off to school. Today they would probably put those teachers in jail or run some terrible story about them in the newspapers. But those people at Camooweal got an education.

I can remember the governor tackling me about education in the area. I felt like pointing out to him that what happened to Charles I and James I is what happens when the Crown starts giving orders to the elected government. He pointed out that at Aurukun there were appallingly high truancy rates. I told the governor that it was not under my jurisdiction, and he said to me that he had given me a piece of paper saying that I was responsible for Aboriginal affairs in the state of Queensland and he wanted those kids to go to school. Short of what they were doing at Camooweal—rounding up the kids like you would round up cattle, putting them in the bus and taking them off to school virtually by force—I really could not figure out a way to force those kids to go to school in Aurukun. The values are different. I interjected during the previous member’s contribution and asked, ‘How would you suggest we lift these figures?’
One way in which these figures are lifted dramatically is sending the kids away to boarding schools. This can be very hard on kids—particularly when kids from very Aboriginal backgrounds are suddenly thrown into predominantly European communities. But by the same token those kids love sport, as all kids do, and maybe they are a little bit better at it than most other kids; consequently they are suddenly valued in these schools and they start to understand that they can cut it in the wider world. When they go back to their communities they are not intimidated and do not feel that they are inferior to anyone. I am looking at mechanisms by which we can overcome the self-image of inferiority that has been so tragically ingrained in the people of these communities.

In saying these things, I must reflect upon the Torres Strait Islands. The education system in the Torres Strait Islands was basically a matter of the Anglican priest on each of the islands going away to do a course and then coming back as a school teacher. His major mission was to inculcate Christian values—the annual holiday in the Torres Strait Islands is the Coming of the Light, and I think that they are probably the most successful race. I have never been overseas—I only read books—but, at least when I was minister, the Torres Strait Islands had the lowest rate of alcoholism anywhere in the world, and that includes the predominantly European communities on the mainland.

The Torres Strait Islands had the lowest crime rate of any communities in Queensland, as well as the most successful marriages. They probably had the highest rate of churchgoing of any communities in Queensland—or in Australia or, I suspect, on earth. It did not matter what social indicator you wanted to look at, these people seemed to be way out in front. I can remember going to Mer Island, which got a lot of fame because it was the island of Eddie Mabo—and I do not wish to reflect in any way upon Eddie Mabo, but he was out of the legal case on its third day. It was Father Passi—a man of towering integrity, intellectual vigour and very great sanctity—who carried that case forward, and Father Passi was very typical of the sort of school teacher that you had in the Torres Strait Islands.

I cannot assign the enormous success of the Torres Strait Islands communities to anything other than the Torres Strait Islanders’ very deep commitment to Christianity, Christian values and the Christian way of life. I remember asking the lady who ran the store on Mer Island whether the store had ever been broken into. It took about 10 minutes to explain to her what ‘broken into’ meant. She had never even heard of it. That store, in her lifetime—she was a woman of about 45 or 46 years of age—had never been broken into. When it was explained to her what it was, she recoiled in horror at the idea that anyone would do that. That would never happen on Mer Island. I told her that the store that my family owned in Cloncurry was broken into at least once every two years, and it was insured as burglar-proof. So the world in which the rest of us live is awfully different from the Torres Strait Islands.

The Torres Strait Islands deserve very close study, because they are enormously successful communities. From what I know of the rest of the world and Australia, they are easily the most successful communities around, and it is with very great regret that I have watched them come into the more conventional education system supplied by the Queensland government. As they do, I suspect that all the social indicators will fall more into step with the communities on mainland Australia, and that will not be a happy thing at all. Unfortunately and sadly, the social indicators at the old mission communities—once reserve communities and now deed of grant communities—are truly...
very ugly indeed. Some of the worst statistics that we can see anywhere in the world are from those communities. There are a lot of reasons for this, but I will just touch on two.

We have had people standing up this evening and telling us that education is going to solve the problems of remote Indigenous communities, but there is another issue. In the Aboriginal communities in Australia, by law you cannot own your own home. You cannot own your own business, you cannot own a piece of land, you cannot own your own station, you cannot own your own farm—you cannot own anything. We have a throwback to the Middle Ages—feudal times; we have a throwback to the era of communism, when the state owned everything. We have a most sad situation.

Tonight I will not go over the infamous act that the incoming government inherited in 1956. A lot of socialists in this place often refer to conservative governments, but in 1956 it was the Labor government and the incoming Country Party government that inherited that legislation and got rid of it. Of the seven horrific elements of that infamous act—and it cannot be described in any other way—one that bears comment upon is the fact that people of Aboriginal descent were not allowed to drink. There will be those in this place and in the Queensland state parliament who will advocate that. They will say that that is a good thing. If ever there was an acknowledgement of the total bankruptcy of government policies, it was that legislation—the fact that they passed the most discriminatory of measures.

I can remember, back in the bad old days, when a big team would finish a drove and come into town after six months in the saddle. The whitefellas would go into the pub and drink, and the blackfellas would not be able to, because they were not allowed to. They were not allowed to have their wages paid to them either. They would sit around the next day, all day, waiting for the policeman, the local director of native affairs, to give them some money. But they still could not go to the pub, even when they were given that money. Of course, if they asked for money to buy alcohol, the money would not be given to them. Whether they were paid their own wages was at the discretion of the director of native affairs. Those were the horrific sorts of laws that existed in Queensland in 1956. I have just touched on two elements of them, but they had seven major elements and one of them was particularly pernicious.

We have heard a massive amount of publicity in the media about the stolen children, and what we always seem to hear about is a kid of Aboriginal descent being taken away and handed over to a white family for education and upbringing—and we are talking about education here now. But that is not the horrific happening that was the stolen children; the horrific happening that was the stolen children was the dormitory system. It is with deep regret that I say this, because I think the missionaries were very good people, but in my opinion they were terribly misguided when they took children from their parents. They did that for four generations and then they expected a race of people to still exist as a race of people, with any sort of civilisation and culture. You take four generations of kids off their parents, put them behind a big chain-wire enclosure and cut them off completely from their parents—they did that for four generations and then they expected a race of people to still exist as a race of people, with any sort of civilisation and culture. You take four generations of kids off their parents, put them behind a big chain-wire enclosure and cut them off completely from their parents—it was pretty horrific stuff but it was all in the name of the little carpenter from Nazareth and it went on for four generations—and surprise, surprise, they are shattered. If you want to shatter a race of people, that is probably a very good way to go about it. I really do not think it was a very good adver-
tisement for Christianity. But that, of course, did not happen on the Torres Strait Islands.

We see the results of these things. We see that people do not put a very high value upon the formal education system as it stands, but when we realise what their cultural inheritance is and what their horrific past was like we can understand that there are a lot of shortcomings out there that need to be addressed. If the rest of the community looks at the Torres Strait Islands, on the other hand, they will see a group of people doing it better than anywhere else in the world, and I think that has a lot to do with the education system they had. I pay a very fine tribute to the wonderful missionaries that went there. The Anglican priests that went to the Torres Strait Islands were Vanuatu islanders in the main, brought in by the London Missionary Society. They were black priests, to name the colour of those people, and they came to the Torres Strait Islands, bringing the light, and now their national day is called the Coming of the Light Day.

Previous speakers spoke about the fact that there should not be discrimination between people of Aboriginal descent in the outlying and remote communities and those in the towns and cities. The necessity for a different approach to education in the remote communities is screaming at us. There is a huge difference between a remote community, an urban community and a rural community. The difference is absolutely enormous. We are talking about a 50 per cent versus a 70 per cent retention rate to 12th grade and worse for tertiary.

I pay great tribute to the very fine schools in Charters Towers. I went to one of them—Mount Carmel—and they also include All Souls, Thornborough and their concomitant girls’ schools. A very good friend of mine at the Anglican school there found out he could get a lot of hard work academically out of the kids by simply dropping them from the football team. He found he could achieve a remarkable increase in the level of their academic performance by doing that. I mention these things with humour, but I mention them to indicate to you that there is a pathway out.

For Torres Strait Island teachers, for people of predominantly European background and for people of predominantly Aboriginal background there is a pathway out. Someone such as Peter Harvey-Sutton, a long-term teacher at All Souls in Charters Towers, shows us a pathway out. In Camooweal those two teachers that rounded the kids up every morning of their lives, grabbing them physically and putting them in the back of the bus to cart them off to school, showed the dedication that is really needed. If you are critical of those people for doing that then I have to tell you that it is important for the kids to get an education and there is no way that that is going to happen without the use of some form of force. It is simply not happening at the present moment. The kids are growing up without education. They are not completing their 12th grade. We are not getting the diesel fitters that we need—they are needed in any community; we are not getting the plumbers that we need; we are not getting the electricians that we need; and we are not getting the doctors that we need. Finally, on the issue of the bill before the House, there does have to be a different approach. I very strongly agree with the minister and disagree with the opposition. There needs to be a very strong commitment to those remote communities. (Time expired)

Mr WINDSOR (New England) (7.54 p.m.)—I was listening very closely to the member for Kennedy, and I was just wondering towards the end of his speech how many times he was dropped from the football team. I am sure that had something to do with all his great contributions in this House not only
on Aboriginal affairs but on ethanol and other matters of concern to country people.

