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- **NEWCASTLE**: 1458 AM
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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
FORTY-FIRST PARLIAMENT
FIRST SESSION—SECOND 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. David Peter Maxwell Hawker MP
Deputy Speaker—The Hon. Ian Raymond Causley MP
Second Deputy Speaker—Mr Harry Alfred Jenkins MP

Members of the Speaker’s Panel—The Hon. Dick Godfrey Harry Adams, Mr Robert Charles Baldwin, the Hon. Bronwyn Kathleen Bishop, Mr Michael John Hatton, Mr Peter John Lindsay, Mr Robert Francis McMullan, Mr Harry Vernon Quick, the Hon. Bruce Craig Scott, the Hon. Alexander Michael Somlyay, Mr Kimberley William Wilkie

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—Mr Anthony Norman Albanese 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—The Hon. Kim Christian Beazley MP
Deputy Leader—Ms Jennifer Louise Macklin MP
Chief Opposition Whip—The Hon. Leo Roger Spurway Price MP
Opposition Whips—Mr Michael Danby MP and Ms Jill Griffiths Hall MP

Printed by authority of the House of Representatives
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<td>Washer, Malcolm James</td>
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<td>Wilkie, Kimberley William</td>
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<td>Windsor, Antony Harold Curties</td>
<td>New England, NSW</td>
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<td>Wood, Jason Peter</td>
<td>La Trobe, Vic</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

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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 Defence and Leader of the Government
in the Senate
Senator the Hon. Robert Murray Hill
Minister for Foreign Affairs
The Hon. Alexander John Gosse Downer MP
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 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 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 Indigenous Affairs
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
Women’s Issues
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
Minister for Communications, Information Technology
and the Arts
Senator the Hon. Helen Lloyd Coonan
Minister for the Environment and Heritage
Senator the Hon. Ian Gordon Campbell

(The above ministers constitute the cabinet)
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Senator the Hon. Christopher Martin Ellison

Minister for Fisheries, Forestry and Conservation
Senator the Hon. Ian Douglas Macdonald

Minister for the Arts and Sport
Senator the Hon. Charles Roderick Kemp

Minister for Human Services
The Hon. Joseph Benedict Hockey MP

Minister for Citizenship and Multicultural Affairs
and Deputy Leader of the House
The Hon. Peter John McGauran MP

Minister for Revenue and Assistant Treasurer
The Hon. Malcolm Thomas Brough MP

Special Minister of State
Senator the Hon. Eric Abetz

Minister for Vocational and Technical Education
and Minister Assisting the Prime Minister
The Hon. Gary Douglas Hardgrave MP

Minister for Ageing
The Hon. Julie Isabel Bishop MP

Minister for Small Business and Tourism
The Hon. Frances Esther Bailey MP

Minister for Local Government, Territories and Roads
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The Hon. De-Anne Margaret Kelly MP

Minister for Workforce Participation
The Hon. Peter Craig Dutton MP

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The Hon. Dr Sharman Nancy Stone MP

Parliamentary Secretary to the Minister for Industry, Tourism and Resources
The Hon. Warren George Entsch MP

Parliamentary Secretary to the Minister for Health and Ageing
The Hon. Christopher Maurice Pyne MP

Parliamentary Secretary to the Minister for Defence
The Hon. Teresa Gambaro MP

Parliamentary Secretary (Foreign Affairs and Trade)
The Hon. Bruce Fredrick Billson MP

Parliamentary Secretary to the Prime Minister
The Hon. Gary Roy Nairn MP

Parliamentary Secretary to the Treasurer
The Hon. Christopher John Pearce MP

Parliamentary Secretary to the Minister for Transport and Regional Services
The Hon. John Kenneth Cobb MP

Parliamentary Secretary to the Minister for the Environment and Heritage
The Hon. Gregory Andrew Hunt MP

Parliamentary Secretary (Children and Youth Affairs)
The Hon. Sussan Penelope Ley MP

Parliamentary Secretary to the Minister for Education, Science and Training
The Hon. Patrick Francis Farmer MP

Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry
Senator the Hon. Richard Mansell Colbeck
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<td>The Hon. Kim Christian Beazley MP</td>
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<td>Jennifer Louise Macklin MP</td>
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<td>Senator Stephen Michael Conroy</td>
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<td>Julia Eileen Gillard MP</td>
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<td>Wayne Maxwell Swan MP</td>
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<td>Stephen Francis Smith MP</td>
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<td>Kevin Michael Rudd MP</td>
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<td>Robert Bruce McClelland MP</td>
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<td>Anthony Norman Albanese MP</td>
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<td>Shadow Minister for Public Administration and Open Government, Shadow</td>
<td>Senator Kim John Carr</td>
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<td>Minister for the Arts</td>
<td>Kelvin John Thomson MP</td>
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<td>Shadow Minister for Regional Development and Roads and Shadow Minister</td>
<td>Senator the Hon. Nicholas John Sherry</td>
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<td>for Housing and Urban Development</td>
<td>Tanya Joan Plibersek MP</td>
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<td>Shadow Minister for Finance and Superannuation</td>
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<td>Shadow Minister for Work, Family and Community, Shadow Minister for</td>
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<td>Youth and Early Childhood Education and Shadow Minister Assisting the</td>
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<td>Leader on the Status of Women</td>
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<td>Shadow Minister for Employment and Workplace Participation and Shadow</td>
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<td>Minister for Corporate Governance and Responsibility</td>
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<tr>
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<td>Laurence Donald Thomas Ferguson MP</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 Assistant Treasurer, Shadow Minister for Revenue and Shadow Minister for Banking and Financial Services</td>
<td>Joel Andrew Fitzgibbon MP</td>
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<td>Shadow Attorney-General</td>
<td>Nicola Louise Roxon MP</td>
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<td>Shadow Minister for Regional Services, Local Government and Territories</td>
<td>Senator Kerry Williams Kelso O’Brien</td>
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<td>Shadow Minister for Manufacturing and Shadow Minister for Consumer Affairs</td>
<td>Senator Kate Alexandra Lundy</td>
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<tr>
<td>Shadow Minister for Defence Planning, Procurement and Shadow Minister Assisting the Shadow Minister for Industrial Relations</td>
<td>The Hon. Archibald Ronald Bevis MP</td>
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<td>Shadow Minister for Sport and Recreation</td>
<td>Alan Peter Griffin MP</td>
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<td>Shadow Minister for Veterans’ Affairs</td>
<td>Senator Thomas Mark Bishop</td>
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<td>Shadow Minister for Small Business</td>
<td>Tony Burke MP</td>
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<td>Shadow Minister for Ageing, Disabilities and Carers</td>
<td>Senator Jan Elizabeth McLucas</td>
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<tr>
<td>Shadow Minister for Justice and Customs, Shadow Minister for Citizenship and Multicultural Affairs and Manager of Opposition Business in the Senate</td>
<td>Senator Joseph William Ludwig</td>
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<td>Shadow Minister for Pacific Islands</td>
<td>Robert Charles Grant Sercombe MP</td>
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<td>Shadow Parliamentary Secretary to the Leader of the Opposition</td>
<td>John Paul Murphy MP</td>
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<td>Shadow Parliamentary Secretary for Defence</td>
<td>The Hon. Graham John Edwards MP</td>
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<td>Kirsten Fiona Livermore MP</td>
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<td>Jennie George MP</td>
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<td>Shadow Parliamentary Secretary for Infrastructure</td>
<td>Bernard Fernando Ripoll MP</td>
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<td>Shadow Parliamentary Secretary for Health</td>
<td>Ann Kathleen Corcoran MP</td>
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<td>Shadow Parliamentary Secretary for Regional Development (House)</td>
<td>Catherine Fiona King MP</td>
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<td>Senator Ursula Mary Stephens</td>
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<tr>
<td>Shadow Parliamentary Secretary for Northern Australia and Indigenous Affairs</td>
<td>The Hon. Warren Edward Snowdon MP</td>
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Mr BARRESI—On behalf of the committee, I am pleased to present this report on increasing participation in paid employment. The presentation of this report could not be more timely. Over the past few weeks there has been discussion on:

- labour shortages;
- reforming industrial awards;
- the disability support pension;
- opportunities for women to participate in the workforce;
- migration levels; and
- taxation review.

This report, *Working for Australia’s Future: Increasing participation in the workforce*, tackles some of these critical issues and provides recommendations to build the size and capability of our workforce. It has been stated to our committee that by 2030 Australia will have over 500,000 jobs with no-one to fill them. A combination of skill shortages in key industry sectors, ageing of the workforce, falling fertility levels and the need for continuing productivity improvements will place even greater stress on Australia to lift its participation rate from the current rate of 63.8 per cent. The committee heard a range of evidence on the causes of Australia’s declining participation levels and suggested programs for its resolution. We approached this inquiry from the perspective that participation in the workforce is much more than a series of statistics about unemployment rates or the numbers of people receiving income support. Rather, it is about assisting Australians to be financially independent and secure in their futures, overcoming social isolation, providing opportunities for all people to contribute and valuing the contribution that they are able to make.

The report contains two recommendations addressing reform and simplification of industrial awards. The first addresses the need to reduce the number of allowable matters and the second addresses the removal of award barriers to part-time and casual employment. These actions would have the effect of enabling more flexible working arrangements to be negotiated that suit regional and sectoral conditions. Furthermore, they provide different employment options and opportunities that may suit different groups of the workforce. In times of low unemployment, there is more focus on assisting those people who face specific challenges to entering the workforce. We make a number of recommendations to assist parents and, particularly, women to re-enter the workforce. We recommend a review of participation requirements for parenting payment recipients, that after-school care and holiday programs be expanded and that consideration be given to exempting child-care services from fringe benefits tax.

People would only be disadvantaged with respect to workforce participation if we
were not to take up the challenge of removing barriers and providing the necessary incentives and assistance— incentives directed at people seeking or capable of work and also directed at employers to overcome barriers to employing certain groups. A number of recommendations are made to assist those with a disability to find work, stay in work and, where necessary, to make appropriate modifications to workplaces to suit their needs. The failure to recognise the value of employing people with a disability was noted in this report. The incentive to employ jobseekers with a disability needs to be targeted at both the individual and the employer. It is recommended that the eligibility criteria for the disability support pension be tightened by increasing work capacity provisions. The disability support pension and its associated assistance provide help for those most in need. This report acknowledges the shared responsibilities for increasing participation. The report sets out that change will require the cooperation of all governments, employers, unions, community groups, businesses and agencies. Such cooperation can lead to the development of a more holistic type of approach in labour market programs—for example, those run by the Brotherhood of St Laurence in Melbourne. We also recommend a federal cross-portfolio coordinated response to addressing the issues of participation.

In some instances, there are also financial disincentives to entering the paid workforce. The committee recommends a review of tax free thresholds, effective marginal tax rates, taper rates and income test stacking. It is important to note the opposition members’ dissent from three recommendations—two relating to labour relations reform and the other to the disability support pension. However, these differences do not detract from the unanimous support on the other recommendations. I thank my two deputy chairs, the members for Calwell and Gorton, for their assistance; members of the committee past and present; and the individuals and organisations that provided evidence. My particular thanks goes to parliamentary staff assigned to the committee in the last parliament, Richard Selth, Cheryl Scarlett and Adriana Ballardin, and to parliamentary staff assigned to the committee in this parliament, Dr Anna Dacre, Alison Childs and their team, for their professional guidance. I commend the report to the House. (Time expired)

**Mr BRENDAN O’CONNOR** (Gorton) (12.36 p.m.)—I rise to also to remark upon the report being presented this morning *Working for Australia’s Future: Increasing participation in the workforce*. I concur with the Chair of the Standing Committee on Employment, Workplace Relations and Workforce Participation that there were many recommendations agreed by all committee members. It is important to note that the effort by the committee commenced in the last parliamentary term and has involved many members, new and old. The focus for all members was to find ways to suggest to the government how we can have a workforce where everyone who wishes to can participate fully and which allows for, enables and assists those people who are not in the workforce—or not in it as fully as they would like—to participate more fully.

I hope that, of the 23 recommendations, the 20 which were unanimously agreed upon provide some assistance to the government in this important area of public policy. Many members involved themselves with this committee. Other than the current members on the committee to date, there were also the members for Brisbane, Swan, Calwell and, I am sure, some others. Certainly I have been assisted as deputy chair by all members, but in particular by the members for Canberra, Watson and Shortland.
The dissenting report was—it may come as no surprise to you, Mr Speaker—the culmination of concerns raised by opposition members during the course of proceedings. In particular, our concerns went to the recommendations that would affect industrial relations in this country. We do not accept the view that the evidence suggested that there was any particular causal link between diminishing award matters and increasing participation in the paid work force. We do not accept for a moment that there was evidence that suggested that the best way to improve participation in the work force was to remove current entitlements of Australian workers thereby making their work even more precarious than it is. I think it is important to note that the evidence clearly showed that over the last 20 years our work force has become the most casualised work force in the world. We have the greatest casualisation rate and we have a large proportion of workers who are in part-time work. Those part-time employees would, in the main, like to be employed more fully. So we did not accept the majority view that we should be diminishing employees’ entitlements in relation to the award. We think that was a misnomer.

We certainly do not agree that we should be placing too much pressure on people on disability pensions. We do accept that there is a need to remove disincentives in the system. We do accept that the tax system and the welfare system do not work so effectively as to ensure that people who wish to work will work, because of the inbuilt disincentive of what they have to pay in tax if they are on some form of support by government. So we do accept that there are areas to be focused upon, but we do not accept, for example, that the Job Network disability support pension pilot was indeed as successful as government members have suggested. Indeed, it was from a very brief sample. (Time expired)

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

Mr BARRESI (Deakin) (12.40 p.m.)—I move:

That the House take note of the report.

The SPEAKER—In accordance with standing order 39, the debate is adjourned. The resumption of the debate will be made an order of the day for the next sitting.

Procedure Committee Report

Mrs MAY (McPherson) (12.41 p.m.)—On behalf of the Standing Committee on Procedure I present the committee’s report entitled The anticipation rule, together with the minutes of proceedings and evidence received by the committee.

Ordered that the report be made a parliamentary paper.

Mrs MAY—I present the Procedure Committee’s report on the anticipation rule. The committee has considered the issues carefully and concludes that the so-called anticipation rule is no longer used primarily to fulfil its intended purpose, which is to contribute to the good governance of the House and the efficient use of its time. The committee hopes to persuade the House to change the relevant standing orders to achieve a better balance between upholding efficient House practices, on the one hand, and supporting the ability of members to scrutinise public administration and policies, on the other.

The anticipation rule involves two standing orders, one applying generally and one to questions. The general rule, encompassed in standing order 77, provides that a member may not anticipate discussion of a subject on
the Notice Paper. It applies only to matters likely to be brought before the House within a reasonable time. This is intended to prevent frivolous use of the standing order by members trying to stifle debate. In relation to questions, standing order 100(f) states: Questions must not anticipate discussion on an order of the day or other matter.

The standing order has proved a boon to members on both sides of the House who would prefer certain subjects not to be aired during the political hothouse that question time has become.

The rule was never intended to impair scrutiny or otherwise prevent discussion of sensitive issues. It is meant to support good meeting procedures, including an orderly management of the House’s business. The anticipation rule ensures that all members know when a matter will be addressed, so they can participate in the debate and any vote relating to the matter. Dealing with a matter according to an agreed timetable and not, additionally, at other times, protects members’ interests and also saves the time of the House. This is the theory, but tacticians from both sides have used the anticipation rule for very different purposes, mostly in order to make a political point or to prevent one being made.

Points of order on anticipation were raised persistently last November and December, resulting in a statement by you, Mr Speaker, on 6 December 2004. The Speaker noted the particular difficulty caused by raising the rule in relation to questions and asked the Procedure Committee to consider the matter. In reviewing the history and application of the rule, the committee notes that successive speakers have sought to prevent misuse of the rule by rulings which have seen a more liberal and flexible interpretation over the past 20 years. Rulings have drawn a distinction between incidental and substantive anticipation of a matter. In relation to bills, speakers are likely to allow questions on, or discussion of, the subject matter of a bill and have applied the anticipation rule only against discussion of the detail of the bill. If chairs applied the rule rigidly there would be no problem—unfortunately, there would not be many topics the House could safely discuss, either.

There are three main difficulties in applying the standing orders on anticipation. First: is a subject listed on the Notice Paper likely to come before the House in a reasonable time? While this will always be uncertain to some extent, the committee considers that the standing orders should provide more certainty. We recommend that the phrase ‘reasonable time’ should be replaced by ‘the same or next sitting day’. In deciding whether a matter will come before the House on that day or the next, the Speaker can have some certainty by referring to the daily program, known as the blue. While the blue is an unofficial program and subject to change, it is still an excellent guide to the timetable and program.