Tonight I am pleased to be able to speak to the Indigenous Education (Targeted Assistance) Amendment Bill 2004. Not all of the speakers that have spoken tonight have stuck directly to the leave of the bill, and there are a number of issues that I would like to talk about, the first of which is a recent visit I made to a school in my electorate. It is called Ross Hill Public School and it is in Inverell. The visit was in order to look at in-school tuition. Part of the bill is about in-school tuition for Indigenous children, and the scheme I looked at in Inverell at Ross Hill was about in-school tuition for children in years 1, 2 and 3. It is a similar program to the one that is being endorsed in the bill, although there the age group is being shifted to years 3, 5 and 7. One of the issues that was raised very clearly at Ross Hill—by the staff and, very importantly, by the parents—was the fact that although the kids that were receiving the tuition were, in the main, Aboriginal children, not all of them were Aboriginal children. They were children who were starting to slip behind in terms of their academic futures and needed some special treatment—very similar to the in-house tuition that the bill talks about.

I was very impressed with the way in which the tuition was being given and the cost-effectiveness of the tuition. You could see the progress of these kids over the period since the tuition had started—I think they had been going for something like six weeks at that particular time. Some of the Aboriginal parents were coming to the school to assist, and others were also assisting. The program allowed for two teachers plus some assistants for two hours a day—and the program runs for something like six months. But one of the points that was made to me at that school was that there was great concern that if the changes took place as indicated in this bill—if that in-house tuition and intervention to help these kids was moved from years 1, 2 and 3, if it was shifted to years 3, 5 and 7—in most cases it would be too late.

When the minister responds to the debate—I will not be supporting the opposition’s amendment, even though I do have some very real sympathy for part 3 of the amendment that talks about the tuition in relation to years 3, 5 and 7—I ask him to outline, if he can, what he sees as the benefits of shifting to a higher age group. It seemed to me—and it seemed to the teachers and the parents at Ross Hill Public School—that this was a program that was working very well: it was very cost-effective; the kids were gaining confidence; and it had not been left until they were older and were set in concrete in terms of some of their ways and their capacity to address some of the issues relating to number, English expression and the sorts of things that they were learning. I ask the minister if he would explain why the shift has been suggested and I would ask him to look very closely at it. I personally invite him to come and see what is happening at Ross Hill Public School, because I think there are some great things to be learnt there. I ask him to reconsider the current position and at least to address it in his concluding speech.

Aboriginal education, as the member for Kennedy said, is very important. If we are really going to come to grips with some of the societal problems in our communities, everybody is going to have to receive at least some basic education—and I hark back again to the program I saw at Ross Hill. Another positive in my electorate is an independent, essentially private, Aboriginal school based in Armidale. It is called Minimbah school. There are a number of special problems at this school. It is a private school that mainly caters for Aboriginal students, but it does not cater only for Aboriginal students. It is
funded—and I have had communications with the minister for education on this particular issue—under the same formula as other private schools such as the King’s School, which is often mentioned in this place in terms of the allocation of funding.

There are a number of things that are peculiar to Minimbah Aboriginal school. One is that it is run by an outstanding Aboriginal woman called Diane Roberts, who has made a major contribution over many years to the Aboriginal community, particularly in trying to get kids to learn, to respect learning, respect their elders and respect their teachers. This woman has an amazing capacity and is probably one of the leaders in Aboriginal education. I would ask the minister to pay very special attention to some of the work that this lady has done.

Diane Roberts set up Minimbah Aboriginal school—which, as I said, is not only for Aboriginal students—as an independent school, with similar funding formulas to those of the other independent schools, and in doing so she has faced two problems. One is, in a sense, peculiar to Aboriginal people and relates to their heritage, which is thousands of years old. The formula is based on the number of students who happen to be in the school. This can vary from time to time as they come and go. It is generally registered on a particular day of the year. You would probably recognise, Mr Acting Deputy Speaker Lindsay, that it can be quite cold in Armidale. Some of the Aboriginal people spend most of the year in Armidale but go back to the coast during some of the very cold months of winter. That has an impact on the school’s funding stream.

The other problem, which is unique to this school, is that because of the income status of most of the parents there is no capacity for them to make a major contribution to the school, as happens in most other independent schools. There is a need—and, as I said, I have approached the minister for education on this issue—for some administrative controls and specialisation to be put in place. The school recently made to the minister a submission for assistance—firstly, to recognise the Aboriginality of the school in relation to the movement of some of the parents and hence the children that happens from time to time and upsets the numbers and obviously the funding formulas; secondly, to recognise the income capacity of the parents; and, thirdly, to recognise the need for some administrative support for the school so that it can be more correctly financially managed. I thank the minister for his recent communications. I think the most recent was on 6 August, when he said that his department would be working with Minimbah to assess their submission et cetera. I hope that there will be a positive outcome for that facility.

Obviously education is important for Aboriginal people. It is about preparedness for life after school. One of the other positives in my electorate—and it did not start in my electorate but in the member for Gwydir’s electorate at Moree—was the Aboriginal employment strategy. It was started by a cotton grower named Dick Estens. Most of you have probably heard of Dick Estens in relation to the Telstra inquiry. I was somewhat critical of some of the determinations of that inquiry, but Dick Estens has done an outstanding job on the Aboriginal employment strategy, and I congratulate him on his efforts. That strategy started in Moree to try to come to grips with the unemployment levels of Aboriginal people, how work could be provided and how the business community could be involved, and there have been a number of outstanding successes.

The strategy has been transferred to Tamworth, which is in my electorate, and I am pleased to say that it is getting similar results there. The Aboriginal community are em-
bracing the scheme. It is a very well-run operation. I am pleased to say that I have been into a number of businesses that have been involved in the strategy, and the scheme has worked so well that some of them are not on their first employee but on their second or, in some cases, third. That is the eventual outcome that is going to overcome a lot of problems.

Whether they are black, white or brindle, if a person has confidence in their own future, the capacity to express themselves and the ability to be engaged in the work force proper, they can become a very substantial and important part of our society. I raised the issue of Dick Estens's Aboriginal employment strategy because I think it should be examined as a model. It is a fairly trim and streamlined operation that is actually getting results. A lot of money has been invested over many years in a whole range of social programs that have not achieved any results. They sound good at the time and employ a number of public servants, but they do not in many cases deliver results.

Another positive is the Youth Insearch program. I was talking about this with the former Premier of New South Wales and former minister of this parliament, John Fahey, recently at Wal Murray's funeral in Moree. One of the things that I am very proud of, and was instrumental in with John Fahey—when he was Premier of New South Wales and I was the member for Tamworth—was the initiation of a funding package to establish the Coledale Community Centre. Coledale is a mainly but not totally Aboriginal community. Again, that community centre has been an outstanding success. I think we have to look at the things that are successful and grow those particular programs.

One of the things to come out of the Coledale Community Centre in recent months is the participation of many of the younger Aboriginal children, the teenagers, in the Youth Insearch program. That is a program which the government does not really pay much heed to in terms of financial assistance, but it is a program that has outstanding results with children who are on the edge of going one way or the other, and it is a program that I think should be assisted. I refer to a comment by the local magistrate in Tamworth who as a Rotarian has taken up the local custodianship, I guess, of the Youth Insearch program. He said he would rather help kids through Youth Insearch than when they come before him as a magistrate. I am very pleased to be able to report that recently a number of children from the Coledale Community Centre attended Youth Insearch camps and they were very favourably received. The majority of them were of Aboriginal descent.

Obviously, the bill refers to tertiary education as well. I would like to mention tonight the very concerning circumstances that became evident in the last week in relation to the University of New England, which is based in Armidale. It relates to allegations of cash for comment in terms of some advertorials that were placed in the Tamworth paper, the *Northern Daily Leader*, and the *Armidale Express*. A University of New England ad was printed, endorsing the new centre for mathematics, a great scheme that will help a whole range of teachers and professionals right across the education sphere, including Aboriginal and other communities—it is a great program. But the advertorial that was placed in the paper duped two of the university's senior staff.

I bring that to the minister's attention because I would ask that he carry out an investigation of the role that The Nationals Senator Sandy Macdonald and his office played in the placing of advertisements promoting a candidate of The Nationals and in using the
editorial portion of an ad paid for by the University of New England, which was quite a genuine ad about the new centre for mathematics and information. The editorial, it seems, was written by the office of Senator Sandy Macdonald, so there seems to be a real need for an investigation. I am told that the university council, of which I am a member, is going to investigate this matter, but I think that, since it is to do with the role played by a senator in this parliament, the minister should investigate who paid for the ad, and whether that ad, in a sense, paid for the editorial.