The second difficulty relates to the reason for raising the issue of anticipation. Is the point of order aimed at supporting good governance principles including saving the time of the House, or is it merely a blocking tactic? The committee considers that the standing orders should offer more guidance on when the anticipation rule should be applied. Some proceedings, including question time, members’ statements, ministerial statements and matters of public importance take the same amount of time regardless of the subject matter. It cannot be argued that applying the anticipation rule to these proceedings saves the time of the House. The committee considers that nothing is gained by applying the anticipation rule to these periods. The general rule, standing order 77, should therefore be restricted to debates when there is a
question before the House. If this recommendation is adopted by the House, standing order 100(f) relating to questions would be omitted for the rest of the session. This change would go a considerable way to promoting the usefulness of question time as a time of scrutiny. In this context, the committee notes that a complementary improvement would be to avoid referring to new policies during question time and ensuring that ministerial statements are used for this purpose.

The third issue relates to whether the reference to an anticipated matter is incidental or substantive. While it has become House practice to apply the anticipation rule only to substantive pre-emption of forthcoming debates, the opportunity should be taken to incorporate this limitation in the standing orders. (Time expired)

Mr MELHAM (Banks) (12.46 p.m.)—The Chair of the Standing Committee on Procedure, the member for McPherson, has outlined proposed changes to the anticipation rule as it is currently expressed in the standing orders. The opposition supports these changes. If adopted by the House they will provide greater certainty in relation to one of the more problematic standing orders. The anticipation rule is found in two standing orders: standing order 77 prevents a member from anticipating the discussion of a subject which appears on the Notice Paper, provided that the subject of likely to be brought before the House within a reasonable time; and standing order 100(f) prohibits questions on an order of the day or other matter.

On the surface, these standing orders appear entirely sensible. The intention is to protect from pre-emption matters which are already on the agenda for consideration and decision by the House and to make the maximum use of the time of the House. In practice, however, anticipation is most likely to be raised as a point of order to prevent discussion of a matter which is perceived to give political advantage to one side or the other. In particular, anticipation is raised most commonly during question time. Government members are likely to raise a point of order on anticipation to prevent scrutiny of a topic. Opposition members typically raise the issue to prevent ministers from anticipating discussion on legislation. The rule is used by both government and opposition when its suits their purposes.

The changes proposed in the report are as follows. First, the anticipation rule should apply only during debates and not during periods when there is no question before the House—in particular, the rule should no longer apply during question time. Second, the concept of matters on the Notice Paper that are likely to be raised ‘within a reasonable time’ is too uncertain. The standing order should be changed to apply the anticipation rule to matters that the chair expects to be brought before the House either that day or the next sitting day. The daily blue is a relatively reliable guide to the chair and members of what is likely to be debated on the same day. Though less certain, the Notice Paper may be used to infer which items are expected to be debated on the following day. The third change recommended by the committee is that the established practice by which the anticipation rule is not applied to incidental references to a subject should be incorporated into the standing order.

One of the noteworthy facts relating to the anticipation rule is that it is more likely to be ignored than raised. I recall that, during the period the GST was being debated, both the subject matter and the bills themselves were a feature of question time. The anticipation rule was conveniently ignored. It suited members on both sides to ignore the fact that the questions and answers anticipated legislation currently before the House. Question time is a particularly important time in terms
of the ability of the House to hold the executive accountable for its actions. Speakers have recognised this in applying the anticipation rule flexibly in recent years. In a statement to the House regarding the application of the anticipation rule, Speaker Hawker said:

My general attitude is that during question time, one of the key periods for the House to exercise its primary function of accountability, a decision to prevent certain subjects being raised should not be taken lightly.

The committee’s proposals for changes to the standing orders will result in a better expression of current House practice in interpreting the rule. They should lead to greater certainty and fewer disputes on technicalities. At the same time, the committee is concerned to ensure that any change to the standing orders does not give unfair political advantage to either government or opposition.

In relation to question time, the removal of the anticipation rule would give governments increased opportunity to interest the media and public in legislation currently before the House, but it would equally give oppositions increased opportunity to challenge forthcoming legislation. I commend the report to the House.

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

Mrs MAY (McPherson) (12.50 p.m.)—I move:

That the House take note of the report.

The SPEAKER—In accordance with standing order 39, the debate is adjourned. The resumption of the debate will be made an order of the day for the next sitting.

ASIO, ASIS and DSD Committee Report

Mr McARTHUR (Corangamite) (12.50 p.m.)—On behalf of the Parliamentary Joint Committee on ASIO, ASIS and DSD, I present the committee’s report entitled Review of administration and expenditure for ASIO, ASIS and DSD.

Ordered that the report be made a parliamentary paper.

Mr McARTHUR—I am pleased to present the third review of the administration and expenditure of ASIO, ASIS and DSD by the Parliamentary Joint Committee on ASIO, ASIS and DSD. Under section 29 of the Intelligence Services Act 2001, the joint committee has an obligation to review the administration and expenditure of ASIO, ASIS and DSD, including the agencies’ annual financial statements. All members are aware of the ongoing war on terrorism and the threat it poses to Australians and Australian interests both here and abroad. In response there has been a very substantial increase in the budgets, operations, administration and organisational structures of Australia’s intelligence agencies. ASIO, ASIS and DSD face major new challenges which must be managed through the appropriate administration of resources.

Given the nature of the review and the classification of much of the material submitted to the committee by intelligence agencies, the review was conducted in private. The sources of evidence for the review were various. The three intelligence agencies made submissions and gave evidence to the committee. In addition, the committee relied on the Australian National Audit Office, ASIO’s unclassified annual report to parliament and the portfolio budget statements from the agencies.

However, there are still some deficiencies in this process. The committee is aware that
it is not in a position to conduct a detailed examination of the financial resources of ASIO, ASIS and DSD and relies heavily on the reporting of the Auditor-General in relation to matters of expenditure. The committee has also recommended that the annual audits of the agencies be provided to the committee along with any additional information that might be relevant to the committee’s review of administration and expenditure.

The committee remains concerned about the financial accountability of DSD. This matter was raised in the first review of administration and expenditure. DSD is part of the Intelligence Output Group of the Department of Defence and, therefore, there is no requirement for DSD to prepare a separate financial report; rather, it is incorporated as part of the overall financial reporting of the Department of Defence. The committee has recommended that the government give further consideration to an alternative mechanism to allow for a separate financial statement by DSD.

In addition, the committee does not have access to other key documentation, notably the classified annual reports of ASIO, ASIS and DSD. Only ASIO produces a full, unclassified annual report to parliament. Minor references to ASIS and DSD are made in the annual reports of the Department of Foreign Affairs and Trade and the Department of Defence. The committee, therefore, has reservations about its ability to review adequately the administration and expenditure of the agencies. It has recommended that the government consider providing the committee with the classified annual reports for all three agencies. These, as with the other classified documents presented to the committee, would be treated with proper regard to their classification and to the limits of the committee’s areas of responsibility as defined by the Intelligence Services Act.

The committee supports the strengthening of ANAO oversight of ASIO, ASIS and DSD through the development of a rolling program of performance audits and through amendments to section 10 of the Auditor-General Act to reflect the importance of the ANAO in assisting the committee to discharge its responsibilities to review the expenditure and administration of the agencies.

In the context of ASIO’s investigation of possible terrorist activity in Australia, the committee recommends, as appropriate, greater liaison between the Inspector-General of Intelligence and Security, the Commonwealth Ombudsman and state ombudsmen, including the development of a memorandum of understanding or protocol governing possible joint reviews of combined ASIO-police operations.

Much of the evidence before the committee concerning Australia’s intelligence and security agencies is of a highly classified nature. This is right and proper in relation to information that may involve matters of national security. However, it is also the case that unnecessary secrecy hinders proper scrutiny. The committee recommends that a review should be undertaken into the extent of public reporting across intelligence agencies overseen by the committee. In a related matter, the committee has also recommended that ASIS produce an unclassified version of its code of conduct and that this should be tabled in parliament by the Minister for Foreign Affairs.

In conclusion, I would like to thank ASIO, ASIS and DSD as well as the ANAO for their cooperation in, and contributions to, this review. I would also like to thank members of the committee who have undertaken their duties in a bipartisan fashion and who recognise the need to put the national interest and effective parliamentary scrutiny of highly sensitive matters before any partisan
political interests. The work of the committee continually presents the members with the challenge of reconciling the demands of national security with parliamentary and public scrutiny. It is the belief of the committee that the report before you is an appropriate balance between the two. I commend the report to the parliament. (Time expired)

Mr KERR (Denison) (12.55 p.m.)—I thank the member for Corangamite for setting out the terms of the report. This review was conducted under section 29 of the Intelligence Services Act 2001. The parliament has given to the joint committee the responsibility of examining the administration and expenditure of ASIO, ASIS and DSD. That is a complex matter, because it requires a delicate balance between examination of the budgets, administration and organisational structure of those agencies, maintaining the integrity of information that is classified and providing a level of public and parliamentary scrutiny.

The specific recommendations that the committee has made go to enhancing its capacity to give assurance to the Australian public and to the parliament that it is able to undertake the statutory responsibilities that this parliament has given it. As the member for Corangamite has indicated, the committee currently does not have access to the classified annual reports of the agencies and it is recommended that in the future it be given such access.

The committee has also made a number of recommendations in relation to the ANAO—that the annual audit of the agencies by the ANAO be provided to the committee; that a rolling program of performance audits be developed of the agencies; and that there be amendments to section 10 of the Auditor-General Act to reflect the importance of the ANAO in assisting the committee in discharging its responsibilities. In other words, it would make it a legal requirement of the Audit Office to provide the committee with the classified audits of agencies and other relevant information.

As the member for Corangamite has noted, there are a number of specific recommendations—for example, the committee has recommended that ASIS produce an unclassified version of its code of conduct and that this should be tabled in the parliament by the Minister for Foreign Affairs. We believe there is nothing in the documentation that would prevent such an unclassified version being provided to assure the public in relation to the operations of ASIS.

We also noted in relation to the Inspector-General of Intelligence and Security that there have been complaints to that office in relation to search warrants. In that regard, there are sometimes interjurisdictional issues between the state and Commonwealth. One of the problems, not just in this area of intelligence but also in law enforcement, particularly with the Australian Crime Commission, is that our system of legal accountability is worked through on a jurisdictional basis but in practice there needs to be cooperation across jurisdictions. We have recommended in this instance that greater liaison occur between the Inspector-General of Intelligence and Security and Commonwealth and state ombudsmen in the development of a memorandum of understanding or protocol governing possible joint reviews of combined ASIO and police operations.

To conclude, it is, as the member for Corangamite said, one of those committees that operates in a bipartisan way. It is a small committee made up of members largely with long experience in the workings of this parliament and it commits itself to the kind of secrecy and the obligations of accountability that are obviously inherent in the task that it undertakes. I commend the recommendations
that are in the report to the House and to the ministers responsible, because some of those matters do require legislative and administrative action on their behalf. I would hope that our work continues in an effective way and is made more effective by the implementation of the recommendations that the committee has put forward.

Mr McARTHUR (Corangamite) (12.59 p.m.)—I move:

That the House take note of the report.

The DEPUTY SPEAKER (Hon. IR Causley)—In accordance with standing order 39, the debate is adjourned. The resumption of debate will be made an order of the day for the next sitting.

PRIVATE MEMBERS’ BUSINESS

Aboriginal Communities

Mr LINDSAY (Herbert) (1.00 p.m.)—I move:

That this House:

(1) recognises that:

(a) passive welfare payments to Aboriginal communities, asking nothing in return from the recipient, have denied them the pride they deserve and the opportunity to shape their own destiny;

(b) education is the key to change, and that childhood intervention to improve education will boost employment opportunities and head off longer-term problems; and

(c) the leadership capacity of individuals in local communities must be fostered, and that we should support those Aboriginal leaders who want to stand up and ‘tell it like it is’, rather than dealing with elected or appointed intermediaries who will not be accountable;

(2) condemns the violence and unlawful destruction of property in Aboriginal communities this year, which puts the lives of police and others at risk; and

(3) calls on Aboriginal communities to show the leadership they need to move forward into a more successful future.

The Guinness Book of Records once said it was the most dangerous place on earth, visitors say it is an idyllic paradise and locals themselves say it is a disgraceful, dysfunctional community that has little self-respect and even less hope for the future. I am talking about Palm Island. Palm Island is one of the largest Aboriginal communities in Australia, yet it is one of the least progressive. Its leadership continues to look to the past, reinforcing an anger that will never help the community move forward. Everybody in sight gets blamed, except the leadership themselves. It is long overdue to recognise that we cannot change the past but that we can change the future.

The government believes that Indigenous Australians, wherever they live, should have the same opportunities as other Australians to make informed choices about their lives, to realise their full potential in whatever they choose to do and to take responsibility for managing their own affairs. I believe there are three key areas where the Indigenous leadership, in partnership with government policy and action, can address the unacceptable disadvantage faced by the ATS community across Australia. Failure to address these areas will see Palm Island and other Aboriginal communities like it remain dysfunctional for generations to come.

The first priority area is early childhood intervention and the improvement of primary health care and early education outcomes. Help needs to be available to the next generation even before they are born. Early intervention is a must. I can point to the ‘mums and bubs’ program in Townsville, which has seen a decrease in perinatal deaths by 62 per cent, pre-term births by 44 per cent and the incidence of low birth weight by 26 per cent since the year 2000. Early intervention leads...
on to an awareness of better primary health care, involving Indigenous people directly in the delivery of health services. With health and wellbeing being taken care of, it is then easier to get the kids to school and to keep them at school. After all, without a decent education, the next generation will not be empowered to tackle the job of addressing the disadvantage that exists presently.

The second priority area is safer communities, with an emphasis on law, order and justice. I cannot abide the blame-shifting and the deplorable violence directed at police—for example, in both the Redfern and Palm Island riots last year following unfortunate Indigenous deaths. As painful as it may be for their families and friends to accept, the obvious point to be made is that these men had placed themselves in a position of real danger through criminal or unlawful conduct. Refusing to pull over or being six times over the legal limit for blood alcohol is an offence, and the police must not be blamed for doing their job. Further, substance abuse and the resulting domestic violence are additional barriers to progress in many Indigenous communities.

The third priority area is reducing dependency on passive welfare and stimulating employment and economic development in Indigenous communities. With 86 years of experience, just how long is it going to take all Australians to conclude that Palm Island is not viable and never will be while it sits as an out-of-sight, out-of-mind welfare dependent community? Despite having welfare support, it will remain a community where alcoholism, domestic violence, drugs, health problems, unemployment, housing, sense of self-worth and literacy standards may be the worst in the country.

In the wider world, the establishment of secure property rights has been a key element to the onset of modern economic growth, yet Indigenous communities are denied this opportunity because their land is generally held by community title. There is no private home ownership or private control of land for business development. Existing assets are inalienable and therefore have no capital value, bringing Noel Pearson to observe in 2000 that ‘we are in a dead capital (poverty) trap’. Home and land ownership could profoundly alter the economic and social fabric of Indigenous settlements. There is compelling international experience which supports this view, particularly in the United States and Canada.

The native title debate is behind us. It is now time to demand that Indigenous Australians be given the right to own and deal in their land. Deed of grant in trust land has to go in favour of freehold title. ATSIC people I talk to tell me that they are against the local council owning everything. They want to own their own home and they want to pass it on to their kids, just like the rest of us do. I put this observation to the Indigenous leadership and to the parliaments of Australia: individual land ownership brings self-esteem, economic opportunity, jobs and integration, from which will flow better health, better education and a better future. I challenge leaders to make it happen, no matter how hard it may be, and to make it happen quickly. (Time expired)

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

Mr GARRETT (Kingsford Smith) (1.05 p.m.)—I second the motion. Mr Deputy Speaker, I rise to speak on this motion, which is a call for leadership in Aboriginal communities but which, by its wording, is a pointed reminder of the need not for Aboriginal leadership but rather for leadership from the federal government. There have always been, and there remain, many outstanding Aboriginal leaders who can and do
speak for their communities. It is true they may not always agree on every aspect of Indigenous policy, but I remind the House that it was the Prime Minister who, at the beginning of his previous term in office said that he was committing his government to addressing the vexed issue of Aboriginal disadvantage. Three years later, the Prime Minister again signalled, at the beginning of this term, a new approach to Indigenous affairs, and it is the government’s track record and policy approach that is in the spotlight.