There has been an admission through Rural Press that the advertorial was actually scripted by a senator from The Nationals but paid for by the University of New England. I ask Senator Sandy Macdonald—because radio stations have been calling me every 20 minutes today to make a comment on this, and this has been going on for a number of days—to comment on his role and the role of his office in this particular matter, apologise to the people of New England and repay to the University of New England the moneys that they expended on what they believed to be a legitimate advertisement, not one intended to pay for funded editorials. I raise that matter, which is of some concern, and ask the minister to take those comments on board and, particularly, to carry out an investigation.

In conclusion, there has been a lot of talk over the years about Aboriginal communities and how we can help them into the future. There is a community not far from my electorate—again, in the member for Gwydir’s electorate—that I have essentially grown up with and played football with as a kid, where I think there has been some outstanding leadership in terms of not only the education of children but also the society and community values that are held, and that is the Walhallow community.

If people are really looking for models, there are a number of them out there; Ross Hill, which I talked about, is a model; the Aboriginal Employment Strategy is a model; Minimbah Aboriginal school is a model; Coledale is a model of how people can work together and achieve; and the Walhallow community is an outstanding model of substantial government investment over the years. Walhallow has reaped the rewards of having a great community that has become part of the broader community while maintaining its Aboriginality in great fashion.

I will be supporting the legislation. I do ask the minister, though, to look very closely at the third section of the opposition’s amendment, because it does reflect some very real concerns out in my electorate, particularly about the shift of in-class tuition from years 1, 2 and 3 to years 3, 5 and 7.

Mr SNOWDON (Lingiari) (8.14 p.m.)—Tonight we are addressing the Indigenous Education (Targeted Assistance) Amendment Bill 2004, which provides funding for the Indigenous Education Strategic Initiatives Program—IESIP—and the Indigenous Education Direct Assistance—IEDA—program for the 2005-08 quadrennium. There is little contention with much of this bill, other than the government’s continuing failure to properly address and recognise the crisis in Indigenous education across this country. While the government claims a so-called increase of $128.1 million in funding, frankly this is simply treading water and is just in line with inflation. However, I want to address my remarks in particular to the amendment which has been moved by the Labor Party. I want to read that amendment into the Hansard because my remarks from hereon in will go to each point in it. It states:

That all words after “That” be omitted with a view to substituting the following words:
whilst not declining to give the Bill a second reading, the House condemns the Government for:

1. failing to provide real increases in funding for urgently needed recurrent and capital programs in primary and secondary schools for indigenous students and their families;

2. introducing major changes to the operation of programs, particularly ASSPA committees, without full consultation with indigenous communities;

3. failing to provide strategic intervention in the early years of primary schooling by changing the focus of support for tutorial assistance to indigenous students who fail to meet national literacy and numeracy benchmarks in Years 3, 5 and 7; and

4. fostering instability in funding arrangements for the Supplementary Recurrent Assistance program and failing to recognise the disadvantage experienced by all indigenous students whether they live in metropolitan, regional, rural or remote areas of Australia.

I implore the House to support these amendments because they articulate, in a very coherent way, the concerns that have been expressed across Australia about this legislation and, in particular, the changes which the government proposes in relation to the IEDA program. On 5 April 2004, the minister announced changes to the Aboriginal Student Support and Parent Awareness Program. Frankly, these changes will bury that program in red tape and bureaucracy. As a result of these changes, the department will require ASSPA committees—which, as you would know, Mr Deputy Speaker Lindsay, are made up of parents of Indigenous students—to write detailed submissions each time their committee needs a payment for a school project, even a classroom aid. The consequences of this decision are obvious and are noted with great understatement in the digest of the bill: ‘This change may prove to be an onerous task for small and remote schools and their communities.’

In my view, as a result of these proposals, the ASSPA committees will become all but defunct. It is telling that this funding bill will remove money from ASSPA and put it into other programs. The government can afford to do this because it knows that its new arrangements will prevent ASSPA committees from accessing funding—a cynical and, might I say, puerile approach to the needs of Indigenous education across this country. It shows absolute contempt for Indigenous students, their parents and their communities by this minister and this government.

Let me put this in context. These recommendations are the result of a report undertaken at the minister’s direction by his department. I am not sure whether you are aware, Mr Deputy Speaker, but there are 3,800 ASSPA committees across Australia. I believe it is fair to say that, up to this point, most of these committees would have no idea what the government proposes to do with this program. On 16 June this year I asked the minister about the government’s failure to consult these committees. His response is illuminating:

We received 10 submissions from ASSPA committees. There was consultation with a random selection of 400 ASSPA committees, directors-general of education, the Catholic and independent schools sector, ATSIC and ATSIS, Indigenous education consultative bodies, Indigenous support units in WA, Queensland and New South Wales, and a selection of vocational education and training providers. Three discussion papers and questionnaires informed the review.

In other words, he seemed to rely on everyone but the parents and teachers involved in this program. The government received submissions from 10 ASSPA committees before approving changes to this program—that is, one quarter of one per cent of committees gave feedback. As a result of the minister’s response I went out and purposely consulted with ASSPA committees across the Northern
Territory. I managed to get more feedback from ASSPA committees in that short space of time than the government did in preparing its three discussion papers. There are a number of things—and I will come to them in a moment—that the parents of these committees across the Northern Territory have said.

But I want to canvass the other issue at the heart of the concerns being expressed by parents. We have the whole question of the lack of consultation—the lack of any preparedness by this minister and the government to take ASSPA parents, their communities and their schools into their confidence and to work with them, through consultation and discussion, on what the government proposes to do with these ASSPA committees and how it might impact upon them.

There is also the proposal to change the ATAS program—the tutorial assistance program—so that students will, as a result of the proposals in this bill, now primarily be able to get tutorial assistance after years 3, 5 and 7, because those are the years that they will be required to undertake testing. If they fail to reach a benchmark in year 4 and year 6, they will get supplementary tutorial assistance in years 5 and 7. If they do not get past the test in year 2, they will get assistance in year 3.

I know the shadow minister raised this matter this afternoon in the context of a visit she took with me to some communities in Arnhem Land last week. Together, we visited the small outstation school at Mapuru in north-eastern Arnhem Land, where an Indigenous teacher assistant, Jackie Guyula, and another teacher assistant in the school have up to 40 kids. These are largely students without any educational experience, with an age profile going from preschool to probably 18 or 19. I would suggest that none of the students would pass the most basic of literacy tests—or numeracy tests for that matter—yet under this hideous proposal being put forward by this government none of those students will be entitled to tutorial assistance unless or until they have failed the benchmarks in years 2, 5 and 7.

We know—and it is very clear when you talk to school communities, education professionals and parents—that what is required is, throughout education and throughout the whole life of the education experience of each student, the possibility of tutorial assistance when it is required. We know that when you talk to the people who are actually the practitioners—those people charged with the responsibility of providing education to Indigenous kids—whether they live in urban communities like Darwin, Alice Springs or Katherine or in some small remote community or even a larger remote community, they all say the same thing: what the government is proposing is a hideous proposition that will not work and will fail their students.

The minister will have received two letters. One is from the school at Amanbidji—a very small school in the Northern Territory. Amanbidji is in the Victoria River region. I seek leave to table the letter from the school principal, Reg Robinson, to the minister about the community’s concerns about changes to the IEDA, ASSPA, ATAS and VEGAS programs.

Leave granted.

Mr SNOWDON—Before I pass this document over, I will quote from one component of it:

The Amanbidji ASSPA council presently has been able to contribute through communication with the schoolteacher about what they regard as being in the best interests of their children and the involvement of the community. The present system has allowed consultation to be open and flexible on a daily basis when needed. This system has promoted the respect and values of the community’s members. Where has the government shown this level of consultation and respect in
their decision to axe ASSPA? The current ASSPA application forms are able to accommodate this small community approach. The school community does not agree to further bureaucratic changes.

It goes on:

If tutoring will only be allowed for those who fail to reach benchmarks in years 4 and 6, then continuity has stopped and Indigenous students will again be left to adult remedies. The result at Amanbidgee school in the last three years quite simply has been a school where most students could not read at all to now all students, except transitional or transient students, reading thanks to ATAS.

It is very clear what the implications of that correspondence are for the government’s program.

I go to another piece of correspondence, which was sent to the government on or about 30 July and was signed by a number of people: Cherie Holtze, Delsey Tamiano, Robbo Robinson, Margie Anstess, Tanya Lockwood, Di Rollo and Sharna Traut. These people represent 14 Darwin, Palmerston and rural ASSPA committees—people who were not consulted by this government before it made these hideous proposals. The very first point they make in their correspondence to the minister is:

The first and foremost concern was the Government’s lack of consultation with those who are most affected by the changes—the key stakeholders in Indigenous education: Indigenous parents, students and the community.