It is really only through provision of leadership at the highest levels and through the engagement of this parliament that Aboriginal people, wherever they live, will gain better health and education, genuine representative bodies which advance their aspirations and, also, open consultative processes where the deliberations by government on their lives take place. We in this parliament should aim for nothing less.

The negativity of this motion and its wording is very disappointing. It seeks to deny that Indigenous people should have representative bodies by which their voice can be heard. This is a preposterous suggestion and profoundly in opposition to what I would hope were the core values of all parties in the parliament. Labor policy is clear: there should be a newly elected national body for Indigenous Australians.

Yet, following the change of mind by the Prime Minister’s department about agreeing to proposed Labor amendments to the Aboriginal and Torres Strait Islander Commission Amendment Bill 2004, Aboriginal people now face the prospect of there being no avenue for democratic representation at all. It seems the situation will be that a person is handpicked by the government to an advisory body, or nothing. Aboriginal people have given feedback to members on this side of the House that they are alarmed, saddened and angry about this truncation of their rights. They expect more from this government.

The motion refers to education, yet the Howard government’s record in supporting Indigenous education is poor. Under Minister Vanstone, there has been no real commitment to increased support for Indigenous education and no clear plan to work through Commonwealth-state bottlenecks where they occur. In fact, there was little mention of the issue at all by the government in the recent election.

On the issue of health for Indigenous people, which remains in a truly depressing state, the AMA’s call for a rapid and immediate injection of Commonwealth funds has been ignored. Awash with surplus moneys and aware of the very great need, what actually has been done? Some point to the amounts already spent in providing health services, especially to far-flung communities. The comparisons are futile, to the extent that Indigenous health is in a parlous state and requires substantial resourcing—and, yes, health care is expensive, especially for remote communities.

Access Economics, in the report *Expenditures on Aboriginal and Torres Strait Islander health*, estimated that Indigenous health needs were underfunded by $452.5 million a year. Closing this gap would require an increase in spending of less than one per cent. Where is the will? Where is the money? Today’s *Financial Review* article title said it all: ‘A shocking picture of poor health’.

This government has had nine long years. In that time, it has walked away from the principles and possibilities of reconciliation. It has denigrated the historical record of Aboriginal suffering and displacement. It has ignored its own reports and the voices of many Aboriginal people, some of whom
were in the House last week, attempting to be heard.

It is of acute concern that the debate, ostensibly about new ways of redressing the problems Aboriginal people face, has been recently filled by ideologues and right-wing pundits, who throw around emotive phrases like ‘living museums’ or ‘land socialism’ to explain current circumstances, with the implicit message that it is the Aboriginality of Aboriginal people that is the cause of much misery. This motion, in a less sophisticated way, attempts the same thing. It cannot contemplate that there are many Aboriginal communities where people work hard, continually trying to find the balance between the modern world and their traditional responsibilities, or that the primary responsibility for leadership to better assist Indigenous people lies with the Howard government.

Mr WAKELIN (Grey) (1.10 p.m.)—I welcome the opportunity to support the motion by the member for Herbert today. I am somewhat surprised by the member for Kingsford Smith’s response to it. In terms of leadership within Australia, I think it is important to recognise what the Beattie government has been saying for some time in Queensland—that is, it is a responsibility of government to meet needs and responsibilities from year to year and over the generations, but, although there are some things that only governments can do, there are some things that only Aboriginal people can do. I think that is the philosophy with which we have to approach the matter. There is no point getting into a political blame game; it is a total waste of time.

As far as the general democratic representation of Aboriginal people within the Australian community or within the parliament is concerned, never forget that the ATSIC elections at any given time only ever attracted 10 to 15 per cent of the popular vote. I do not think anyone would say that that was a democratic representation. It is very important to recognise the value of education with the Aboriginal people, but this goes back, again, to those things on which the Queensland government is very strong—that is, there are some things that government must do but some things that only Aboriginal people can do.

I visited Palm Island last year. It is important to recognise the very significant effort that has gone in there over a long period of time. When we were there last year, the Army had a very active program of house construction, road construction and general community improvement, and it was very well received. There has been a heck of a lot that this government has endeavoured to do—so much so that Indigenous-specific expenditure across Australia has risen in real terms by more than 39 per cent since 1996 to a record $2.9 billion in 2004-05.

The key Indigenous Australian issue is that Aboriginal and Torres Strait Islander Australians need to see themselves, and the community needs to see them, as having the same opportunity as other Australians to make informed choices about their lives, to realise their full potential in whatever they choose to do, and to take responsibility—I keep coming back to that—for managing their own affairs.

There has been some improvement in infant mortality and in the death rate from respiratory illness and infectious and parasitic diseases. It is still way behind the national average and there is still a lot to be done, but there is some improvement. There has been a significant improvement in infrastructure. The number of students staying on to year 12 has doubled since 1996, and more are going to university. Over the last 10 years, more than double the previous number have gone
on to tertiary qualifications. The numbers of both new apprenticeships and TAFE attendees have almost doubled since 1996. That still does not address the issue of equity in terms of outcomes for Aboriginal people, but we can never underestimate the effort that has gone in from both sides of politics over a very long time. If we are going to get into this blame shifting, in my opinion we do ourselves no service.

To return to the rest of the motion before the House moved by the member for Herbert: it is very welcome. The government has said that it wants to move away from welfare dependency. Noel Pearson is often quoted—perhaps even overquoted, because one man cannot carry the full load. But there is no doubt in my mind that the performance of this government, in terms of where it has come from and where it wants to go, in terms of negotiating with Aboriginal communities, offers a very strong future for Aboriginal people and for the Australian community at large. We want to end up with a situation where Aboriginal people, Indigenous Australians, have the same opportunities and the same outcomes as all other Australians, and I think we are on the right track to achieve that over the longer term.

Let me make a couple of observations. I have mentioned this many times in this place. I heard the member for Herbert talk about early education. Understand this, Member for Herbert: in my electorate of Lingiari, as a result of 25 years of neglect by a previous conservative administration, there are somewhere between 3,000 and 5,000 young Territorians who have no access to any educational services whatsoever. These young people, if they are lucky, have had four or five years of primary school. Apart from that, they have had nothing. Invariably they live in communities where housing is a chronic problem. We know already that Indigenous housing shortages across Australia are in the area of $2 billion. In communities in my electorate, Member for Herbert, there are families who live 17, 20 and 30 members to a house. What sort of health outcomes do you think that sort of environment produces? What sort of educational outcomes are produced by that sort of environment?
The fact of the matter is that successive governments—Labor and Liberal—have not applied resources to this problem of Indigenous poverty across Australia. There is a need for national leadership—leadership that does not attack Indigenous Australians and does not further victimise the victims but accepts the national responsibility to do something productive about it; engages with Indigenous Australians; recognises their right to have a national body represent their interests at a political level; recognises their right to propose regional governance structures which address their needs, concerns and priorities and not your needs, concerns and priorities; and recognises the need for partnership between Indigenous Australians and government, not from a position of superiority but from a position of equality. That is what is required of this parliament. Time and again the government has trotted out these attacks upon Indigenous Australians, using the straw man of the leadership of ATSIC as an excuse to belt all Indigenous Australians. It is not good enough.

I heard your comments about Palm Island. They are not good enough either. What you need to comprehend, my friend—

The DEPUTY SPEAKER (Hon. IR Causley)—The member for Lingiari will address members by their seat or by their title.

Mr SNOWDON—I know what I would like to do with his seat.

The DEPUTY SPEAKER—You used the word ‘you’.

Mr SNOWDON—My honourable friend the member for Herbert needs to comprehend, as I am sure he does, his obligation to learn and to understand what Indigenous priorities are, to have some understanding of what this government has done to Indigenous people in this country and to understand that, until we address this key issue of Indigenous poverty, there will be increasing divergence between the attitudes and objectives of mainstream Australia and those of Indigenous Australians. You need to understand it.

Why is it that in my own electorate unemployment is at 30 per cent? We have seen the revisionism of CDEP. CDEP was the first and only attempt by any Australians to identify reciprocity, or mutual obligation. Indigenous Australians proposed that they work for the dole. It did not come from government; it came from Indigenous Australians in my own electorate, who did not want sit-down money but wanted an opportunity to work. This is the truth across the nation, and it has been ignored by this government. I note continually that the revisionists who write history about public policy in this country choose to ignore it. It is about time they stopped ignoring it, accepted their responsibility—that is, the leadership of this government—and made sure the needs of particular Australians are properly addressed. (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.

Trafficking for Sexual Servitude

Mr PRICE (Chifley) (1.20 p.m.)—I move:

That this House expresses its concern about the international trafficking in women for sexual slavery and:

(1) recognises that women trafficked to Australia for sexual servitude are victims not criminals and should be treated by authorities as victims;

(2) calls on the Government to adopt the recommendations of the Parliamentary Joint Committee on the Australian Crime Commission’s report: Australian Crime Commission’s response to trafficking in women for sexual servitude;
(3) urges the Government to increase the assistance available to victims of trafficking for sexual servitude;
(4) calls on the Government to change current visa provisions so as to give adequate protection to all victims of trafficking for sexual servitude;
(5) condemns the Government for placing victims of human trafficking for sexual servitude in detention;
(6) recognises that women who have been trafficked to Australia for sexual servitude who subsequently cooperate with police are in great danger, both in Australia and, in particular, their country of origin; and
(7) notes the Government’s failure to prosecute the human traffickers.

It was only two years ago that the Minister for Justice and Customs said that slavery chains, where people are traded in as goods and chattels might be, did not exist in Australia. While he now recognises that this abhorrent crime does exist, he clearly does not think it is a matter of great concern, because he has said nothing and done nothing about the fact that victims of sex slavery are being locked up in Australian detention centres while the criminals who brought these women here, imprisoned them here and made their lives a living hell remain at large.

It is estimated that sex slave traders bring up to 1,000 women to Australia each year. The government has been so complacent on this issue that traffickers now see us as a destination country, according to the US Department of State, putting us in the company of Morocco, Colombia and Lithuania. The justice minister’s response to this is that Australia is meeting the United States’ minimum standards for combating trafficking, but doing the minimum is not good enough.

The government’s $20 million anti-trafficking package, introduced last year, has failed the victims of trafficking and has failed to crack down on the traffickers. Allocating $20 million—the same amount spent on the government’s Strengthening Medicare TV ad campaign—is not good enough. It has failed Sarah—not her real name—who was brought to Australia from Thailand five years ago. Her story is terrifying. In 1999 Sarah’s grandmother became very ill. Her family could not afford the medicine to treat her. A friend of Sarah’s approached her, telling her that she could make a lot of money in the hospitality industry in Australia. Desperate to see her grandmother’s condition improve, Sarah flew to Australia using a passport in her own name. An escort accompanied her. When she arrived in Sydney she was taken to a hotel. A woman came to the hotel, opened a suitcase full of money and passed it to the courier.

It was then that Sarah realised that her so-called friend in Thailand had actually sold her. She was taken to a flat and imprisoned, along with a number of other women, before being taken to a local brothel where she was put to work. She had no choice over the clients she saw, the number of those clients or the services she provided. She was sold into a life of sexual servitude, forced to have sex with an ‘unimaginable amount of men’ and told that she would not be allowed to leave until she had paid off the ‘debt’ she owed her traffickers. She was rarely allowed out and, if she was, she had to be accompanied by an escort at all times.

Sarah eventually escaped from the brothel with the help of a client. She came forward and told the police everything. But the police said that there was not enough evidence to prosecute. Today she is in a detention centre awaiting deportation. The traffickers and the brothel owner are free, untouched by any law enforcement. Sarah is a victim, yet she is being treated as a criminal.

Sarah’s story is not unique. Other women who have endured this nightmarish experi-
ence have also been locked up—not by their traffickers but by the Australian government. It took the death of Puangthong Simaplee in 2003 for this government to take any notice of the plight of these women. Puangthong was trafficked to Australia at the age of 12 and died at Villawood at the age of 27, after being given no treatment for her heroin addiction. Now, two years later, I ask: has the Howard government learnt nothing from her tragic, wasted life? It appears not. Why does John Howard insist on bringing the full force of the law down on the victim of a crime but go soft on the perpetrator?

The DEPUTY SPEAKER (Hon. IR Causley)—The member for Chifley will refer to members by their seat or by their titles.

Mr PRICE—Just this month, a woman who escaped from a life of sexual servitude contacted the police. The AFP called her back and asked her to ‘come in for a chat’. She told them her story. Following the ‘chat’ the AFP took her straight to Villawood Detention Centre. I cannot imagine how betrayed she must feel. Does the Prime Minister not realise that these victims are in genuine fear of reprisals, both here in Australia and on their return home?

In conclusion, most of all, we need to bring these rotten perpetrators, these criminals, to justice. We have a moral obligation to listen to these girls’ stories and recognise that they are victims of an awful crime. We need to protect these women and offer them the services they need to help heal their scars. (Time expired)

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

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

Mr TURNBULL (Wentworth) (1.25 p.m.)—All of us in this place are united in our concern to end the trafficking of women and children for sexual and other exploitation. The honourable member preceding me, the member for Chifley, has complained that the government has not done enough and that it should adopt the recommendations of the recent reports from the Parliamentary Joint Committee on the Australian Crime Commission and the Senate Legal and Constitutional Affairs Legislation Committee. It is inevitable that legislators such as ourselves and our colleagues in the Senate will focus their attention on the wording of laws. However, the real battle against trafficking of women for sexual exploitation will be won operationally, in the field, by police officers. The best, most carefully drawn laws in the world will be of no value if offenders are not apprehended.

A number of programs operating within Australia and throughout South East Asian countries, especially Thailand, are raising awareness of trafficking: working with local law enforcement agencies overseas to stop the traffickers at their point of origin and, at home, seeking to identify victims of trafficking and through them the traffickers themselves. The Australian Federal Police has set up a new mobile strike team, the Transnational Sexual Exploitation and Trafficking Team. It has five matters before the courts, with a total of 14 offenders facing charges.

A key element in the response to this type of crime is comprehensive victim support. The financial benefits given to trafficking victims under the victim support package are generous. The first priority with suspected victims is to get them out of the sex industry so that they are free to reflect on their circumstances and to assist police with investigations. In this phase, hotel accommodation is provided, together with a $500 emergency allowance, a food allowance of $80 a week and a living allowance of $80 a week. They also have access to Medicare and the Pharmaceutical Benefits Scheme. Support for
these suspected victims is intense. They are provided with a bridging visa, which is usually for 30 days. If they are able to assist police with investigations, then a criminal justice stay visa is provided, which can be of any period, during which secure accommodation is provided, together with access to Medicare, the PBS, legal services, English training and vocational guidance. During this period, victims have access to the special benefit which matches the allowances in the first phase. If at the end of this process it is established that they cannot safely be returned to their country of origin, a witness protection visa can be issued to enable them to remain in Australia.

While the design and execution of any program can and will be improved with the benefit of experience, it is difficult to see how at this stage the government can be criticised for the generous provision of support it has laid out both for the purpose of protecting trafficking victims and of obtaining their assistance in apprehending the traffickers. I have carefully studied the recommendations of the Senate committee, which are, for the most part, focused on the language of the Criminal Code Amendment (Trafficking in Persons Offences) Bill 2004. The committee’s criticisms are sensible and, in a number of cases, I would say are desirable. Drafting, however, is an art not a science and the best minds, with the same objective and the same goodwill, will often come to different sets of words each of which, however, will in practice achieve the same or a very similar result. For example, the removal of the reference to consent in the offence constituted in subsections 271.2 and 271.5 of the bill would in my view be of little if any benefit in practical terms, but equally it would do no harm and so the Minister for Justice and Customs could well consider agreeing to it.

Generally, the Senate committee’s suggestions are helpful. There is a lot to be said for broadening the forms of coercion which fall within the offence and broadening the types of deception which are caught by the legislation. If the consequence of more widely drawn language is that it makes the business of assisting women to come to Australia with a view to working in the sex industry a thoroughly perilous occupation for those that are, in effect, promoters or arrangers of women coming here, then so much the better.