On the matter of removing tutorial assistance they say:

The decision to remove tutorial assistance from the Transition to Year 2 Indigenous students is totally illogical especially when research from your own Commonwealth Task Force on Child Development, Health and Wellbeing (2003) strongly recommends the need for comprehensive and ongoing support in this area.

They go on to detail the recommendations of that report. They make another significant observation when they say:

Another significant factor is that a majority of Indigenous children do not come from literacy rich environments and are not likely to have been exposed to “story books and reading”. Indigenous Australians have a strong oral tradition which is often the more widely used method of “teaching” in the home environment. With the low levels of Indigenous children participating in Preschool, it seems more appropriate that support is focussed at the Transition to Year 2 level in order to give Indigenous students a solid foundation on which to build upon. Waiting until Year 3 when Indigenous students are unable to perform academically in the classroom forces them into the difficult and endless struggle to “catch up”...

That is a very astute observation. They go on to talk about the way in which the government proposes to change ASSPA funding. They say that they believe that this:

... will result in a much reduced level of participation by Indigenous parents and therefore a reduced level of outcomes ...

for Indigenous students. That is another very astute and informed observation—not one which has been contemplated by this government, with their failure to consult widely and appropriately with Indigenous communities and Indigenous parents and indeed school communities.

It is instructive to note another couple of observations which they make. They say:

It is also with extreme disappointment that we respond to further comments made by you during the Government’s Indigenous Education quadrennium funding announcement (5Apr04). You stated that:

‘... we’ve funded a range of things over the last four years which we’ve had evaluated that have been found not to deliver the outcomes that they should, for example, the Aboriginal Student Support and Parent Awareness Committees. There are 3,800 of these committees throughout Australia ...’
It goes on. These parents then make this observation:

These comments devalue and directly criticise the good work of thousands of Indigenous parents in schools. They are also inaccurate and misleading. The current, poor level of educational outcomes or achievement in Indigenous education cannot be—

Minister—

attributed to A.S.S.P.A. The underlying issues in Indigenous education stem from the long term failure of governments to properly consult Indigenous people when developing policy and practice that is supposed to be responsive to the needs of Indigenous students, parents and the community. The current disadvantage faced by Indigenous students is a direct result of successive, failed government policy, not A.S.S.P.A.

Then they go on to talk about the other changes. They say:

The proposed changes look to be just another attempt by a government to assimilate Indigenous people into the mainstream education system when, in fact, the system should be reformed to be more responsive to the needs of Indigenous people. The decision to reallocate/redirect funding from the least disadvantaged to the most disadvantaged is just a bandaid approach. It is simply redefining Indigenous people’s needs according to their ‘levels of disadvantage’ relative to each other (urban vs remote) rather than relative to the rest of the community (Indigenous vs non-Indigenous). Again, what is really needed is an increase in funds commensurate to the needs of Indigenous students irrespective of where they live.

There can be no more important issue confronting Indigenous communities across Australia than education. I have commented in the past in this place about the great needs there are for increased expenditure in Indigenous education. I have made the point time and time again. There are somewhere between 3,000 and 5,000 young Indigenous people in the Northern Territory alone who have no access whatsoever to any educational institution, yet we have a government, not happy with the current structure, that puts in place an administrative review—designed no doubt to give it the outcome that it wants—that consults with 0.25 per cent of ASSPA committees across Australia and then comes back and has the gall to recommend to government that they should basically change the whole way in which ASSPA and the tutorial assistance scheme work.

The people who will be most disadvantaged by this are those people most in need in Australia—the poorest Australians; the most disadvantaged Australians; those most in need of educational assistance. They have demonstrated through the very coherent response they have made to these proposals that they understand what the game is. They understand that they need to work with their students throughout their school lives, not just in selected years if they fall through the cracks, as the government is proposing. What they also understand is that it should be based on need, and not where you live. Whether it is urban or remote, it should be based on need. What it underlines is the drastic lack of awareness by this government and indeed this minister of what their obligations truly are in terms of consulting and working with Indigenous families across Australia.

Mr HUNT (Flinders) (8.34 p.m.)—In addressing the Indigenous Education (Targeted Assistance) Amendment Bill 2004, I do so coming from an electorate which is known by most as being outer metropolitan and semi-rural. But the electorate of Flinders contains over 500 people who identify themselves as being of Indigenous origin. In that context, in the schools I have visited—West Park Primary, Hastings Primary, Crib Point Primary, Eastbourne and Tootgarook Primary—there are a number of beautiful Indigenous children whom I have had the privilege to meet and to work with. I have seen the challenges they face and the progress that they are making. One of the great
challenges that these children face is that they risk falling between two options: they risk falling between being engaged and involved in the society around them and having identification with their own culture. That is one of the challenges for Indigenous education in an outer metropolitan environment.

Against that background, I want to make three brief points this evening. The first is that there has been significant progress in Indigenous education in Australia over the last 2½ decades. I say 2½ decades because I go back in particular to much of the work that occurred under Prime Minister Malcolm Fraser. That continued through the next government and has continued on in this government. There has been significant progress. But the second point is that there is real distance to travel. There is still significant disadvantage in the Indigenous community, as all Australians know. There is still significant hardship for students from Indigenous backgrounds seeking to learn. There are great success stories. There are tremendous outcomes. There are great steps forward. But there are still significant disadvantages and challenges.

In that context, this bill seeks to make significant and important reforms. First, it continues the current funding over the 2005-08 quadrennium—or four-year period—for the Indigenous Education Strategic Initiatives Program. Second, it brings the Indigenous Education Direct Assistance Program under the act. Third, it maintains funding for ongoing elements under the Indigenous Education Strategic Initiatives Program and provides additional funding—which is a very important thing—to support new strategic projects and interventions. Finally, what it does is strengthen provisions relating to educational and financial accountability. But importantly there is additional funding.

That leads me to the third point that I want to make this evening—and it is a simple point. Within my electorate of Flinders, one of the challenges is to ensure that we manage to provide for children of Indigenous background sufficient focus on, identification with and the capacity to appreciate their own culture. In that context—and in the presence of the federal Minister for Education, Science and Training in this House tonight—I want to propose and endorse a very simple program.

The Bunnerong Elders Land Council have come to me with a proposal for an Indigenous education schools program to be part of the Indigenous education centre at Point Nepean. It is a simple, small program targeted at fewer than 100 students a year, and there are three parts to it. The plan is that children of Indigenous backgrounds and a small number of other children from non-Indigenous backgrounds would attend the Indigenous studies centre at Point Nepean for a schools based program. That program would teach them about Indigenous culture and history and also give them an understanding of the land on the Mornington Peninsula and the way in which it can be best managed.

I commend the plan and the proposed program and I note that there are important partners in this program. The partners who have already put themselves forward include the Point Nepean Community Trust, the Australian Maritime College and Monash University—all to help in the primary and secondary education of Indigenous students on the Mornington Peninsula. I believe that is a tremendous step forward. It is a small, modest program, and it is one that I will be championing. I am delighted to be able to work with the Bunnerong Elders Land Council from my electorate of Flinders and to be able to put forward that program.
Against that background, I want to endorse the Indigenous Education (Targeted Assistance) Amendment Bill 2004. I particularly commend the program for the Indigenous education schools program at Point Nepean—I will be a champion for it—and I commend those members of the Bunnerong Elders Land Council who have had the foresight and the wisdom to develop such a program and who show such care for their own culture and particularly for the development and maintenance of that culture amongst the primary and secondary school students of Indigenous background on the Mornington Peninsula.

Dr NELSON (Bradfield—Minister for Education, Science and Training) (8.39 p.m.)—in reply—Firstly, I thank all of the members who contributed to the debate and the consideration of the Indigenous Education (Targeted Assistance) Amendment Bill 2004. The bill amends the Indigenous education funding programs to maintain and enhance the Australian government’s effort in improving education outcomes for Indigenous Australians over the 2005-08 funding quadrennium.

As we have heard during the course of the debate, it provides funding for the Indigenous Education Strategic Initiatives Program, which is otherwise known as IESIP, and the Indigenous Education Direct Assistance Program, otherwise known as IEDA, for the next funding quadrennium. IESIP provides supplementary recurrent funding as well as funding for significant national initiatives and special projects, and IEDA provides funding for the Indigenous Tutorial Assistance Scheme and funding to support a whole of school intervention strategy. The bill also provides for a continuation of the away from base element of Abstudy for the 2005-08 funding quadrennium. This is all part of a $2.1 billion package of measures aimed at improving Indigenous education outcomes over the next four years. It represents a 20.5 per cent increase on funding from the current quadrennium.

The whole reason for the amendment bill is that there is a change of direction in this next quadrennium that we are proposing. In one sense it is relatively modest. In fact, I seriously entertained far more radical changes. One would hesitate to think what some of the members opposite would be saying were we to have proposed those changes. Nonetheless, as the bill says, it is about targeted assistance. The first thing that ought to be said to the average, everyday Australian who may be listening to this debate is that this $2.1 billion for Australia’s Indigenous students is in addition to everything that is spent on every Australian child. These particular programs and initiatives from the Australian government are in addition to everything that is currently provided to any Australian child in education, irrespective of their circumstances.