Ms GEORGE (Throsby) (1.29 p.m.)—I thank the member for Chifley for bringing this very important issue to the attention of parliament. People-trafficking and sexual servitude are disgraceful practices that have no place in any civilised society. We are all appalled to think that sexual servitude goes on under our noses here in Australia. Let me quote the words of Detective Senior Sergeant McKinney from the Asian Squad of the Victoria Police, relating the conditions he found in one of his investigations:

There were bars on the windows. The outer windows that faced the street had all been nailed or painted shut—they could not open. The conditions were grotty. They—that is, the women—were stacked in the room. ... I had trouble walking into the room because there were that many beds in the room that you had to shuffle and shimmy between the beds to get around.

... ... ...

In the premises there was a public area at the bottom and the private area was up the stairs. There were very large steel bars up the side of the stairwell and a big, lockable steel gate. When the girls were brought back at, say, four, five or six in the morning, depending on how busy it was, they were put upstairs and the steel gate was locked. It was the death of a Thai sex worker in the Villawood detention centre back in 2003 that brought this issue to public attention. That tragic case was then followed up by a series
of first-rate investigative pieces in the *Australian* newspaper—congratulations Natalie O’Brien and Elisabeth Wynhausen. This was media reporting at its best.

The tragic first case concerned Ms Simaplee. She came from a hill tribe in Chiang Mai province and was sold by her parents as a 12-year-old. She was then smuggled into Australia on a false Malaysian passport in 1986. As we know, she ended up in detention, waiting to be deported, and died there. Regrettably, deportation is the action that is taken by the department of immigration all too often. They seem intent on deporting the women in a hurry—and along with them the evidence that could convict the traffickers and the perpetrators of these horrendous practices. These women are not just illegal immigrants but actual victims of organised crime. This business is a very profitable one for the traffickers. The United Nations estimated that in 2003 trafficking in the global sex trade was worth US$5 billion to US$7 billion annually.

These traffickers facilitate women’s entry by a range of fraudulent means, including providing visas—typically student or holiday—false passports and funds. It is estimated that about 300 women are trafficked each year into Australia for sex work. Some enter with full knowledge and consent; others enter with consent but are deceived as to their conditions of work; and then there are those who are completely deceived about their future work in the sex industry. The latter are the women who are kept in sexual servitude. They are forced to have sex with hundreds of men to pay off their so-called debts to the traffickers, which average between $35,000 and $50,000. I will quote from the report of the parliamentary inquiry held last year. It noted:

> These women are required to work six or seven days a week, and see as many as ten customers per day. They often have little or no freedom of movement, poor food and accommodation, and no control over which customers they see, or what sexual acts they are forced to provide. Many women are the victims of sexual and physical assaults and suffer a range of physical and emotional health problems.

The government’s handling of these issues has been far from satisfactory. There were no prosecutions or convictions for years after the enactment of the Commonwealth sexual slavery laws back in 1999. In fact the first person charged with forcing women into sexual slavery was not charged until June 2003. At least now trafficked women are recognised as victims of crime under a new victim support package. The member for Wentworth, however, should read the report of the inquiry, which recommended increases in the benefits payable and a review of the criminal justice stay visa arrangements. Last Friday the Senate’s Legal and Constitutional Affairs Committee tabled a unanimous report highlighting the full extent of this government’s incompetence in handling this very important issue.

**Mr MICHAEL FERGUSON** (Bass) (1.34 p.m.)—Like every other member in this place—and, no doubt, the other place—I detest the practice of international trafficking in any person for the purpose of sexual slavery. The Australian government takes the issue of people-trafficking very seriously also. To think that the practice could still occur in these times is upsetting to all of us, and we all—Liberal, National, Labor and Independent—have a responsibility to raise the issue where appropriate, to work toward workable solutions and to take a tough line on those who would take advantage of disadvantaged and vulnerable women. I think the true meaning of this issue comes from the accounts which we have just heard from the member for Throsby. It brings a depth of emotion to it which is important to appreciate. It is truly heartbreaking. To help combat
the practice, this government has developed a package of measures aimed at crushing trafficking as well as protecting trafficked victims. The cost of these measures is some $20 million.

The Australian Federal Police’s new mobile strike team—the Transnational Sexual Exploitation and Trafficking Team—is an important example. It is operational today and is proactively investigating trafficking related offences, rather than just waiting to act on a complaint. There are currently five matters before the courts, with a total of 14 offenders facing charges in Australia for sexual servitude and slavery related offences. The greatest deterrent to people trafficking is successful prosecution, and the visa regime supports that aim. It provides support to people in genuine need of protection who are assisting law enforcement agencies with their investigations. Where suspected victims of people trafficking are identified, the government makes all efforts to offer support through the victim support package. As we consider that in reality most people-trafficking involves women, we recognise that Australia has a longstanding reputation for supporting and protecting women’s human rights. We have a comprehensive system of institutional machinery and practices, including legislation, to fight discrimination against women and to ensure equal opportunity.

In October 2003, it was announced that our country would ratify the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. This is a very important point. Given the Labor Party’s oft-stated support for multilateralism, I think it is worth saying that this ratification should have enthusiastic, bilateral support and should demonstrate the unity of this federal parliament in dealing with these problems.

I am aware of further measures. In December 2004, the government introduced the Criminal Code Amendment (Trafficking in Persons Offences) Bill 2004 into the Senate. The bill will significantly enhance and extend existing anti-trafficking legislation. The bill was developed after a review of existing trafficking offences and consideration of public submissions in response to the exposure draft. Australia will ratify the UN trafficking protocol once that bill has been passed.

The Howard government is strongly committed to making serious, sustained and ongoing efforts to eliminate the tragic act of people-trafficking. Australia takes a strong stand against people-trafficking, both domestically and internationally—and this is a very important point. It recognises that trafficking and sexual slavery are grave violations of human rights that none of us can tolerate. Every effort is being made to ensure that immigration officials and police correctly identify victims of trafficking and respond to victims appropriately.

Finally, I would like to take this opportunity to congratulate the member for Chifley for raising this issue in the parliament. It is clearly a subject that he feels very strongly and passionately about, and that is very admirable. I and members on this side of the House will not agree with all the points in his motion. However, the debate is very welcome and the motivation is welcome. It gives us all an opportunity to reflect on what more can be done in the future to address this insidious blight on unchecked human nature.

Mrs IRWIN (Fowler) (1.39 p.m.)—On a number of occasions in recent years I have visited the Villawood detention centre. One of the saddest parts of that grim facility is the special unit housing women, most of whom have been trafficked to Australia to work in the sex industry. I have looked into their sad,
sad faces and thought about what has brought them to this point in their lives. As I have looked around at the razor wire and the depressing outlook, I have asked myself why these women, victims of sex trafficking, are being treated by this country—by Australia—as criminals and why the organisers of these trafficking rings are walking free. As the motion by the member for Chifley points out, prosecuting the organisers may actually place the victims in great danger both here and in their country of origin. Any solution to this problem will require close cooperation between law enforcement agencies in Australia and in the countries of origin. But that does not excuse our appalling treatment of these victims of sex trafficking. That treatment comes close to our own historical treatment of women sex workers, who were punished and harassed while those who exploited them were above the law.

As we have heard in this debate, the practice of international trafficking in women for sexual slavery is not confined to our region but is worldwide. At its heart, the causes are much the same: the grinding poverty of the countries from which women are taken and the lack of rights and low status of women in those countries. A lack of basic human rights and outright discrimination against women lead to exploitation and enforced servitude not only for sexual purposes but for many things. In the long term, the solution to this problem lies in greater employment opportunities for women in their home regions.

Last year I moved a private member’s motion dealing with sex trafficking in Vietnam. I quoted the view of the United Nations Children’s Fund representative in Vietnam, who warned of the growing problem of trafficking of teenagers to China and Cambodia. They are often lured, by promises of lucrative jobs, to work in the prostitution trade. According to the representative, this is a problem that has to be solved subregionally. It is a very complicated issue and is symptomatic of what is happening to families there. One way in which this problem is being addressed with Australian assistance is through the campaign being run by the International Organisation for Immigration and the Vietnam Women’s Union in Lang Son Province. The campaign provides information to increase public awareness of the trafficking problem and to alert potential victims to the increase in trafficking of women and children. Providing alternative employment and income earning opportunities for women and girls is critical to reducing sex trafficking in the region.

In countries such as Vietnam more than one-quarter of all girls leave school before completing five years at school. Investing in education is the surest way of ensuring equality of women in any society. Australia has funded a number of aid programs in South-East Asian countries to improve the education and training of women, but much more needs to be done. Governments in that region need to do much more to protect women and children from sex trafficking and other forms of exploitation. In calling for action by those governments, Australia should be mindful of our own shortcomings when considering the rights of women. This government still refuses to sign and ratify the optional protocol to the United Nations Convention on the Elimination of All Forms of Discrimination Against Women. The Howard government’s refusal to sign the optional protocol diminishes our status as a country which respects the rights of women. It leaves us in a much weaker position when we try to address the problem of sex trafficking of women in our region. (Time expired)

The SPEAKER—Order! It being almost 1.45 pm, the debate is interrupted in accordance with standing order 34. The debate is adjourned, and the resumption of the debate...
will be made an order of the day for the next sitting.

**STATEMENTS BY MEMBERS**

**Port of Adelaide**

**Mr SAWFORD** (Port Adelaide) (1.44 p.m.)—With hindsight and genuine regret at their negligence, the many groups responsible for wrecking maritime heritage precincts in Sydney, Melbourne, Brisbane and Fremantle forever rue the day that such decisions were made. It will not be so in South Australia if the views of the South Australian Farmers Federation, Business SA, the Freight Council, the Road Transport Association and the RAA are taken into account. These organisations—always primed by negative thinking, full of their own folly and short-sightedness and accepting of third-best options—now want to wreck the only intact maritime historic precinct on the Australian mainland, the inner Port of Adelaide.

These visionless people are putting enormous effort into turning over promises made previously by Labor and Liberal state governments. They are also putting enormous pressure on the Deputy Prime Minister, the Minister for Transport and Regional Services. The federal government should resist these philistines and their attempts to wreck the local tourism and hospitality economy of Port Adelaide for the next 100 years. Mark my words: local communities in Port Adelaide, South Australia and Australia will do all in their power to stop fixed bridges being built over the port river. What many people forget is that the choice of opening bridges was a compromise anyway. The always preferred option was a tunnel. But the message is clear: either the bridges are opening bridges or the bridges should not be built.

**Queensland: Black Spots**

**Mr SLIPPER** (Fisher) (1.45 p.m.)—I rise in the House today to congratulate the Premier of Queensland on belatedly deciding to use money raised from red light cameras and speed cameras to remove black spots in dangerous areas of Queensland. The Australian federal government has a very proud black spot program; we have saved many lives. I believe people objected very strongly to the fact that the Queensland government for a long time was using red light and speed cameras simply for the purposes of raising revenue. People will not mind, of course, if they see that the money is being taken from the pockets of offending drivers and put into improving safety on our roads. Now the Queensland government has reacted to community pressure.

This is a very positive step and could, as the Premier has said, save up to five lives each year. The sum of $17 million will be put into removing black spots. I hope that the Queensland government looks at some of the black spots on the Sunshine Coast. As one of the fastest growing areas in Australia we have a constant need for improved infrastructure. This is a belated move by the Queensland government; nonetheless, it is a welcome move. I congratulate the Premier and his minister on making this decision. It is a pity it has taken so long—lives have been lost in the interim—but, now that the decision has been made, lives will be saved, and that is a very positive outcome for our community.

**Tasmanian Symphony Orchestra**

**Mr KERR** (Denison) (1.47 p.m.)—Tasmania needs a strong and vibrant symphony orchestra. The orchestra it has, the Tasmanian Symphony Orchestra, is a flagship for the state. It has toured internationally and it has performed at local levels in concert halls, parks and communities. It represents the best of Australia’s cultural presence in our state. Sadly, the Howard government’s elitist and ineffective arts policy seems ready to doom its capacity to pre-
sent the full repertoire of a symphony orchestra. I know that the same threat hangs over other orchestras, including the Queensland and South Australian symphony orchestras, but I speak specifically for my state of Tasmania because the TSO has a well-deserved reputation for excellence nationally and internationally, built over decades.

We will lose the effective coming together of the work of the orchestra with the Tasmanian Conservatorium of Music, and the repertoire will be lessened. It is not to the point to say that there will be an excellent chamber music repertoire left, because the Tasmanian Symphony Orchestra can already present a wide range of excellent chamber music. Also, there are other orchestras that do the same. What we will lose is the capacity to produce the full symphonic repertoire, and we will lose something that is extraordinarily important for the state. It is not to the point to say that there is a smaller orchestral audience in Tasmania. Even in Sydney, it is impossible to get—(Time expired)

Lions Youth of the Year

Mrs MAY (McPherson) (1.48 p.m.)—I recently had the honour of judging the Southern Gold Coast Lions Youth of the Year contest. Six students from my local schools went head to head to represent the Palm Beach-Currumbin Lions Club at the regional finals and, if successful, advance further to the district and state conventions and eventually to the national convention, with the overall winner being rewarded with a round the world tour.

The Lions Youth of the Year contest has been run for over 40 years to encourage personality development, confidence, self-expression, citizenship and leadership in young people. As judges we were looking for all these qualities in someone who could take his or her place in any community and who would be a fine ambassador for the youth of Australia and Papua New Guinea. I was joined on the judging panel by Mr Ron Workman, OAM, President of the Palm Beach-Currumbin RSL, and Mr Barry Ferris, a former high school principal. We had a difficult job. The six students we interviewed were outstanding. They all had poise and confidence, and they had all worked in their local communities. Each was a credit to their school and their family.

To Jodie Milton, Elaina Symeou, Danielle Hahn, Christopher Curtis, Samantha Sales and Charlotte Borwick go my sincere congratulations for their presentations and commitment to Lions Youth of the Year. Special congratulations go to Danielle Hahn, who will advance in the contest to represent the Southern Gold Coast, and to Charlotte Borwick for winning the public speaking section of the contest. Congratulations also go to Bill Freeman and his team for organising such a great event. It was a privilege to be involved.

Iraq: Human Rights

Mr BOWEN (Prospect) (1.50 p.m.)—I rise today to bring the attention of the House to the human rights situation in Iraq and particularly to the status of Iraq’s minorities—the Assyrians, Chaldeans, Mandeans and Syriacs. Each of these groups follows the Christian religion. Some Mandeans follow the teachings of John the Baptist. We have heard much about the apparent success of the election in Iraq but what we have not heard about is the disenfranchisement of many of these groups, irregularities in the voting in northern Iraq, fire bombing of churches and widespread reports of the powder keg of land claims in places like Kirkuk, Dohuk and Mosul.

I would like to bring the attention of the House to a petition, which I will lodge with the Leader of the House, of 2,468 signatures, predominantly from my electorate of Prospect, calling for a safe haven in Iraq for
members of the Assyrian community and the other communities mentioned. Whether or not we have a safe haven, it is incumbent on all governments involved in Iraq, including the United States government and the Australian government, and on the United Nations to ensure protection for the fundamental human rights of these people. We fought in Iraq on the basis of two things: weapons of mass destruction and improving human rights in Iraq. We have failed on both counts. I call on the Howard government and this House to ensure the human rights of Assyrians and the other groups who are being so harshly treated in the current state of Iraq.

Cronulla Sharks
Shark Island Ocean Swim

Mr BAIRD (Cook) (1.52 p.m.)—Before I speak on a matter of importance, I congratulate the member for Prospect on becoming a new father. I rise today to draw the attention of the House to two great sporting events held in my electorate over the weekend.

On Saturday, 12 March, the Cronulla Sharks, a team supported not only by me and people of my electorate but also by the Treasurer, had a great victory over the Panthers, defeating them 20-14 at Toyota Park at Woolooware. More than 20,000 local fans were in attendance to see a decisive win by the Sharks that bodes well for the coming season. The win was spearheaded by Adam Dykes, who has made a recent return to the side after three years with the Parramatta Eels. We hope that this victory is indicative of a great season for the Sharks.

Also held on the weekend was the annual Shark Island Ocean Swim. This event has been running since 1987; it leaves South Cronulla beach for a 2.3-kilometre course around the Shark Island bombora and returns to Cronulla beach. This event attracted more than 850 participants this year, and is a great day out for the swimmers, families and spectators. The male winner overall this year was Josh Santacaterina, with runners up Grant Cleland and Christopher Allum. The female winner overall this year was Shelly Clark, with runners up Kristie Ogilvie and Rebecca Rippon. Special mention should also go to Brian Havillah, who competed in the 70-74 age group, as well as John Kelso and Don Tierney, who competed in the 75-plus age group, together with Helen Evans in the women’s 70-74 age group. Well done to the organisers and I look forward to next year’s Shark Island Swim. (Time expired)

Sisters of Mercy at the Convent Chapel at the Mater Hospital

Mr RUDD (Griffith) (1.53 p.m.)—Last month, it was my honour to visit the Sisters of Mercy at the Convent Chapel at the Mater Hospital in South Brisbane. The convent is attached to the Mater and currently has 26 sisters in residence. Some of the sisters have resided in the convent since the development of the Mater Hospital in the 1930s. The convent has played a pivotal role in the history of the Mater Hospital. Although the convent is now a residence for retired sisters, the sisters continue to remain actively involved in the life of the hospital and in the wider Brisbane community. Currently, five of the 26 sisters are 90 years of age or older. Many of the sisters are formally retired, but informally they are far from retired. They include Sister Mary Denise, Sister Mary Ignace, Sister Camillus Mary, Sister Win Johnson, Sister Mary King, Sister Anna Donovan, Sister Mary Francesca, Sister Jill Stringer, Sister Peg Slack, Sister Mary Justin, Sister Regis Mary Dunne, Sister Mary Cecelia and Sister Patricia Reordan.

Over the last 75 years, sisters at the convent have worked as pharmacists, nurses, medical laboratory scientists, microbiologists and geneticists. As well as working in the fields of medicine, sisters at the convent
have worked as teachers, including in the most remote rural parts of Queensland. In their ‘retirement’, the sisters continue to provide a ministry of care and perform community work. Sisters continue to visit cancer patients and are involved in caring for mothers and newborn babes in the Mater Mothers Hospital. Sisters also continue to provide a counselling and prayer service for the local community in South Brisbane. I take this opportunity to place on record my honour for the contribution of these fine sisters. (Time expired)

Reynella East Primary School: Karen Cornelius

Mr RICHARDSON (Kingston) (1.55 p.m.)—On Thursday, 3 March I accompanied the Hon. Dr Brendan Nelson, Minister for Education, Science and Training, on a visit to Reynella East Primary School in my electorate of Kingston. The main purpose of this visit was to present an award, as part of the National Awards for Quality Schooling, to the principal of Reynella East Primary, Karen Cornelius. Karen had received an award entitled ‘Highly Commended National Achievement by a Principal’. It is an award won against and in competition with an unbelievable number of her highly recommended peers throughout Australia, which makes the award of even greater significance and recognition.

I rise today to congratulate Karen on her receipt of the award, but that is not my only reason for bringing this matter to the attention of the House. I rise to speak about the achievements of Karen Cornelius because of the amazing results the minister and I witnessed while visiting her school. It is evident from the actions and reactions of her colleagues and students that Karen is an exceptionally highly respected principal. She has introduced and reinforced a culture of mutual respect and responsibility amongst students and teachers alike and the results are self-evident simply by visiting her school.

During her acceptance speech, Karen spoke of a teacher who had taught her in primary school and who had changed her life by inspiring her to take up her current vocation. After witnessing Karen in action, I have no doubt that many of her students will one day refer to her in the same context. (Time expired)

Waratah Festival

Ms OWENS (Parramatta) (1.56 p.m.)—It gives me great pleasure to inform the House about a recent community event organised by the people in my electorate. Each March a group of dedicated people from the suburb of Telopea present the Waratah Festival. The festival is a true celebration of community and the achievements that are possible when people rally together. Now in its sixth year, the Waratah Festival commemorates the Telopea community’s fight for its local post office. In 1999, Australia Post threatened to close the post office, which is in the middle of a vibrant shopping village. The community came together and campaigned against the closure. After six solid months of rallying, Australia Post reversed the decision and the post office remained open. With a victory for the community, it was time to celebrate, so a local hairdresser, Susan Salt, organised a street party which became the first of what was to become a long-term successful community event known as the Waratah Festival.

This year saw over 3,000 people join in the festival. The organising committee have done an amazing job, especially considering that they are all local volunteers. I cannot possibly acknowledge all the people who made the festival possible in this and past years but I would like to congratulate the 2005 committee, including Brenda Adams, Geoff Miller and members of the Carlingford Dundas Lions Club; Susan Salt; Michael
Maughan; Sigrid Rottman; Chris Petropoulos; and Val Squires. They have done their community proud and they have well and truly made a difference.

Wakefield Electorate: Northern Region Sports Academy

Mr FAWCETT (Wakefield) (1.58 p.m.)—I rise today to congratulate Mr Kym Richards and other members of the committee for the Northern Region Sports Academy. The Northern Region Sports Academy are a group that have very strong community support, as evidenced on Saturday night when I met them at their first fundraising dinner. The academy aims to provide opportunities for young people, predominantly in the northern regions of Adelaide through to Clare in the mid-north of the state—opportunities for high-level achievements in sport that many in metropolitan areas take for granted. Very soon after the initiation of the academy, the *Northern Argus* is already writing about two teenagers from Clare in the north of my electorate of Wakefield who will have the opportunity to take part in the first swimming clinic to be held at the Gawler Starplex sports and training facility. It will be attended by Olympic gold medallist Petria Thomas and her coach Glen Beringen. There will also be advice to the swimmers from Kim Knott, Adelaide’s world body building and aerobics champion. The two teenagers, Leticia Goss and Ashleigh Edwards, 16 and 14, have been chosen for inclusion in the Northern Region Sports Academy. To do this they have had to win a medal at the state championships as well reach a certain level of achievement on the international points scale. My congratulations to Leticia and Ashleigh—and, more importantly, to Kym Richards and other members of the academy, who are providing this outstanding opportunity for young people in the electorate of Wakefield.

Ultra Swing Lounge

Ms HOARE (Charlton) (1.59 p.m.)—I would like to take this brief opportunity to promote a fantastic, exciting show that is being played in Newcastle, Wollongong and Canberra and encourage colleagues to go along and see it. It is called *Ultra Swing Lounge* and it features three fantastic young performers from Newcastle: Steve Hudson, Daniel Stoddart and David Andrews.

The SPEAKER—Order! It being 2 p.m., in accordance with standing order 43, the time for members’ statements has concluded.

MINISTERIAL ARRANGEMENTS

Mr HOWARD (Bennelong—Prime Minister) (2.00 p.m.)—I inform the House that the Minister for Veterans’ Affairs will be absent from question time today and for the remainder of the week. She is travelling overseas on official business to attend a veterans’ and ministers’ summit in London and for other portfolio matters. During her absence the Minister for Foreign Affairs will answer questions on her behalf.

QUESTIONS WITHOUT NOTICE

Taxation

Mr BEAZLEY (2.00 p.m.)—My question is to the Prime Minister. Does the Prime Minister agree with proposals by the member for Wentworth to make changes to the tax system, or with the Treasurer, who plans to do nothing new on tax in this year’s budget?

Mr HOWARD—I thank the Leader of the Opposition for his question. Like me and all other members of the Liberal and National parties, the member for Wentworth believes in the cause of lower income tax—unlike the Leader of the Opposition. The Leader of the Opposition has made a lot of contributions on taxation. But surely the most memorable—and it has been recalled by my colleague the member for Aston—was the remark made by the Leader of the Opposition
... are they paying too much income tax?

BEAZLEY: No I don’t believe so and I will say that with some vigour.

Here is a man who, with his shadow Treasurer, has been running around the country saying, ‘I am in favour of lower taxation.’ The reality is that the Leader of the Opposition was in the vanguard of the high tax movement of Australia when he last led the Australian Labor Party, and nothing has changed.

Iraq

Mrs BRONWYN BISHOP (2.02 p.m.)—My question is addressed to the Minister for Foreign Affairs. Would the minister inform the House of the role that Iraq played in support of the wider movement to democracy in the Middle East? Are there any alternative views?

Mr DOWNER—First, I thank the member for Mackellar. The honourable member is a champion of democracy—there is no question about that. I notice the Labor Party is alive and well. I do not think there is any doubt that there is a complete sea change in the Middle East now in the approach of the region to democracy. On this side of the House, we are absolutely delighted to see the emergence of democracy in the Middle East. There is no doubt that the change in regime in Iraq—the overthrow of the barbarous tyranny of Saddam Hussein—has had a significant impact on the movement towards democracy in the Middle East: the Palestinian territories elections in January; the movement towards democratic liberalisation in Egypt and even in Saudi Arabia; and the people power emerging in Lebanon, sometimes called the ‘Cedar Revolution,’ which is leading to the Syrian forces being withdrawn from Lebanon, which we are delighted about. Let us not forget the elections that took place in Afghanistan on 9 October last year and the parliamentary elections that are to take place in the country later this year.

There are some other views on this. There are, of course, the views of the Australian Labor Party, but there is also the view of the British Labor Party. I notice that British Foreign Secretary, Jack Straw, my counterpart, in a speech to the Fabian Society—an organisation much favoured by many on the other side of the House—when talking about the situation in the Middle East said there was ‘something pretty remarkable going on’. He said it ‘will be for historians to judge ... just how much the end of the Saddam regime in Iraq, and the free elections there in January, have contributed to what is now happening across the Middle East’. He went on to say:

But I do not buy the claim that all this has nothing to do with Iraq, or America, or the west.

Jack Straw went on to counsel his comrades on the left of politics, not just in the United Kingdom but around the world, so this is good counsel for the Australian Labor Party:

Whatever the differences of opinion over Iraq, it would be highly dangerous for the Left to settle into a comfort zone as the opponent and critic of American power and American objectives in the world ... [The Left] should be seizing this opportunity, leading the drive to bring Europe and America together in support of democracy and freedom.

They are fine words from the British Foreign Secretary. I only wish our own Labor Party would move out of the comfort zone of the Left and join in this championing of democracy and freedom in the Middle East—you can do it if you try.

Taxation

Mr SWAN (2.05 p.m.)—My question is to the Treasurer. Does the Treasurer agree with the following comments, made by the
former employment minister, Mr Abbott, in January 2003, when arguing for maxi-
reforms to address tax and social security disincentives:

It’s very hard to see the fairness in a system which works against people looking for jobs. The tax transfer system should reinforce civic values, not undermine them ... the Government will begin public consultations next month and aims at pol-
icy decisions later in the year.

Treasurer, why has the government failed to debate, let alone implement, sweeping re-
forms outlined by the former minister for employment?

Mr COSTELLO—I thank the honour-
able member for his question. I am asked whether I agree with the comments from the minister for health and Leader of the House. Of course I do. I get all of my best ideas from him. Bear in mind the way in which he advises us on all these matters, and that is how we get our best ideas. What we did in last year’s budget was to sit down and im-
plement very substantial changes. In last year’s budget, I want to remind the House, not only did the government introduce tax cuts of over $14 billion across the forward estimates but our tax and family payments changes were worth $35 billion across the forward estimates. Included in that $35 bil-
lion was not only an increase in the family tax benefit part A but a change in the taper. There was also a change in the family tax benefit part B in relation to the income test. There was a disregard in relation to the fam-
ily tax benefit part B for those mothers that were returning to work, to also ease the en-
titlements that they had. An accumulation of all of those things is that work incentives were heightened.

The good thing about all of that is that it improved dramatically the situation for fami-
lies, particularly families on middle incomes. Why do I make this point? I make it for this reason: the Labor Party has consistently op-
posed that $35 billion improvement under tax and family payments.

Mr Swan—Tell that to the Reserve Bank.
The SPEAKER—The member for Lilley!

Mr COSTELLO—I will just remind the House of this: one of the favourite com-
plaints of the Leader of the Opposition and the member for Lilley is: ‘The government spent too much in last year’s budget. What did it do? It cut tax and improved family payments.’ After they complain that we spent too much, what do they prescribe? They are asked what they would prescribe and they say, ‘We would prescribe more tax cuts and more family payments.’ In other words, the very thing that they complain of they actu-
ally prescribe there should be more of. When you are walking on both sides of the street it is very uncomfortable.

Mr Swan—You’re walking down three streets.
The SPEAKER—The member for Lilley is warned!

Mr COSTELLO—Not only the Leader of the Opposition but the white bread politi-
icians that stand behind him are being caught on this on a daily basis.

Family Services: Family Payments

Mr BAIRD (2.09 p.m.)—My question is addressed to the Treasurer. Would the Treas-
urer update the House on benefits flowing to Australian families as a result of ongoing government policy? Are there any other alter-
native proposals?

Mr COSTELLO—I thank the honour-
able member for Cook for his question. I would like to update the House on benefits flowing to Australian families from changes the government put in place in the last budget. Not only did the government put in place a tax cut of $14.7 billion over four years but in our extra assistance for families announced in the 2004 election there was an
increase for child-care rebates of 30 per cent, for the first time the opportunity to claim back on your tax child-care expenses, a $300 increase to the maximum rate of FTB B and a one-off increase in family tax benefit assistance part A of $600 per annum.

Mr Howard—That wasn’t real.

Mr COSTELLO—I am coming to whether or not that was real. That is a big part of the discussion that is going on here. The government changed the taper rate on family tax benefit part A from 30c to 20c, it increased the income test threshold of family tax benefit B, it decreased the taper rate from 30c to 20c, it allowed a secondary earner to keep any FTB B received prior to re-entering the work force, it introduced a maternity payment of $3,000 and it changed tax free thresholds. As a consequence of that, somebody on the minimum wage, as a result of last year’s budget, had an improvement in their financial position of about $23 a week.

Would that have happened if the Australian Labor Party had been elected? Those of us who listen to the Australian Labor Party complain now about the situation for middle-income earners remember one thing: if Labor had been elected, family tax benefits would have been cut by $600 per child per annum. That was the Australian Labor Party’s position. The member for Lilley, who was interjecting quite vociferously a moment ago, is now struck silent. It was his policy to take $600 per child per annum off them.

Ms King—That’s not true.

Mr COSTELLO—The member for Ballarat says it’s not true. I am sorry: it is in the published policies of the Australian Labor Party and, what is more, it was reaffirmed after the election. Let me read out what the member for Lilley said after the election. He was asked: is it your position that this money was not real? ‘It is my absolute position,’ he said. I am sorry: it was absolutely his position. That was the policy of the Australian Labor Party, and it took the shadow minister for health to bell the cat and say: ‘That was real. It was wrong. It was heartless.’ For that reason the Australian Labor Party stands condemned for its new-found interest in Australian families.

Australia-China Free Trade Agreement

Mr CREAN (2.14 p.m.)—My question is addressed to the Minister for Trade. Is the minister now aware that, in answer to a question on the Australia-China free trade agreement in this House last Thursday, the Prime Minister guaranteed that he would insist on market economy status being on the table in the free trade negotiations and that it would not be conceded as a precondition to getting China to the negotiating table? Given the confusing and contradictory statements made by the government on this matter, can the
minister explain who exactly is in charge of these negotiations? Why has the minister effectively conceded market economy status to China without getting anything in return?

Mr VAILE—I thank the member for Hotham for his question. On the first part of his question, he is wrong and the Prime Minister was correct in his answer of Thursday last week. In the first part of his answer he said no, market economy status has not been conceded. That is correct. The second part of his answer was yes, it was part of the negotiations. I was in Beijing negotiating as he spoke—

Mr Crean interjecting—

The SPEAKER—Order! The member for Hotham.

Mr VAILE—I was in Beijing, negotiating on behalf of Australia, as the Prime Minister was answering the question in this place.

Mr Crean—Mr Speaker, I rise on a point of order. The minister has misrepresented the Prime Minister’s answer to this House last Thursday. Now, he wasn’t here; why doesn’t he read it and get himself informed?

The SPEAKER—Order! There is no point of order.

Mr VAILE—I am absolutely correct. Of course, after a range of consultations, I went to Beijing last week to negotiate some finer aspects of the feasibility study to set the ground rules for a negotiation, if the Australian government makes a decision to go ahead, on the basis of what had previously been agreed. The member for Hotham knows this has been previously agreed. I should hope he realises it has been previously agreed.

Mr Crean—What’s been previously agreed?

Mr VAILE—When we signed—

Mr Crean interjecting—

The SPEAKER—Order! The member for Hotham is warned!

Mr VAILE—When we signed the trade and economic framework in October 2003 there were a couple of important principles involved. This matter has been on the public record since October 2003. It has been on the DFAT web site ever since. I would presume that the shadow minister for trade would have read both before he went to China a couple of weeks ago to talk about this very issue with counterparts in China. I can read from what is in the trade and economic framework that was signed in October 2003. It says:

Recognizing that Australia and China should negotiate on an equal basis, a joint decision by the two Parties to negotiate an FTA will take account of the results of the feasibility study and only follow Australia’s formal recognition of China’s full market economy status.