As a person with more than a passing interest in Indigenous affairs—and having the privilege to be Australia’s Minister for Education, Science and Training—it seems to me that the challenges that life presents to every Indigenous Australian, no matter where they live or wherever they are born, are far more difficult than the challenges faced by non-Indigenous Australians. It does not matter whether you live in a built-up urban environment, a regional city or remote parts of the country: if you are born as an Aboriginal or Torres Strait Islander Australian, the challenges for you in life are, in my view, more difficult. That is why the government are providing additional money above and beyond what we would normally provide for the education of any Australian.

Another conclusion I have reached is that the circumstances of remote Indigenous Australians are quite different from the circum-
stances experienced by those who live in regional centres or on the fringes of those regions and are quite different again from the circumstances of those Indigenous people who live in suburban settings. As members familiar with this would know, many Indigenous Australians migrate from one setting to another. But at least if you are an Indigenous Australian living in a large city, you generally live in a setting where there is a sealed road, you generally have access to reasonable housing and you can turn on a tap from which clean water—which you can be confident of its safety for drinking—will come. There is generally a hospital nearby and there is generally a school pretty much down the road. Less of that is available to Indigenous people who live in regional centres and even less of that is available for those who live in remote parts of the country.

If we consider Aboriginal education as a fire that needs resources, it occurred to me as we embarked on these reforms that we needed to be targeting the resources where they are most needed. The educational challenges faced by Aboriginal children growing up in east Arnhem Land, in remote parts of the Northern Territory, in the Pilbara, in the Kimberley or in the Cape are, in my opinion, more pressing than those faced by Indigenous people living in suburban settings. For that reason, this quadrennium of funding intends to start shifting the resourcing to where, in my opinion, it is most needed.

The third conclusion I reached was that under this current quadrennium we have funded a lot of initiatives. We have also been doing some research on the outcomes that are being delivered from the Aboriginal-specific education programs that we fund. That we as people of goodwill and commitment feel emotionally attached to a number of things that the government have been funding does not, of itself, mean that they have delivered good outcomes for Indigenous students. For this next quadrennium, we are unashamedly proposing to target resources into programs that we know actually work—so much so that we have an initiative in my portfolio that is described as ‘what works’.

The fourth priority is to leverage mainstream funding. For the very first time we are going to set specific objectives for state and territory governments in terms of delivering outcomes and acquitting resources that they should be committing to Indigenous-specific education. This legislation will require specific targets to be set by state and territory governments—which, of course, have the primary responsibility for delivering school education to Australian citizens, including Indigenous Australians. We make no apology for the fact that we want to see what school attendance is. We want to know very clearly, for the very first time, what the educational outcomes are for Indigenous students in remote parts of the country, as distinct from in regional and urban settings. In the two days of briefings that I had when I was first appointed to this portfolio, I remember asking the then head of the Indigenous education area in my department, who had presented some year 12 retention data, ‘What is the breakdown for remote versus urban?’ He said, ‘I can’t tell you.’ I said, ‘Why is that?’ and he said, ‘We don’t collect the data.’ This legislation will require state, territory and non-government education providers to provide us with information so that, if we further target resources in the future, we can do so on the basis of knowing exactly how we are going.

Whilst we have made improvements—and in this regard I agree with all members of the House, including those opposite—obviously we have a long way to go. Year 12 retention is now 39 per cent, up from 29 per cent. Results from five of the six key national benchmark tests were the best ever in 2001,
but they were still significantly below those of non-Indigenous Australians. The year 12 retention rate is still only half what it is for non-Indigenous Australians. Only one in 10 students in remote parts of the country complete year 12, and I have to say to the House that I cannot say with confidence that the year 12 standard they actually meet is that of students in suburban settings. Only one in eight year 3 students in the Northern Territory can pass a basic year 3 reading test, and many of those children are in fact the children of the teachers who are teaching these communities.

Mr Snowdon interjecting—

Dr NELSON—The principles of the reforms are as I have just set out. If you want to set any Australian up for failure, then do not teach them how to speak English. Do not test them against the reading benchmarks and the numeracy benchmarks that apply to other students throughout Australia.

There are a couple of things that I particularly think need to be addressed. One is the review of the Aboriginal Student Support and Parental Awareness committees. A lot has been said about this throughout the course of the debate. It needs to be understood that 3,811 of these committees were funded last year, benefiting about 86,000 Indigenous students in schools and preschools that had ASSPA committees. They were funded to the tune of $16.1 million in the last financial year. The amount of money allocated to those committees ranged from $215 to almost $140,000. In fact, when you look at the figures, 660 committees were funded for less than $500. There were 608 committees that were funded between $500 and $1,000. More than half the committees that were funded were receiving less than $2,000, many of them in built-up suburban settings. The argument that the government puts is that that money ought to unashamedly be redirected to remote Aboriginal children and their families and to regional centres.

Mr Snowdon interjecting—

The DEPUTY SPEAKER (Mr Jenkins)—Order! The honourable member for Lingiari will desist.

Dr NELSON—I would point out to the member for Lingiari that it is his very constituents that I am most concerned about. I am trying to get money out of the northern beaches of Sydney and get it to families in remote parts of the Northern Territory.

Mr Snowdon—No, out of the northern suburbs of Darwin.

The DEPUTY SPEAKER—Order! The honourable member for Lingiari will cease interjecting.

Dr NELSON—It also ought to be pointed out that one-third of the ASSPA committee funding is currently for parental involvement, 16 per cent is for access to education, 14 per cent is for student participation, 19 per cent is for educational outcomes—less than 20 per cent of the money is committed specifically for educational outcomes—and 15 per cent is for excursions. I have had the parents of non-Indigenous children asking, ‘Why is it that the Aboriginal kids at the school who live in the same public housing block that we live in are being funded to go to an excursion when my kids aren’t?’ The argument that we are putting is that we will now move to program based funding. We want the committees to develop educational programs that involve parents, students and the broader community and to apply to the government for that funding. Instead of having principals designing what the ASSPA committees will do and then having a representative of the committee sign off on that and run a barbecue in a suburban setting, we would like to see the funding committed to developing better educational outcomes for Indigenous students.
The other thing that needs to be particularly understood is that of course there was a review of the ASSPA committees done by my department. It was suggested by members opposite that there was not proper consultation. The final discussion paper was sent to 400 ASSPA committees, to all directors-general of education, to Indigenous education consultative bodies and to Indigenous support units. Sixty-two written responses were received. We sent the review to 400 ASSPA committees, and do you know how many replied? Ten. So active and so focused were the ASSPA committees that when invited to contribute to the future of the funding of those committees—

Mr Snowdon interjecting—

The DEPUTY SPEAKER (Mr Jenkims)—Order! If the honourable member for Lingiari wants to see the finalisation of this debate, he should sit there quietly.

Dr NELSON—only 10, 2½ per cent, replied. That is hardly a reflection of active, focused committees concerned for the educational welfare of Indigenous students. I wrote to all of the ASSPA committees on 5 April to inform them of the changes to the way the government proposed to support them through this quadrennium. I probably stand to be corrected, but I cannot remember a single committee replying.

The target of all of this is that we are determined to make sure that we put hard-earned taxpayers’ dollars—which they strongly support being used to improve the educational outcomes of Indigenous students—into areas where they are most needed, particularly for Indigenous students in remote parts of the country. I say to the member for Lingiari: Aboriginal children in Darwin do have significant needs, but I can tell you that they are nothing like the needs of kids up in Arnhem Land and in remote parts of the Territory. Secondly, we want to focus resources on things that actually work, that are evidence based. Thirdly, we want to make absolutely sure that we have real targets set for state and territory governments against which they must deliver and which will be actively monitored, not only by them but—more importantly—by us.

The DEPUTY SPEAKER—The original question was that this bill be now read a second time. To this the honourable member for Capricornia has moved as an amendment that all words after ‘That’ be omitted with a view to substituting other words.

Question put:
That the words proposed to be omitted (Ms Livermore’s amendment) stand part of the question.

The House divided. [8.58 p.m.]
(The Speaker—Mr Neil Andrew)

Ayes......... 72
Noes......... 58
Majority....... 14

AYES
Abbott, A.J. Anderson, J.D.
Anthony, L.J. Bailey, F.E.
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. Draper, P.
Dutton, P.C. Elson, K.S.
Entsch, W.G. Farmer, P.F.
Forrest, J.A. * Gatus, C.A.
Gambaro, T. Gash, J.
Georgiou, P. Haase, B.W.
Hardgrave, G.D. Hartsuyker, L.
Hockey, J.B. Hull, K.E.
Hunt, G.A. Johnson, M.A.
Jull, D.F. Katter, R.C.
Kelly, D.M. Kelly, J.M.
Kemp, D.A. King, P.E.
Ley, S.P. Lindsay, P.J.
Lloyd, J.E. McArthur, S. *
Moylan, J. E. Nairn, G. R.
ADJOURNMENT

The SPEAKER—Order! It being 9.04 p.m., I propose the question:
That the House do now adjourn.