That is from October 2003. It has been on the web site in the ‘easy to read’ version. It says that, under the TEF, Australia has agreed to undertake an FTA feasibility study with China and to recognise China as a market economy if a decision is taken to move to negotiate an FTA with formal negotiations. It has been well known. I table both those documents for the information of the opposition. It is a well-known fact that we have been moving forward on this basis.

Mr Crean interjecting—

The SPEAKER—Order! The member for Hotham will excuse himself from the chamber under standing order 94(a) for one hour.

The member for Hotham then left the chamber.

Mr VAILE—to finish the point: since October 2003, the matter of the basis on which we would move ahead, if we decided to negotiate a free trade agreement with China, has been on the public record. From some of the public comments that have been
made about this being a concession to China, we needed to obviously get something in return. We did that last week in my visit to Beijing, where we got the Chinese to agree to two very important principles. The first principle is that, if we begin these negotiations, we do so on the basis that everything is on the table—there are no prior exclusions and it is a comprehensive negotiation. The second important principle is that these negotiations be concluded as a single undertaking, where nothing is agreed until everything is agreed. Those are two very important principles that the Chinese have now agreed to. It is interesting to note that, in the years the Labor Party were in office, they were never able to achieve these sorts of negotiations with China or to structure this. These two principles are very important because they are not part of the agreement that China has made to go ahead with the ASEAN countries. They will be there if we go ahead with an agreement between Australia and China.

Anzac Cove

Mr BALDWIN (2.20 p.m.)—My question is addressed to the Minister for Foreign Affairs. Would the minister update the House on the developments in relation to Anzac Cove roadworks following the ambassador’s visit over the weekend?

Mr DOWNER—I thank the honourable member for his question and for the interest he has in this. Of course, there has been a lot of media reporting about the roadworks that are taking place on the Gallipoli Peninsula and around Anzac Cove. Let me make it clear to the House that about two million visitors a year go to the Gallipoli Peninsula, of whom 50,000 or so are Australians. So I think the House would understand that there is in particular an enormous amount of Turkish interest in the Gallipoli Peninsula. I asked our ambassador based in Ankara, Jean Dunn, to visit the Gallipoli Peninsula and Anzac Cove area over the weekend so she could inspect the roadworks herself. She has done so over two days. During those inspections she found no evidence of any human remains or bone fragments. The Commonwealth War Graves Commission, which operate in the Gallipoli area, advised her that they inspected the area thoroughly before and during the roadworks and found no evidence of remains. The Commonwealth War Graves Commission also advised that they thought it very unlikely that any human remains would be found, because they area was thoroughly searched for remains in the 1920s and any remains found then were interred in local cemeteries.

A man called Bill Sellars, who is an Australian who lives in the area and has an intense interest in the preservation of Gallipoli, has told our ambassador that of two bone fragments that he had photographed one had disappeared and he could not relocate the other. The ambassador has asked him to advise us and of course the Commonwealth War Graves Commission if he does find any further remains, in particular so those remains can be treated respectfully and in the appropriate way. The ambassador did register yet again with the Turkish authorities our concern that, if remains were to be found, the roadworks should stop, and the Turkish authorities have agreed to do precisely that.

Can I just conclude by saying again what I said last week. The roadworks are essential for safety reasons, given the enormous number of people who are going there. Erosion over the years has rendered the road above Anzac Cove dangerous and in need of urgent repair. Obviously, we would hope that those repairs would be done as sensitively as possible, and we are making that point to the Turks. Maybe some sort of rehabilitation work will have to be done in time if there is scarring as a result of the road. These issues all have to be worked through.
It is very important that all of us register our gratefulness for the cooperation of the Turkish authorities in ensuring that the historic significance of the site is properly preserved. The Turks are very committed to that. The House should make no mistake: Gallipoli is enormously important to us, but remember that it is important to the Turks as well. It was an important event in the history of modern Turkey, not least with the coming forth of Kemal Ataturk, who was the leader of modern Turkey, as a very successful military leader. The government will continue to approach this issue responsibly, cautiously and with sensitivity—we understand only too well the sensitivities of the issue for all of us as Australians—to make sure that we transmit the right points to the Turkish government and not just make political points.

Australia-China Free Trade Agreement

Mr BEAZLEY (2.24 p.m.)—My question is to the Minister for Trade. I refer to the minister’s earlier answer and to his comments yesterday on the Sunday Sunrise program about possible free trade agreement with China in which he said, ‘in the end, the terms of what you get is what you give,’ Minister, given that article 24 of the WTO rules require all FTAs to be comprehensive, that is, that everything must be on the table; and that all trade deals be pursued as a single undertaking, that is, that nothing is agreed until everything is agreed, is the minister seriously suggesting that the government is prepared to concede market economy status simply to get China to the negotiating table when they want to be at the table anyway? Isn’t it true that, when you give China market economy status to start the negotiations, the government will in fact, given those rules, get nothing in return?

Mr V AILE—I thank the member for Kalgoorlie for his question. The other side might jest, but the member for Kalgoorlie represents his electorate—which comprises the overwhelming majority of Western Australia—very well. It just so happens that the largest beneficiary of the resources boom that is focused on China at the moment is Western Australia and the seat of Kalgoorlie in particular due to the iron ore trade that is taking place out of Western Australia. At the beginning of next year, the LNG trade will begin out of the North West Shelf into...
Guangdong province in the south-east of China.

The member for Kalgoorlie asked about progress on the pathway towards making a decision about an FTA with China. Following my trip to China and the meetings in Beijing last week, it seems now that the feasibility study on this process leading to a decision about going ahead with a free trade agreement should be complete by the end of this month. We have argued strongly, as I have indicated in the last couple of answers to questions from the opposition, that there are some very important and fundamental principles that must be agreed to at this stage. They have been agreed to, and that puts us in a position of negotiating on our terms.

It goes without saying that a free trade agreement with China would link us more strongly than we already are with our second-largest merchandise export market—a market which has quadrupled over the last decade and whose GDP is forecast to grow by over eight per cent per annum for the next 10 to 15 years. I can assure the House that the decision on whether we proceed with an FTA with China will be based, firstly, on the feasibility study—on an economic analysis that is being undertaken—and, most importantly, on an overall assessment of the national interest.

It is unfortunate that the member for Hotham is not in the House. The member for Hotham, I was pleased to read, is on the record as saying that he supports the government’s decision to grant market economy status if we proceed with formal negotiations—that is, that granting China market economy status will not undermine our antidumping regime, which is the nub of this whole argument.

Health Insurance: Premiums

Ms OWENS (2.30 p.m.)—My question is to the Minister for Health and Ageing. Does the minister recall the Liberal Party’s 2001 election platform, which stated that lifetime health cover ‘will lead to reduced premiums’? How does the minister explain the case of a disabled pensioner and his wife who live in the electorate of Macarthur and who, after 12 years with private health insurance, now face a premium hike of almost 17 per cent, an additional annual slug of more than $370? Given that the Liberal Party’s platform in the 2001 election promised to ‘reward Australians for long-term membership of a health fund’, how does the minister explain such increases to the couple?

Mr ABBOTT—The last thing I would want to do is to pretend that everything is absolutely hunky-dory and that those people are not disappointed by premium increases. All of us are disappointed by premium increases. The point I would make is that premiums are 30 per cent lower than they would
otherwise be, thanks to the policies of this government. What I hope the new member for Parramatta has had the decency and the good faith to point out to her constituents is that the ALP has never supported the private health insurance rebate. We had the former Leader of the Opposition calling the private health insurance rebate the ‘maddest piece of public policy’ ever to come out of this parliament, and we had the current Leader of the Opposition calling it a ‘piece of very bad policy’, a ‘piece of policy chicanery’, ‘exceptionally bad public policy’, an ‘extraordinarily bad piece of public policy’, a policy to ‘reinforce failure’, and at one stage he even called it a ‘boondoggle’. I think what the member for Parramatta needs to explain to the couple in her constituency is that the situation would be much worse if the ALP ever became the government of this country.

Workplace Relations: Reform

Mr SLIPPER (2.32 p.m.)—My question is addressed to the Minister for Employment and Workplace Relations. Would the minister inform the House of the benefits to the Australian economy of a more flexible workplace relations system? Is the minister aware of any alternative views in relation to this area?

Mr ANDREWS—I thank the member for Fisher for his question. I can reassure him and the House that this government is committed to a more flexible workplace relations system, because it is through that flexibility that we have been able to create 1.5 million extra jobs in Australia over the last nine years and to see real wages for ordinary Australians increase by more than 12 per cent. Last week, the Leader of the Opposition again displayed the ALP’s antagonism towards casual employment and the flexibility that that involved. He said:

... what their parents want for their young folk is an opportunity to be able to build a life. To be able to have a family, create for that family opportunities, to be able to pay a mortgage, pay private health insurance. You can never do that with a casual, low paid job. You can only do that if you’ve got a career.

The Leader of the Opposition misses the point. He is saying that you cannot have a career if you have or start with a casual job, or he is saying that a casual job is not a starting point for a career. The reality is that there are many members in this place who started their careers with a casual job. That is the reality—I did and many other people in this place started their careers with a casual job.

Let us look at the reality of casual employment. The reality is that a casual job is often the first stepping stone into employment for many young people in this country. The reality is that, for students who want to be able to balance their work and study and have extra income, a casual job is a reality which they very much want. A casual job offers many parents, particularly women who are returning to the work force after having a child or children, the opportunity to be able to balance their family responsibilities with their working life. The reality is that some 40 per cent of people who have casual employment in Australia are either students like those who work in Hungry Jacks, McDonald’s or Coles supermarkets, something which the job snobs over here want to deny, or parents who are returning to the work force. If we look to the future and the demographic changes which are occurring in this country, we see that many mature age workers in this country will wish to phase their retirement and also engage in casual employment. Last week, or just recently, the Leader of the Opposition told the Business Council of Australia that the ALP had embraced a flexible, productivity based workplace relations system. We are waiting to see them practise it and put it in their platform.
Regional Services: Program Funding

Mr BEAZLEY (2.37 p.m.)—My question is to the Prime Minister. Did the Prime Minister direct his acting parliamentary secretary to write to the Deputy Prime Minister informing him he had decided to offer a $400,000 loan to Beaudesert Rail? Did the Prime Minister advise the Deputy Prime Minister that the loan was to be established and administered by the Deputy Prime Minister’s department? Was the Prime Minister aware that the Deputy Prime Minister’s department had no program through which it could administer a loan of this type? Why did the Prime Minister require the establishment of a special scheme to provide just one loan of $400,000 to the struggling Beaudesert Rail Association?

Mr HOWARD—As the House would be aware, I have already answered a number of questions on this matter. I will have a look at the detail of the Leader of the Opposition’s question. If there is any further information to which he is legitimately entitled, I will provide it.

Health: Organ Donation

Mrs MARKUS (2.37 p.m.)—My question is to the Minister for Health and Ageing. Could the minister inform the House of how the government is working to increase Australia’s rate of organ donation?

Mr ABBOTT—I thank the member for Greenway for her question. I can inform the House that, while Australia has the world’s best record for successful organ transplantations, until recently we had the world’s worst record for organ donations. It has improved a little over the last 12 months: there has been a 20 per cent increase in organ donations and there are an extra half a million people on the Organ Donor Register, taking it up to just over five million. But there are still some 2,000 people on organ donor waiting lists at any one time and in any one year. Tragically, some 100 people will die while waiting for an organ transplant.

State and federal governments are working together to make a difference. From 1 July, the Organ Donor Register will change from a register of intention to a register of consent. That should relieve grieving families from the burden of very difficult decision making at a very difficult time. Also, in April, the federal government will spend $6 million asking all Australians to consider joining the Organ Donor Register. I hope that, when those letters arrive, people do not treat them as just another piece of bumf mail. It will not be just a letter from the government; it will be a letter from the Pharmacy Guild and the Australian Divisions of General Practice, urging people to consider their potential to save a life by joining the Organ Donor Register. Five million people on the register sounds like a lot, but we can do a lot better than that. Let us get it much better after April.

Regional Services: Program Funding

Mr KELVIN THOMSON (2.39 p.m.)—My question is to the Prime Minister. Is the Prime Minister aware that the Beaudesert Rail Association lost $123,000 between May and August 2003 while the Department of Transport and Regional Services tried to negotiate a loan through a nonexistent program? Is he further aware that, despite the conversion of the loan to a grant, the actual payout to the Beaudesert Rail creditors was just 31c in the dollar, compared with the provisional liquidator’s 13 June 2003 forecast of a payout of 100c in the dollar? Given that the association continued to accumulate losses while the department of transport tried to negotiate the terms of the Prime Minister’s loan offer, and given the massively reduced return to creditors—

The SPEAKER—The member will come to his question.
Mr KELVIN THOMSON—what was the basis of the Prime Minister’s ‘on balance’ judgment that the railway should receive further assistance?

Mr HOWARD—I refer the honourable member for Wills to the answer I gave to the Leader of the Opposition. I will treat his question with similar respect.

Education: Vocational Education and Training

Mr FAWCETT (2.40 p.m.)—My question is addressed to the Minister for Vocational and Technical Education. Would the minister inform the House of the government’s action to increase the number of skilled people in training?

Mr HARDGRAVE—I thank the member for Wakefield for his question. I know he is getting on with the job in his part of northern Adelaide, and I appreciate the work he does so well. Members of the House would be wise to read the excellent article penned by the Treasurer in today’s Australian, which outlines very clearly how Australia’s growing economy and our ageing population have of course led to the enormous increase in demand for skilled workers. It is now a case of jobs looking for people, not people looking for jobs, the way it was under the previous government.

The good news is that more than 90 per cent of those people who complete an apprenticeship have ongoing employment within three months of that completion. There is strong growth in commencements in the 12 months to September 2004. The number of people actually commencing trades and trades related apprenticeships increased by 19 per cent, which is good news. Overall Commonwealth funding to the vocational education and training sector has increased to its current level of $2.1 billion a year. That is a real increase of 57½ per cent since 1996. Election commitments that will be delivered on time, in full, in the budget—I do not suppose the Treasurer will mind me mentioning that; I will not go too far—are worth an additional $1.06 billion over the next three years.

We are addressing the skills needs in trades such as the automotive mechanical trade, building and construction, plumbing, electrical trades and commercial cookery. The initiatives include the establishment of 24 Australian technical colleges, the establishment of the Australian Institute for Trade Skill Excellence, the $800 tool kit for new apprentices in skills shortage occupations and the Commonwealth trade learning scholarships upon successfully completing the first and second years of an apprenticeship—that is $500 per year over those two years. There is funding of 5,000 additional places over three years in the New Apprenticeships Access Program, which means we will see 10,000 of those disadvantaged people in our community gaining access to apprenticeships, and over $100 million to establish an Australian network of industry careers advisers. These commitments complement the work that this government has done progressively and aggressively over the past nine years. This has already led to a significant increase in the numbers of those in the trades, but we will keep working hard to keep making that happen.

DISTINGUISHED VISITORS

The SPEAKER (2.43 p.m.)—For the benefit of honourable members, I draw their attention to the presence of the Hon. Martyn Evans, former member for Bonython and former South Australian minister for health, who is sitting up in the gallery. On behalf of all members, I extend him a very warm welcome.

Honourable members—Hear, hear!
QUESTIONs WITHOUT NOTICE
Regional Services: Program Funding

Mr KELVIN THOMSON (2.43 p.m.)—
My question is again to the Prime Minister. Is the Prime Minister aware that the senior departmental officer responsible for developing his $400,000 loan offer to Beaudesert Rail advised the railway’s provisional liquidator on 8 October 2003: ‘We cannot allow this loan to become a precedent for the Australian government’s funding of payments to creditors when an enterprise is in financial difficulty’? Is it not the case that the Prime Minister’s loan offer was to pay out the railway’s creditors? Why did the Prime Minister ignore the misgivings of the senior officer responsible for managing his loan offer and have the Department of Transport and Regional Services operate as a lender of last resort?

The SPEAKER—Order! The member will resume his seat.

Mrs Bronwyn Bishop—Mr Speaker, I rise on a point of order. Under standing order 100, questions may not be debated. They may not contain arguments or inferences. That question offends on all three counts. It is out of order.

The SPEAKER—The member for Wills has raised a number of questions. I believe he has completed his questions and I suggest he try to keep his questions to the point.

Mr HOWARD—I refer the member for Wills to the answer I gave to his previous question and the answer I gave to the Leader of the Opposition. I will treat his latest question with the same measure of respect that I do the previous two. In relation to the first part of the question, I do not specifically recall that. However, if there is anything further that should properly be made available to him or to the Leader of the Opposition, I will be very pleased to do so.