Dr Nelson—Mr Speaker, I require that the question be put forthwith without debate.
Question negatived.

INDIGENOUS EDUCATION
(TARGETED ASSISTANCE)
AMENDMENT BILL 2004

Message from the Governor-General recommending appropriation announced.

Third Reading

Dr NELSON (Bradfield—Minister for Education, Science and Training) (9.05 p.m.)—by leave—I move:
That this bill be now read a third time.
Question agreed to.
Bill read a third time.

ADJOURNMENT

Dr NELSON (Bradfield—Minister for Education, Science and Training) (9.05 p.m.)—I move:
That the House do now adjourn.

Family Services: Child Care

Mr JENKINS (Scullin) (9.05 p.m.)—On 4 June, the Minister for Children and Youth Affairs announced the new arrangements for the Child Care Support program. Included in that announcement was a new program, the Inclusion Support Program, ISP. This was established to replace SUPS, under which children’s services resource and development officers were funded. I have had approaches from municipalities and parents of children with special needs about the unintended consequences that it is believed will result from these changes. The ISP will be set up on a regional basis. Previously, SUPS officers and CSRDOs were employed by municipalities, especially in Victoria. One of the concerns is

* denotes teller

Question agreed to.
Original question agreed to.
Bill read a second time.
that the local input will be lost because of this new arrangement. If we look at the region that my electorate would come under—which is the northern region—it includes seven municipalities. Those municipalities employ 12 of these officers, and other non-government agencies operating in this region also employ these officers.

In looking at the way in which this model has been put in place at a regional level, people are asking what it will mean to the relationship that these officers will have with the families involved. The CSRDOs have strong local links and they have established good relationships with the families and children involved. If you take the city of Whittlesea, there are 43 child-care services and about 80 children with additional needs that are catered for by the CSRDOs. The real concern is that this local input will be lost. I am told by the municipality that they add in the order of 40 per cent of the funding of these positions and are very concerned about whether, if this went out to tender on a regional basis, they would see the same sort of input by tenderers. Constituents who have contacted me have indicated that without the actions of the CSRDOs they believe that their children would not have progressed as well as they have. One parent has come into the city of Whittlesea from the city of Hobsons Bay. In Hobsons Bay the CSRDO facilitated a six-week program that led to a parent-run support group. She notes that in Whittlesea the CSRDOs are doing a lot more than simply matching people with services; they support the parents in a whole host of ways.

If we look at the type of child-care services and other children’s services that the CSRDOs are helping families with, we can see that this is a complex situation. As one constituent has asked, ‘If the government is really interested in trying to build community and in funding opportunities for community building practices, why don’t they set a good example in this particular program?’ I am not sure whether this is a problem only in the state of Victoria, because local government has traditionally had a close relationship with these officers. The City of Whittlesea has been involved for up to 15 years. But this gets back to something that I have always said: if we are going to have a national approach to policies, we must not only recognise the national nature of the outcomes that we are wishing to achieve, we must also recognise that these things can be best put in practice by local initiatives. In this case, I believe that it is a retrograde step to say to the people who have been providing services that we are going to change the way in which this is done by moving it to a regional level.

I hope that the minister will reconsider these aspects of his program. I know that he had a great battle with cabinet to get a meagre amount of additional funding, and that is another concern. If these amounts of money are to add up, are we going to see that the same sort of money is going to go under the SUPS program that is available for CSRDOs, or is doing this at a regional level in fact a cost-saving measure? I believe that there needs to be reconsideration. The Howard government has to look at policies that can be delivered at a local level, that can be done in the most efficient way possible, and that give the feeling to the families that are being assisted by these programs that they really are cared for and that they are not each just some meaningless number in an overall program. That has been the characteristic of the previous CSRDO program. (Time expired)

Sport: Athens Olympics

Mr TOLLNER (Solomon) (9.10 p.m.)—On the eve of the Olympics in Athens I would like to pay tribute to an influential sector of the Northern Territory community—the Greeks. Historical records show
that the first Greek in Darwin was a cook on surveyor Goyder’s ship, the *Moonta*, in 1869; but the first influential Greek arrivals came between 1910 and 1915. Among those settlers were family names that are prominent among the citizenry of Darwin today: Harmanis, Kailis, Liveris, Paspaley and Paspalis, Margaritis and Haritos, to mention a few. They mostly settled in Greek Town as it was then known, along today’s Esplanade. Others settled at Salonika, along the rail track to Vesteys meatworks at Bullocky Point.

The Salonika name is retained in a street near St John’s College and Darwin High School, where many Darwin Greeks gained their secondary education. The earliest settlers had retreated from war and conflict, and they were determined and hardworking people. Many were from the Kastellorizo or nearby islands and were involved in the foundation industries in the Territory. Many worked at the meatworks or on the Pine Creek to Darwin railway. Among the railway workers was Stratos Haritos, who, in partnership with Sfakinakis, Colivas and Harmanis, established salt pans for supplies to the meat industry, pastoralists and buffalo hunters. Later, the Haritos clan moved into grocery, outback supplies and particularly the marine industry, including provedoring, fishing and pearling. Greek families became part of the construction business, building their own homes. To this day they are still key players in the industry.

It is recorded that in the period 1914-1919 some 1,400 Greeks arrived in Darwin, but after the closure of Vesteys in 1920 the Greek population was much reduced—many departing to Queensland, where today’s Greek families trace their origins from Darwin. Some members may not realise that the late Queensland senator, George Georges, was Darwin born; and of course a previous member for the Northern Territory, Nick Dondas, is of Greek origin.

Brothers Nicholas Paspaley and Michael Paspalis migrated with their family to Port Hedland in 1919 and went into the pearling business. Today the present Paspaley generation head up the multi-million dollar South Sea Pearl industry, based in Darwin. The Paspalis side went into hotels, retail and property development, prospering as Darwin grew, building the major retail landmarks of central Darwin.

The second wave of Greek settlement was after World War II. Their arrival was prompted by the search, by Haritos and Paspaley, for divers for the pearling business. Japanese divers were not well trusted after World War II. Kalymnos was a good place from which to recruit, as many Kalymnians were earning a living sponge diving. Among the new arrivals were members of the Alexiou, Halkitis, Pstrikos and Kotis families. It was not long before the new arrivals undertook other ventures, particularly in construction, and other family members followed. The Halkitis brothers went into road building and transport. Today there are few civil works that do not have Halkitis Brothers machinery on site. There are about 6,000 Territory residents today who originate from the island of Kalymnos.

Another group that should be mentioned are the Greek Cypriots, of whom there are about 1,000 in Darwin. Turmoil at home in World War II and in the mid-1970s brought many to Australia and several to Darwin, some by mistake. The story is that several were on a plane from Cyprus that landed in Darwin. They disembarked, assuming that it was just a transit stop since they were heading south. Among them were Peter Syrimi and Savvas Christodolou. They were told that they would have to come up with another £30 to fly to Adelaide, so Darwin be-
came their home. Other Greek Cypriot families of Darwin are the Kosmos, Christou, Pantazis, Kyriacou, Cleanthous and Patsalou families, all of whom are today well respected members of the Top End community.

I should mention a few other individuals: Leo Fotiades, who, along with Nick Paspalis, collected funds to build the Greek Orthodox Church in Darwin; John Nikolakis, President of the Greek Orthodox Community; Kon Vatskalis, a minister in the current Territory government; and, of course, John Anichtomatpis, who was the Territory’s immediate past administrator. Time is too limited for me to mention all the families who have made a huge contribution to the development of the Territory. I close by recording my personal thanks to the individuals and families of this important and influential sector of the Top End’s cosmopolitan society. (Time expired)

James Hardie Medical Research and Compensation Foundation

Mr ALBANESE (Grayndler) (9.16 p.m.)—Submissions are drawing to a close in the New South Wales special commission of inquiry into the asbestos product manufacturer James Hardie’s establishment of the Medical Research and Compensation Foundation. The commissioner, Mr David Jackson QC, is due to deliver his report to the New South Wales government in September. To date, the inquiry has revealed the following. Within the James Hardie group of companies there were two subsidiary companies that victims sued in order to obtain damages for their conditions of asbestosis, lung cancer, mesothelioma or other asbestos related diseases: the company that was involved in the manufacture and supply of asbestos cement building materials and insulation materials containing asbestos, James Hardie and Co. Pty Ltd; and the company that was involved in the manufacture and supply of brake lin-nings containing asbestos, Hardie Ferodo Pty Ltd.