Superannuation

Miss JACKIE KELLY (2.45 p.m.)—My question is to the Minister for Revenue and Assistant Treasurer. Would the minister update the House on what the government is doing to achieve choice in superannuation?

Mr BROUGH—I thank the member for Lindsay for her interest in superannuation. I released the regulations today for the implementation of choice from 1 July this year. The regulations will empower Australians to have control of their own superannuation funds and will give certainty to the industry to enable it to work with Australians to build on their retirement income. At the same time, I released the two-page super choice form, which will be made available to employees around the country so that they can make a choice about the second largest financial decision they will make in their lives, after the purchase of their own home: where they will put their superannuation. We also informed the public today that the education program of $19.7 million will roll out, as of next month, both to employers and employees to ensure the smooth implementation of the program.

I inform the House that we will legislate for states to be brought into this jurisdiction. Having written to the states on two separate occasions and not having received an adequate response from the premiers, we will move to legislate so that state awards will in fact be able to come into this choice regime.

The Leader of the Opposition sits in the chamber making noises. I would ask him to confirm whether or not he agrees with Senator Sherry’s comment to the ISFA conference on 2 August that a Labor government would require the states to legislate for choice. I would ask whether this is still Labor policy or whether you are walking both sides of the street yet again.
Regional Services: Program Funding

Ms Gillard (2.47 p.m.)—My question is to the Prime Minister. Can the Prime Minister confirm that his office met with the office of the Deputy Prime Minister on 3 November 2003 and again the following day to discuss his offer of a loan to the Beaudesert Rail Association? Can the Prime Minister confirm that those discussions focused on the provision of a loan, until the morning of 5 November, when the loan offer was changed to a grant? Can the Prime Minister confirm that he abandoned the loan option because the project was clearly not viable and decided to simply hand over $660,000 of taxpayers’ money instead?

Mr Howard—I can confirm that my office and the office of the Deputy Prime Minister meet regularly. I can also confirm that I am delighted that they do. I would have thought communication between the Prime Minister and the Deputy Prime Minister was very important. I can also confirm that a decision was made, as I have previously indicated, to go from a loan to a grant for the reasons that I have outlined. I can also confirm that, as to the rest and residue of the member’s question, if there is anything further I should properly add, I will treat it with the same respect as I do the questions of the Leader of the Opposition and the member for Wills.

Health and Ageing: Dementia

Mr Keenan (2.49 p.m.)—My question is addressed to the Minister for Ageing. Would the minister advise the House how the government is supporting people living with dementia, and their carers?

Ms Julie Bishop—I thank the member for Stirling for his question and acknowledge his deep interest in the issue of aged care in his electorate. Dementia in all its forms is a degenerative condition that affects memory and personality. It can result in not only mental decline but also behavioural decline. It is a very emotional issue for those living with the condition and for their families and their carers.

The risk of dementia increases with age, so, with an ageing population, the prevalence of dementia in our community will increase. That is why the Australian government announced last year that dementia would be an Australian government national health priority. That is why we announced funding of a further $200 million for dementia care and research, in addition to the $2.7 billion that is already invested in support for people with dementia and their families. This $200 million comprises funding for dementia-specific care packages, as well as for further research and awareness through education and training opportunities for police, ambulance workers and other community workers.

This week is Brain Awareness Week. Today I announced a further $750,000 in funding for the Living with Memory Loss program, which already receives $1.5 million. It has already proven to be very successful in giving practical advice and assistance to people living with dementia. Australian researchers have been funded to carry out research, in collaboration with the international research effort, to find a cause and a cure for dementia, but in the meantime the Australian government will continue to provide support and funding for practical outcomes for people with dementia, their carers, their families, service providers and organisations such as Alzheimer’s Australia, which received $5 million in funding from the Australian government last year to continue their work for people with dementia and their carers.

Regional Services: Program Funding

Mr Beazley (2.52 p.m.)—My question is to the Prime Minister. Can the Prime Minister confirm that Beaudesert Rail has received more than $5.8 million in grants from
Can the Prime Minister confirm that Beaudesert Rail has not run a single train service since August last year? Can he also confirm that the Supreme Court of Queensland has directed that all Beaudesert Rail’s assets, with the exception of a steam train, be transferred to the railway’s long-suffering creditors? Why did the Prime Minister decide to spend nearly $6 million of taxpayers’ money on a railway that does not run trains?

Mr Howard—I can confirm that an amount in the order of that mentioned by the Leader of the Opposition has been expended. The Leader of the Opposition will know that the great bulk of that comprised the original federation grant of $5 million, which had the support of a lot of people, including, I think, successive Queensland governments of both political stripes. I have already explained to the House the basis of the moneys that were made available—along with new moneys made available by the Queensland government after the organisation was clearly in financial difficulty. For the reasons I have explained, an on-balance judgment was made to support it. I am aware of the financial difficulties that continue. I am not aware of the precise details of the orders of the Queensland Supreme Court. I repeat: if there is anything further that I need to provide to the Leader of the Opposition, I will be very happy to do so.

Employment: People with Disabilities

Mr CAUSLEY (2.54 p.m.)—My question is to the Minister for Workforce Participation. Would the minister inform the House how the government is helping people with disabilities to return to the workforce?

Mr DUTTON—I thank the member for Page for his question and for his interest in this very important area. Since coming to this portfolio, many things have become apparent about those people who are on the disability support pension. Probably the most relevant to the discussion today is that the Labor Party has given up on people on the disability support pension, and that is a national disgrace. The second thing I would say is that this government is the best friend that people with a workforce capacity have ever had. That is why we are determined as a government not to give up on those people who are on the disability support pension.

I reported to the House earlier this year that, in a disability support pilot that we ran, about one in three participants were able to find an outcome. They were able to go into employment, education or training. We never gave up on those people. I am pleased to report to the House today that that figure has increased to about one in two. We are very proud of the fact that this government is determined to help back into work those people who are on the disability support pension and have a capacity to work. We will never give up on those people who do not have a capacity to work and we will always protect the rights of those people. But this government recognises that there are now about 705,000 people in this country who are on the disability support pension. Since 1981 that figure has increased by about 300 per cent. At the same time, the population has gone up by only about 35 per cent. So the fact is that the system has been compromised. This government remains committed to restoring integrity to the system so that we can continue to support those people who do not have a capacity to work and, at the same time, wash aside the Labor Party’s response of giving up on those people and help into work those people on the disability support pension who have the capacity to work.

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

Mr BEAZLEY (Brand—Leader of the Opposition) (2.56 p.m.)—Mr Speaker, I wish to make a personal explanation.

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

Mr BEAZLEY—Yes, grievously, Mr Speaker, by the Minister for Employment and Workplace Relations.

The SPEAKER—Please proceed.

Mr BEAZLEY—During the course of his remarks, the Minister for Employment and Workplace Relations correctly quoted me as saying that people in Australia would like their children to have careers. He did correctly quote me on that. He then implied in his remarks that I attacked the idea of part-time and casual work. I did no such thing. I pointed out that experience for young people in part-time and casual work was good for them financially and helped them learn how to operate in the workplace. All those things were in my remarks and—

The SPEAKER—The Leader of the Opposition has made his point; he will resume his seat.

PETITIONS

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

Human Rights: Falun Gong

To the Honourable 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, 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 traveling 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 Mrs Markus (from 712 citizens)

by Mr Schultz (from 94 citizens)

Employee Entitlements

To the Honourable the Speaker and members of the House of Representatives assembled in Parliament.
The petition of certain residents of New South Wales draws to the attention of the House, the need to change the laws to properly protect Australian workers when companies go bust.
Your petitioners therefore ask the House for provision for payment of 100% of employee entitlements including unpaid superannuation to be paid to employees. We also reject income limits that prevent many salaried workers claims and support provision for payments also to contract workers.

by **Mr Beazley** (from 3,858 citizens)

**Taiwan**

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

The petition of the undersigned residents of Australia draws to the attention of the House as follows:

- that the World Health Organisation’s (WHO) Constitution states in part “the enjoyment of the highest obtainable standard of health is one of the fundamental rights of every human being without distinction of race, political belief, economic, or social condition.”

- that Taiwan, with a population of more than 23 million, has been denied participation in the WHO and WHA due to political sensitivities and as a result of China’s objections. Consequently, Taiwan has been deprived of access to any of the WHO’s information on the monitoring, prevention and control of infectious diseases and the WHO’s “Global Outbreak Alert and Response Network”. This severely impairs the ability of the Taiwanese health authorities to respond to outbreaks of diseases, putting the medical welfare of the people of Taiwan and its trading partners including Australia at risk.

- like computer viruses on the Internet, human diseases and viruses know no boundaries and like the tsunami that devastated South East Asia, epidemics such as SARS can happen without warning affecting people in many countries. International trade and travel further increase the rate of transmission across oceans and continents.

- that while China claims it represents the people of Taiwan, due to political differences, China is incapable of representing the needs of the Taiwanese people in the WHO, WHA and the United Nations.

- Taiwan’s participating in the WHA as an observer is therefore crucial for the safety and welfare of the people of Taiwan and across the world. Without the support of compassionate nations such as Australia, the Taiwanese people will continue to be denied their most fundamental and basic right to participate in the WHO.

The undersigned petitioners therefore respectfully request and plea to the House, that in the interest of fairness, equality and justice for all human beings, politics be set aside and all honourable members give their support to Taiwan’s application to become an Observer at the WHA. We further call on the Parliament and the Australian Federal Government to recognize the democratically elected government of Taiwan as a suitable representative of the Taiwanese people to the World Health Assembly. Australia and Australians are known for their respect of human rights, their ideals on democracy and freedom of speech but most of all, we are known for our compassion as witnessed by the world in the tsunami tragedy. Please show that we stand for the ideals this country is founded upon and we truly do care by supporting Taiwan’s application to become an Observer at the WHA.

by **Ms Burke** (from 1,705 citizens)

**Pilot Training Schools**

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

The petition of residents of the State of South Australia draws to the attention of the House, safety concerns from the operation of pilot training schools at Parafield Airport. In particular, operation of pilot training school airplanes whose engines regularly cut out and stall over densely populated areas (schools, private dwellings and businesses) and require re-starting of engines with excessive noise.

Your petitioners therefore pray that the House will review laws regarding proposed development of Parafield Airport in relation to the increased number of flights proposed for the next five years.

by **Mrs Draper** (from 129 citizens)
Cadet Officers
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 chooses to become an OFFICER OF CADETS does so with the highest patriotic motives in mind. They know that many of the Young People who have/do join the Cadet Units, of ALL the Services, are the main ones who will join the Australian Defence Force, in Future Years AND provide the Majority of Members who attend the Officers Training Colleges.

After that commitment THE OFFICERS may leave the Cadets without any tangible recognition being given to them. Unless a member obtains recognition for, Long Service after 15 years service, if the member serves that long, Australian Cadet Forces Service Medal.

Many Cadet Officers, of the 1950’s-60’s, firmly believed they were IN the CMF (Although they knew their Commission was only temporary.)

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, in the same way that National Servicemen were recognised for only a Short period in the Service.

The School Cadet Service will probably never be revived again. It is the last chance of saying “Thank You” to these dedicated Persons.

Your petitioners pray that the House institute a medal in ANY of the Services Cadet Corps be the same as The New Medal Group propose for the Regulars- CMF/Reserves. 1945 to 2004; 2 years--following this, 6 years, for those Serving Now and in the future. Same Medal with a CADET Clasp

by Mrs Elliot (from 100 citizens)

Mr Abbas Al Khafaji

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 Mr Abbas Al Khafaji, who has been designated a refugee and stateless person (and who was re-detained in Baxter Detention Centre following a High Court decision and has recently been re-released on a bridging visa E) is a genuine refugee.

• That Mr Al Khafaji had lived in the community for 20 months until his re-detention and has formed strong community ties.

We therefore pray that the House ensures that Mr Abbas Al Khafaji is granted a Permanent Protection or Resident Visa to remain in Australia.

by Mr Georganas (from 2,913 citizens)

Asylum Seekers

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

The petition of certain citizens of Australia draws to attention of the House that under current law, Iranian asylum seekers may be deported from Australia to situations of extreme danger.

We request the House to ensure that our law reflects international conventions regarding the rights of those who seek refuge in our country.

by Ms King (from 158 citizens)

Chifley Electorate: Medicare 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’s decision has greatly inconvenienced residents of Chifley — particularly single mothers/fathers, families with young children, and the elderly.

Your petitioners therefore request the House to:

• restore a Medicare office to the Mount Druitt central business district.

by Mr Price (from 961 citizens)
Aboriginals
To the Honourable Speaker and members of the House of Representatives assembled in the Parliament of the Commonwealth of Australia.
This Petition of Morgan and Siems draws to the attention of the House:
“the reluctance by this present Federal Government to establish a Treaty with our Aboriginal people.”

YOUR Petitioners therefore request the House: to consider and permit a vote for Independence among the Koori (Aboriginal) people... (Thence the establishment of a koori Homeland were there a majority in favour of Independence).

by Mr Windsor (from 34 citizens)

Petitions received.

PARLIAMENTARY SERVICE AMENDMENT BILL 2005
First Reading

Bill received from the Senate, and read a first time.

Ordered that the second reading be made an order of the day for Wednesday, 16 March 2005.

PRIVATE MEMBERS’ BUSINESS
Lebanon’s Former Prime Minister, Mr Rafik Hariri

Ms OWENS (Parramatta) (3.00 p.m.)—I move:

That this House:

(1) condemns the act of unprovoked violence that took the life of Mr Rafik Hariri, Lebanon’s former Prime Minister, along with nine others;

(2) notes that Mr Hariri was Lebanon’s Prime Minister for 10 of the last 14 years, he was a major figure in the re-construction of Beirut after the civil war and had emerged as a leading critic of the continued presence of foreign troops in Lebanon; and

(3) notes that Mr Hariri will be remembered around the world and among Lebanese Australians for his unyielding dedication to the people of Lebanon.

On 14 February this year Rafik Hariri, Prime Minister of Lebanon for 10 of the last 14 years, was killed by a powerful bomb explosion that blew up his motorcade on Beirut’s seafront. The explosion gouged a deep crater out of the road, ripped facades from surrounding buildings and left nine others dead. In taking the life of Rafik Hariri, the explosion not only took the life of one of Lebanon’s strongest advocates for peace and independence but also revived the spectre—still so fresh in the history of Lebanon and the memories of its people—of violence in the streets and brought renewed calls for genuine democracy in Lebanon.

The Lebanese community are a significant part of my electorate of Parramatta. Almost 6,000 people living in Parramatta were born in Lebanon. They are a vibrant community that makes a valuable contribution to the economic and cultural life of Parramatta. Our Lebanese are deeply committed to Australia. They are known, as Hariri was, for their genuine commitment to community and for rating obligation to each other very highly. While Australians to their core, the Australian Lebanese communities, both Christian and Muslim, carry in every fibre of their being a deep love of their homeland and an ache for a free, independent Lebanon. They want what we in Australia take for granted: a country with its own voice, free of external manipulation. On Saturday 19 February I joined with several hundred Australian Lebanese at a testimonial for Hariri at Bankstown Town Hall. I felt with them the sadness of this loss and the fear and uncertainty that exists about whether this act of violence will send Lebanon back to violence or forward towards a free Lebanon.

For 20 years, Rafik Hariri was a central figure in his country’s tortuous politics—for 10 years of that time he was prime minister.
At the time of his death, he was one of the world’s richest men, and the tale of his life is one of the world’s great stories of rags to riches. He was born the son of a greengrocer and tenant farmer in the south Lebanese coastal town of Sidon and later moved to Beirut to study accountancy at the Arab university. His education was interrupted because he could not afford to pay the tuition fees and he moved to Saudi Arabia to become a schoolteacher. With the oil boom, Hariri capitalised on opportunities and started his own company. He secured a number of major government contracts. His business interests grew, and he finally found himself the owner of the largest construction company in Saudi Arabia.

He was a true philanthropist and had a deep sense of civic duty. He spent significant amounts on philanthropic projects in Lebanon and on reconstructing its economy after the devastating civil war of 1975 to 1990. He contributed to charities in the poorest parts of Lebanon. Philanthropic organisations which he founded have paid the tuition fees of some 30,000 students, both in Lebanon and abroad. His personal and corporate contributions almost single-handedly transformed and revived central Beirut following the Lebanese civil war. In 1982 he donated $12 million to Lebanese victims of Israel’s invasion and helped clean up Beirut’s streets with his own money. He invested in Lebanon when few others were willing to risk doing so. He also used his personal wealth to finance the Taif accord in 1989. He paid all the expenses of the Christian-Muslim peace conference in Taif, which produced the accord that finally ended the civil war.