To date, many successful claims for damages have been brought against these companies. In 1994 James Hardie started transferring its active businesses away from these subsidiary companies in exchange for cash. Between 1995 and 1998 these subsidiary companies transferred more than $200 million in dividends and management fees to their parent company, James Hardie Industries Ltd. On 16 February 2001, James Hardie established the Medical Research and Compensation Foundation to handle all its future asbestos compensation claims. It transferred $293 million to the foundation to be invested in shares and property, with the intention, allegedly, that the investment income and eventually the capital would be spent meeting damages awards.

At the time of the launch of the foundation, James Hardie prepared a press kit, indicating that the foundation would meet all genuine claims. Eight months later, in October 2001, James Hardie received the approval of the Supreme Court of New South Wales to move its head office and its legal incorporation to the Netherlands. The company said at the time that this was being done for tax reasons. We now know that perhaps the real reason was that the Netherlands does not have a treaty with Australia regarding the issues involved.

Firstly, it has become clear that, when assessing future liabilities for the purposes of setting up the foundation, the most up-to-date claims, settlements and awards information was not used and the foundation was grossly underfunded. Secondly, in March 2003, James Hardie Industries quietly cancelled the partly paid shares. This was done without advising the court, its shareholders or the foundation. The foundation chairman, Mr Llew Edwards, said he appreciated that
the foundation had insufficient funds to meet future claims and asked James Hardie to top up the funds. Additional funds were not forthcoming.

Counsel for the New South Wales special commission of inquiry, Mr John Sheahan, has now submitted that the company acted with disdain and reckless indifference to the plight of asbestos victims. In order to meet future claims, he says the foundation requires at least $2.24 billion. It currently holds only $125 million in assets.

Mr ALBANESE—No.

Mr ALBANESE—It is all publicly de-volved. Labor will act on the recommenda-
tions of the Jackson inquiry. We should not tolerate companies shifting assets to those victims of this reckless company. There is evidence that James Hardie knew of the dangers in the 1930s. The New South Wales Dust Diseases Tribunal independently has found that, by 1950, employees had raised concerns that asbestos was toxic, that it was carcinogenic and that it was capable of caus-
ing fibrosis leading to death. The death is a painful and slow one. The company directors were well aware of this at the time.

The company has caused untold misery and suffering in this country. It is expected that this misery and suffering will continue and even escalate. More than 7,500 Australians are dying of mesothelioma. With 500 new diagnosed cases each year, an anticipated 18,000 cases will lead to death by this disease by 2020. In my view the company directors and those who knew what they were doing have these deaths on their hands. The fact that they are trying to avoid their financial obligations is immoral, criminal and should provoke anger in every decent Australian, as I am sure it does in every single parliamentarian in the federal parliament.

Military Detention: Australian Citizens

Mr KING (Wentworth) (9.20 p.m.)—The release of a report by British nationals formerly held at Guantanamo Bay that alleges abuse of Australians David Hicks and Mam-
douh Habib—in his case, also in Egypt—adds fresh impetus for the speedy and fair trial of the pair and for the immediate and impartial investigation of their treatment in detention. This is in addition to alarming claims that their warders are deliberately hampering the work of the International Red Cross at Guantanamo Bay.

Let us assume Mr Hicks is all that he is al-led to be by the United States—that he was involved with al-Qaeda, the organisation responsible for the devastating attacks of September 11, and a supporter of the Taliban regime, which has sanctioned the rape and murder of thousands in Afghanistan. As an Australian national and as a human being, he is still entitled to a standard of defence that shows the world that principles we take for granted in our legal system are basic and should be enjoyed by all.

As far as Mr Hicks is concerned, he is protected by both the provisions of the third Geneva convention on the treatment of pris-oners of war and by the International Cove-nant on Civil and Political Rights, as Austra-
lia and the USA are signatories to them. Arti-
cle 47 of the Geneva convention provides the description of a prisoner of war as a member of a militia or a military corps involved in armed conflict and one who has ‘fallen into the power of the enemy’. Mr Hicks meets
this definition because he was a member of an organised military force and that force displayed a distinctive ensign. While only Pakistan, the United Arab Emirates and Saudi Arabia recognised the former Taliban regime’s de jure legitimacy, it was a de facto government and so captive members of the former Taliban armed forces should be treated as prisoners of war. The UN has called for this classification. Surely, too, considering the current military activity has been called a war on terror, this is an appropriate position.

United States President George Bush has listed Hicks as a person eligible for trial before US military commissions established pursuant to the military order of 13 November 2001. Australia has been told:

... when deciding whether to approve charges the US Deputy Secretary for Defence will consider all relevant and appropriate information available ...

Yet since the Magna Carta was signed in 1215 a basic principle of our legal system as inherited from England is that to no person would authorities ‘sell, or deny, or delay right or justice’. As this is the basis also for US law, there should also be a desire to bring closure to individual cases, and Australia should push for this.

At the very least, the trial of Hicks appears to be progressing, albeit belatedly, whereas justice continues to be denied to Habib, who, it is claimed, is in dire need of medical treatment. The ICCPR clearly states that prisoners like Habib should be given an open trial within a reasonable time. The thorny issue here is that fighting a war on terror will not be quick. If the Afghanistan theatre is to be seen as a battle in a longer campaign, the US can argue that they are entitled to hold prisoners for as long as the war continues. The problem is that this can go on forever. I contend that to pick up combatants in Afghanistan and hold them indefinitely is a distortion of the rules of international law. As a basic principle, all people at all times have the protection of the international covenant to be tried in a timely manner and know the nature of their alleged crime.

Access to prosecution evidence has indeed been restricted. In dealing with the challenge of opposing right of access to prosecution evidence versus understandable security concerns, perhaps a joint Australian and US intermediary body can be established between the defence counsel and the prosecution to determine what evidence the prisoner should have access to. However we deal with this problem, the United States should not judge for itself what constitutes a national security threat and deny natural justice to those it accuses of terrorism, otherwise the trial will look like a star chamber without proper rules, and this is absolutely unacceptable.

Justice Minister Ellison deserves praise for gaining concessions on Hicks’s behalf including the dropping of the death penalty, his transfer to Australia to serve the sentence if convicted, his option to retain an Australian lawyer with whom he could communicate unmonitored, and for his trial to be held openly. Yet these concessions clearly fall short of what the government should demand for its citizens as Australians. For example, under the presidential trial order, accused terrorists will not have an appeal mechanism beyond a military commission procedure.

One such standard—article 13 of the Geneva convention—provides for the right to humane treatment, which includes protection from curiosity and public display, and respect of honour of captive, free from intimidation. Yet since his arrest, Hicks has been ‘on display’ for a delegation of US congressmen. Photographs have been released to
the media showing how captives are blindfolded in a kneeling position to exert physical pressure. And again, an ad hoc approach in the trial of accused terrorists undermines the legitimacy of the process. Habib awaits decisions on the process by which he will be tried. American John Lind has entered a plea bargain in a US civil court. Yasser Hamdi is detained without charge in Virginia. Zacharias Moussaoui, a French citizen, has been tried in a civil court. ‘Shoe bomber’ and UK citizen Richard Reid has been tried in a civil court. This appears to involve dissimilarity in treatment.

While the 11 September 2001 attacks on New York ‘represent an assault not only on the people and the values of the United States of America but of free societies everywhere’, concern exists that the Australian government are not being seen to safeguard our own values in terms of independence of foreign policy and protection of the rights of our own nationals. (Time expired)

Lowe Electorate: Environment

Mr MURPHY (Lowe) (9.26 p.m.)—Tonight I bring to the attention of the House two important environmental matters of concern to my constituents in the electorate of Lowe. The first matter relates to the presence of dioxins found in foreshore land along the Parramatta River at the northernmost boundary of my electorate. The second matter is the unintentional production and release of persistent organic pollutants into the atmosphere through incineration of thermally oxidising solids. I am very grateful that these important issues have been brought to my attention by Mr Paul Hanly, a constituent and dedicated environmentalist living in my electorate.

On 23 May 2001, the Howard government became a signatory on behalf of Australia to the Stockholm Convention on Persistent Organic Pollutants. On 20 May this year the Australian Commonwealth government ratified the Stockholm convention. The effect of Australia becoming a signatory and ratifying the Stockholm convention is to bind Australia in principle to prevent the unintentional production of persistent organic pollutants, known as POPs. One such POP chemical is polychlorinated dibenzo-p-dioxins, also known simply as dioxin.

The Lowe electorate is undergoing significant urban consolidation, especially along its foreshores in the suburb of Rhodes. Foreshore land currently contaminated with dioxin is to be converted to a public foreshore park to be frequented by the public, including children. For this reason, Mr Hanly notes in his letter to me dated 8 July 2004:

... there is a need to test the most child attractive and child accessible areas containing sediments near the railway bridge because of the dioxin impact on children... (and) because of their small body weight (of) all toddlers and breast fed children under about eight years.

In short, children are more susceptible to the harmful effects of dioxin absorption. For this reason, testing is required on that public land.

Another issue is that of the five allotments of medium density land. I am advised that that land, now owned by the New South Wales Waterways Authority, was formerly a Union Carbide battery site. I understand that this site is to be remediated and then sold to Trafalgar and developed by Multiplex. I urge the Minister for the Environment and Heritage to ensure sediments on the surface of this site meet the World Health Organisation standard of one part of dioxin per billion to avoid potential long-term health effects from dioxin, especially on children. Mr Hanly notes that another hot spot, described as ‘the middle of the eastern side of the bay but outside the remediation footprint’, needs to meet the WHO standard of one part per billion as
a bay-wide average instead of the 2.3 parts per billion presently contemplated.

I now turn to the issue of incineration and report that there is a need to apply the precautionary principle with regard to incineration. The precautionary principle notes that lack of full scientific certainty ought not postpone measures to mitigate against a non-negligible risk of harm. I am advised that the proposed technology is deficient in that the proposed incinerator will not be adequate. The proposed incinerator lacks two basic things necessary to ensure it does not produce dioxins through reformation in the atmosphere. First, rapid quench technology or equivalent is required. Second, constant sampling technology is required. Alternative technology is available that will ensure dioxins are not a by-product of the anthropogenic incineration. It is an open question whether the act of producing and releasing dioxins into the atmosphere compromises Australia’s international obligations under article 5 of the Stockholm convention.

Finally, I refer to what is called the Meriton site, including that land to become known as Point Park. I am advised that, ignoring landscape cover, these sites will have up to twelve times as much dioxin in the top metre as the Waterways site mentioned earlier. Mr Hanly advises:

... the remediation health analysis for the Waterways site specifically took into account children, while the Meriton one didn’t.

I therefore put the Minister for the Environment and Heritage on notice that I will be pursuing these issues to ensure that the land and air is safe and healthy in my electorate of Lowe, and I realise that time has beaten me tonight.

The SPEAKER—I thank the member for Lowe for his accommodation. Order! It being 9.30 p.m., the debate is interrupted.

House adjourned at 9.30 p.m.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Coastwatch

(Question No. 3104)

**Mr McClelland** asked the Minister representing the Minister for Defence, upon notice, on 19 February 2004:

1. How many Fremantle class patrol boat days were allocated to Coastwatch during the calendar year 2003.
2. How many days will be allocated during the calendar year 2004 for Coastwatch related activities

**Fran Bailey**—The Minister for Defence has provided the following answer to the honourable member’s questions:

1. and 2) 1,800 patrol boat days are allocated to Coastwatch–related activities each financial year.

Coastwatch

(Question No. 3105)

**Mr McClelland** asked the Minister representing the Minister for Defence, upon notice, on 19 February 2004:

1. How many P-3C Orion aircraft flying hours were provided by the Minister’s department to Coastwatch during the calendar year 2003.
2. How many hours will be provided during the calendar year 2004.

**Fran Bailey**—The Minister for Defence has provided the following answer to the honourable member’s question:

1. Defence supported Coastwatch through Operation Relex II for which 1978.3 hours were flown. All contacts detected by the P-3C Orion during Relex patrols are reported to Coastwatch, thereby satisfying the taskings of a number of Commonwealth agencies including the Australian Customs Service, Australian Quarantine and Inspection Service, Australian Fisheries Management Authority and the Departments of Immigration and Multicultural and Indigenous Affairs, Environment and Heritage, and Industry, Tourism and Resources. Because of this multi-tasking facet of activities, it is not possible to attribute hours and days to specific agencies.

2. Eight hundred and fifty P-3C Orion hours have been allocated to Operation Relex II for the period January to June 2004 inclusive. Hours’ allocation for July to December 2004 has not yet occurred.

Defence: Centenary of Federation Grant

(Question No. 3324)

**Mr Bevis** asked the Minister representing the Minister for Defence, upon notice, on 11 March 2004:

1. Further to the answer to question No. 2765 (*Hansard*, 3 March 2004, page 25326), why was this question transferred from the Minister for Education, Science and Training.

2. In respect of part (2) of question No. 2765 which was not answered because “the Department of Defence did not administer the Centenary of Federation grants and as such was not privy to the approval criteria”, why was the question not redirected to its original intended recipient, the Minister for Education, Science and Training.
Fran Bailey—The Minister for Defence has provided the following answer to the honourable member’s question:
(1) The question was transferred to the Minister representing the Minister for Defence because the Federation Fund grant for the relocation of the decommissioned submarine Otama was administered by the Department of Defence.
(2) While the Department of Defence did not administer the Federation Fund program as a whole, the Department of Defence did administer the Federation Fund grant to the Western Port Oberon Association for the relocation of the decommissioned submarine Otama.
The decision to fund this project was made by the Cabinet and the reasons for the decision remain confidential.

**Defence: Centenary of Federation Grant**
(Question No. 3325)

Mr Bevis asked the Minister representing the Minister for Defence, upon notice, on 11 March 2004:
(1) Further to the answer to question No. 2765 (Hansard, 3 March 2004, page 25326), why was this question transferred to the Minister representing the Minister for Defence when he would be unable to answer part (2) of that question.
(2) How did the relocation of the decommissioned Otama meet the criteria for a Centenary of Federation grant.

Fran Bailey—The Minister for Defence has provided the following answer to the honourable member’s question:
(1) See answer to question 3324 part (2).
(2) See answer to question 3324 part (2).

**Australian Federal Police: Drug Smuggling**
(Question No. 3420)

Mr McClelland asked the Minister representing the Minister for Justice and Customs, upon notice, on 29 March 2004:
(1) Has the Australian Federal Police become aware that drug smuggling operations are being conducted by smugglers sailing south about Australia taking advantage of the low level of marine surveillance south of the line between Broome and Cairns.
(2) What reports has the Minister received to that effect.
(3) What action has been taken in response.

Mr Ruddock—The Minister for Justice and Customs has provided the following answer to the honourable member’s question:
(1) The AFP is aware through numerous investigations and intelligence over many years that maritime vessels are used to import narcotics into Australia, including locations south of Broome in Western Australia and Cairns in Queensland.
(2) Importations are regularly intercepted below the Broome/Cairns line. The Minister for Justice and Customs receives regular oral and written Operational Briefings when these unlawful importations are intercepted. The AFP and other border agencies effect a range of responses, when such unlawful operations are detected which in the case of the AFP typically leads to criminal prosecutions of those responsible.
(3) See (2).
**Defence: FA18 Aircraft**  
(Question No. 3638)

Mr Price asked the Minister representing the Minister for Defence, upon notice, on 15 June 2004:

1. When were FA18 aircraft first brought into service in the RAAF.
2. Has the Defence Science and Technology Organisation (DSTO) been tasked to develop a program to combat corrosion for the aircraft; if so, when; if not why not.
3. Has the DSTO been tasked to develop an ageing program for the FA18 similar to that for the F111; if so, when; if not, why not.

Fran Bailey—The Minister for Defence has provided the following answer to the honourable member’s question:

1. 4 May 1985.
3. Yes. The DSTO has provided science and technology support, including research on ageing issues, to the Tactical Fighter System Program Officer for the F/A-18 since 1984 and continues to do so.

**Legal Aid: Funding**  
(Question No. 3660)

Ms Macklin asked the Attorney-General, upon notice, on 17 June 2004:

1. Can he confirm the statement made by his spokesperson reported in *The Age* on 24 May 2004 to the effect that Commonwealth legal aid funding was not based on population but on demographic and socio-economic need, to explain why Victoria did not receive a proportionate share of legal aid funding over the next four years.
2. What are the demographic and socio-economic data for (a) Victoria, and (b) the electoral division of Jagajaga which are considered when determining the allocation of legal aid funds.
3. Will he provide the documentation indicating why Victoria is not receiving a proportionate share of legal aid funds.

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

1. The Australian Government uses a funding distribution model to assist it to determine how much money to offer each state and territory for Commonwealth legal aid. The model does not distribute funding on a per capita basis, but takes account of a variety of factors affecting the use of legal aid services in each jurisdiction. These factors include demographic and socio-economic indicators that reflect the number of people in each jurisdiction who fall into those categories of the population which are most likely to require legal assistance for Commonwealth law matters. The Australian Government also takes into account other issues affecting individual jurisdictions in determining its funding offers.

2. Victoria’s share of funding was determined by reference to a funding model which estimates demand and cost weights to adjust for the differences between jurisdictions. The model does not operate on the basis of electorates.

Demand weights for each State and Territory are estimated with reference to the number of legal aid applications received by age and sex, estimated resident population data, unemployment, the number of single parent recipients, the number of divorces involving children and the average cost of referred legal aid cases.
The cost weights used in the model for each State and Territory are those determined by the Commonwealth Grants Commission. These include factors for dispersion, scale, urbanisation and populations of indigenous people and people whose English language fluency is low.

(3) My department has already provided legal aid commissions with the report of the review of the legal aid funding model which provides the rationale for the current model.