In that explosion on Monday 14 February, Lebanon and the world lost a great man. But the life’s work of Rafik Hariri cannot be taken from us by an act of violence. The work was done; the changes were made; and Lebanon is forever changed because of his life. There is no good side to his death. With the death of Hariri, those responsible for this act of violence have brought his life’s work to life in the minds of many people all around the world—people who had little previous knowledge of the occupation of Lebanon. The world now knows of his fervent hope for a free, independent and modern Lebanon—a genuinely democratic Lebanon that takes its rightful place as a Lebanese voice in the region. In death, his life and his dreams have been affirmed. His love for Lebanon and his vision for it have been amplified both at home and abroad. But we have lost all that he still had to give—and there can be no doubt that, at just 60 years of age, such a man had much more to give. For this man who spent his life speaking for Lebanon, the quality of his life and his work speaks for him still.

Mr MELHAM (Banks) (3.04 p.m.)—I second the motion and reserve my right to speak.

Mr JOHNSON (Ryan) (3.05 p.m.)—The brutal and violent assassination of the former Prime Minister of Lebanon, Mr Rafik Hariri, in a massive car bomb explosion in Beirut on 14 February deserves the full and utter condemnation of all people and all governments. On that day, 16 others also tragically lost their lives and 100 people were severely injured. These also included a former minister of the economy, Mr Basil Fuleihan. I know that the hearts of the people of my electorate of Ryan will go out to all the victims and their families as well as to the Lebanese people for this loss of their citizens and of this fine man.

Mr Hariri was not without his flaws or blemishes as a political leader but he was one who stood up to be counted in the enormous challenges confronting his people and his country. As Prime Minister, Hariri had been instrumental in the reconstruction of
Lebanon since the civil war years that stifled Lebanon’s great potential. The Australian government utterly condemns the brutal murder of Mr Hariri and the violence which killed so many other people on that day. Indeed all people from all corners of society and all parts of the world who cherish individual liberty as well as the right to self-expression would join together in a single, clear voice of total contempt for and condemnation of those who perpetuated this atrocity against very good people—against the nation builders and peacemakers of Lebanon. The murder of this former Prime Minister is a criminal act not only against one man but also against an entire nation and its people. The perpetrators must be brought to justice.

Given Lebanon’s determined struggle to rebuild and reconstruct itself since the end of the civil war, the brutal murder of Hariri is a savage blow to Lebanon and the wider Middle East. As Prime Minister for 10 of the last 14 years of Lebanon’s post civil war government, he played a vital part in steering Lebanon away from the mindless violence of the last 15 years and back to a state with some semblance of a functioning pluralistic government. Out of office, Hariri continued to be a tireless advocate for a free and sovereign Lebanon—free from the iron grip of Syrian control and dominance that began in 1976. The world community saw hope in Lebanon’s progress over the last decade. Memories of the equally brutal and tragic three-cornered civil war between the Maronite Christians, Sunni Muslims and Palestinians slowly gave way to an increasingly fresh breeze of nation building and self-expression.

Even before Rafik’s assassination, the United Nations Security Council had issued resolution 1559, demanding the withdrawal of Syria’s 15,000 troops occupying Lebanon. There was no question that Syria could see its foreign occupation of Lebanon was slowly being challenged. The march to a more self-assertive Lebanese government was taking place, despite its staunchly pro-Damascus President, Emile Lahoud. Next month, UN Secretary-General Kofi Annan is likely to deliver a report that continues the international call for Syria’s military domination to end. Elections for a new government have been scheduled for May. The Lebanese people must be given the opportunity to vote freely, without this foreign occupying power casting a shadow across their ballot papers. It is pleasing to read in today’s press that an initial movement of Syrian troops has taken place. Let us hope that this is the first sign of continuing and complete Syrian evacuation from Lebanon.

I take this opportunity in the Australian House of Representatives to add my voice, as a member of this parliament and as member for the federal seat of Ryan, to continued calls around the world for all Syrian forces, including secret intelligence agents, to leave Lebanon. There is no place for Syria to continue its occupation of another country. Indeed there is a unique opportunity for President Bashar-al-Assad to stand up and seize the initiative, to show true leadership and proclaim that his country’s role in Lebanon is over. Indeed, if he looks carefully at the region around him, he will see some small, but nevertheless unprecedented and profound, political reforms being undertaken by other leaders not known for their democratic inclinations. The actions of Arab leaders, such as the opening up by Egypt’s Hosni Mubarak of the presidential nomination process, which followed on the heels of Saudi Arabia’s multi-candidate local government elections last month, are profoundly instructive.

Whilst this brazen murder still threatens to wipe out more than a decade of determined reform and reconstruction, the early signs are that the Lebanese people will not give up.
The spirit of the Lebanese people seems strong and defiant, for the people of Lebanon are standing up to be counted in their most fragile and delicate moment. Australia’s 70,000 Lebanese born Australians will be praying especially for peace and progress to continue in Lebanon. I am very proud to say that the new Honorary Counsel for Lebanon, Mr Anthony Torbey, is in fact a constituent of the Ryan electorate. (Time expired)

Mr MELHAM (Banks) (3.10 p.m.)—I congratulate the member for Parramatta for bringing this motion before the House today. I think it is appropriate that I seconded the motion, because I am the only member of the national parliament whose parents were both born in Lebanon. I know the member for Kennedy traces his Lebanese heritage through his father, and he, too, wants to be associated with this motion.

I first met Rafik Hariri on 16 November 1993, when I was on the first parliamentary delegation from Australia that visited the Middle East after the civil war there. The report that we tabled in 1994 details our meeting with him—on pages 44, 45 and 46. He then had a vision for the national reconstruction of Lebanon and for the rebuilding of central Beirut. He was a man of means who put his own money into helping rebuild Lebanon—and there is no doubt that a lot of the reconstruction could not have occurred but for his assistance to the government at the time. I met him again in 1995 when I returned to Lebanon in a private capacity. We were reopening the embassy in Beirut, which was a direct result of the parliamentary delegation’s recommendation. At that time he expressed a wish to come to Australia, because he knew of the strong ties, which date back to both wars and beyond, between our two nations.

He was a remarkable human being. His assassination was a wicked act, but the perpetrators of it have unleashed forces within Lebanon that, hopefully, will have a good result—that is, a truly democratic, free Lebanon, a country that is free from the outside interference of a number of political forces. Today is not the day to lay blame. Many mistakes have been made in the past in Lebanon, and the Lebanese people have suffered. Those of us of Lebanese heritage grieved during the 15 years of the civil war when we saw the images coming from Lebanon. Over 150,000 civilians were killed in that civil war. It is out of the grief over the assassination of former Prime Minister Hariri that we hope that Lebanon can return to its rightful place as the jewel in the crown of the Middle East. Lebanon is one of 15 present day countries comprising what is considered to be the cradle of humanity. By linking together here in Australia—the government and the opposition—we send a bipartisan message to the players in the Middle East that we want to see a peaceful Lebanon where people can coexist and can be a beacon for the rest of the Middle East, because coexistence is the key to the survival and the future of Lebanon. There have been a number of prominent figures in recent history who have been assassinated when they have spoken out. Mr Hariri was a courageous figure who paid with his life, but his life should not be wasted. His assassination should be built on by the forces of good that come from all political parties and from all religious groupings in Lebanon. If there is no coexistence in Lebanon, it will not be possible.

This motion is an important symbol, because we cannot have a situation in which this wicked act is ignored. We need, in the current climate, to send a message—and this is where the United States, Israel and Syria all have a role to play as friends of Lebanon—about working in a positive, constructive manner, rather than in the manner of the past, when outside forces used Lebanon as
their political plaything in the Middle East. That is why I am proud to be associated with the motion before the House today and proud of the fact that it is receiving bipartisan support in the parliament. We want to see a truly democratic, peaceful Lebanon because that can only be good for the Middle East and the world. I commend the motion before the House, and I want to associate myself with the remarks of the member for Parramatta and the other positive remarks that have come through today. I do not lay blame in relation to this matter. (Time expired)

Mr ANTHONY SMITH (Casey) (3.15 p.m.)—I rise to support this motion, which has been moved in a bipartisan spirit. I commend the mover and the seconder for very eloquent speeches. In that vein, I also at the outset pay tribute to the member for Sturt, who has a longstanding interest in and passion for the Lebanese community in Australia, particularly the Maronite Christian and Druze communities in Adelaide, with whom he has worked closely. Were it not for the fact that he is a parliamentary secretary, he would be speaking on this motion, but because he is a member of the ministry he is prohibited from speaking on private members’ business. That is something that we are all familiar with but that the wider public often do not understand. I thank him for being here today.

In the aftermath of the terrible assassination of Rafik Hariri we have seen a popular uprising in Lebanon against the Syrian occupation. We have seen a thirst for free elections and a growing democratic spirit. As previous speakers have said, it is imperative that all efforts are made to support this fledgling pro-democracy movement in Lebanon and to reinforce what is a growing momentum right throughout the Middle East.

It has to be said that these developments flow from recent events in the Middle East and in Iraq in particular. To that end, the latest events in the Middle East have truly exposed the moral bankruptcy of the extreme Left in Australia and across the world, who opposed action in Iraq which I believe has provided an important catalyst for burgeoning democracy throughout the Middle East. Underlying the opposition to the initial regime change in Iraq was what could only be described as a rather arrogant and condescending ‘Left know best’ proposition that democracy just was not suited to the Middle East or Arab countries in particular—that, somehow, the people of the Middle East were not capable of or suited to democracy. This was even the case following the removal of Saddam Hussein, with sceptics continuing to mock the idea that the people of Iraq, in particular, would choose democracy if given the choice.

This sentiment was summed up by that well-known leftist relic Phillip Adams in the Australian in October 2003, when he said, about justifications for the war:

There was also the lunatic proposition that, by imposing democracy by force, the US, UK (and us)—

that is, Australia—

would inspire the region to transform itself. What a load of ideological claptrap.

Fortunately for the Middle East, he has been proved wrong yet again. The people of Iraq took up the challenge of democracy with great courage and in inspirational fashion. From the Prime Minister down, we have spoken of that here in this House from the day of the elections, just after Australia Day. That demonstrated the correctness of the action that Australia, Britain and the US have taken and proved an important truth that President Bush spoke of in his second inaugural address:

... freedom is the permanent hope of mankind ...
Indeed, it is; and it is the permanent hope of the Middle East. What we are seeing now is evidence of a greater spread of and desire for democracy. We are seeing a distinct possibility of just what can occur in the weeks, months and years ahead.

Previous speakers have referred to democratic elections in surrounding countries: following the death of Yasser Arafat, the new head of the Palestinian Authority was chosen by democratic election and we have seen democratic movements in Saudi Arabia, Egypt and even Qatar. There is, of course, a longstanding, well-established democracy in the Middle East—in Israel. It is the only country there so far that represents a fully-fledged liberal democracy—a country that operates under the rule of law, respects civil liberties and has a free and open economy. I mention this because Israel and the entire region would be far more secure if Israel were surrounded by democratic neighbours, and that ought to be our aim and ambition. That will particularly be the case if Lebanese independence becomes a reality.

It is essential for the security of Israel that long-term peace in the Middle East and Lebanese independence and democracy are achieved. The international community must insist upon compliance with UN security resolution 1559 and must ensure that it occurs as soon as possible, without any wobbling or equivocation. It is essential for the growth of democracy in the Middle East that free and fair elections occur in Lebanon. It was barbaric, and it caused great offence to people in Lebanon and throughout the world.

The member for Parramatta has outlined Rafik Hariri’s massive personal contribution to the reconstruction of Lebanon. In a rags to riches story, he amassed considerable personal fortune. He had a great sense of personal duty to the people and the community of Lebanon and he was personally responsible for much of the reconstruction of Beirut. He paid the tuition fees for thousands of students and he supported many charitable causes. He invested in Lebanon and he believed in Lebanon, and Lebanon is forever changed on account of his life and his work.

This cannot and should not end with his assassination. The people of Lebanon, to their great credit, have engaged in a courageous uprising over the course of the past month. I have many constituents of Lebanese background, and for many years they have indicated to me their great concern about the Syrian presence, and previously the Israeli presence, in Lebanon. They have indicated their desire for a democratic Lebanon, free from outside interference.

But in the last month the people of Lebanon have taken to the streets. Indeed, in Melbourne I had the privilege of addressing a rally on Thursday, 3 March at St Georges Road in North Fitzroy. The aims of that rally were to demand the immediate and total withdrawal of Syrian military forces and intelligence apparatus from Lebanon; to vehemently denounce the barbaric and cowardly assassination of former Lebanese Prime Minister Rafik Hariri and other innocent people; to demonstrate support for an official United Nations supervised investigation into the assassination; and to call for the immediate resignation of the present Lebanese government, making way for a democratic election to usher in a new phase of true sovereignty, independence and freedom. Today, I indicate...
to the House, as I indicated then, my support for those objectives and my support for this courageous response to this cowardly assassination.

The member for Casey saw fit to politicise the debate with some propaganda about this coming about as a result of the United States invasion of Iraq. Frankly, that is so much spin. But if democracy in the Middle East is to mean something, we need to have a free Lebanon. I welcome the comments of George Bush, Condoleezza Rice, the French government, other European governments and people around the world supporting, through international endeavours, the removal of all foreign forces from Lebanon so that from the outside we can support the construction of a truly free and independent nation, which I know many people in Lebanon have hungered for and thirsted for for many years.

We need to get a timetable for the complete withdrawal of Syrian forces. I welcome the fact that we have had statements from the Syrian President in the direction of withdrawal and that we are seeing some action in the direction of withdrawal, but we need a clear timetable for the withdrawal of all foreign forces, including the security apparatus. We need an end to the role which the security apparatus has been playing in Lebanon.

In previous times Labor has indicated its support for the sovereignty, territorial integrity, unity and political independence of Lebanon under the sole and exclusive authority of the government of Lebanon, and I reiterate this support. We have called upon forces remaining in Lebanon to withdraw from Lebanese territory consistent with both the 1989 Taif agreement and United Nations Security Council resolution 1559, adopted on 2 September last year. We call for the disarming and dismantling of all Lebanese and foreign sponsored militias and we will support the implementation of robust, independent verification mechanisms to ensure that those militias remain disbanded. Finally, Labor strongly supports free and fair elections in Lebanon without foreign interference or influence and will support moves to ensure that Lebanese elections are supervised by independent election monitors. (Time expired)

Mr TURNBULL (Wentworth) (3.25 p.m.)—I commend the member for Parramatta for moving this motion. It is a great pleasure to stand here to speak on such an important motion—one that I believe unites all members of this House and all Australians. The assassination of Rafik Hariri was an appalling tragedy. Previous speakers have spoken of his rags to riches life. From being a poor boy in a Sunni Muslim family in Sidon, the ancient city of the Phoenicians whence our alphabet came, he rose to be one of the richest men in the world. He was responsible for the ambitious program of capital works which enabled the rebuilding of Beirut after the shattering damage inflicted upon it by the civil war. Much of the rebuilding was effected by his own construction and property companies. He so dominated the economy and political life of Lebanon that he was known as Mr Lebanon. He responded pragmatically to the suggestion that the economy would collapse if he were to die: ‘So,’ he said, ‘keep me alive.’ Sadly, he was not to live. He was killed on 14 February, and it is not just the Lebanese economy that is imperilled by the forces his assassination has unleashed.

The Australian government—and, I am pleased to hear, the opposition—strongly support the independence, sovereignty and national unity of Lebanon. We are all united in supporting the withdrawal of all foreign troops from Lebanon and the holding of free elections—free from the pressure of outside military forces.
The tragedy of Lebanon is that for decades—some would say millennia—it has been the battleground for forces much larger and stronger than the people of Lebanon itself and with quite disparate agendas. UN resolution 1559, which previous speakers have commented upon, calls for the withdrawal of all foreign troops from Lebanon, which in practical terms means the Syrians; it also calls for the disarming of militias, which in practical terms means Hezbollah, which for many years has occupied much of southern Lebanon and the Bekkar Valley.

Hezbollah’s origin is as a revolutionary group, a terrorist organisation, an avowed hater of Israel, committed to the destruction of Israel, opposed to the Palestinian peace process. Hezbollah has sat there for all these years living in the aura of its claim to be responsible for forcing the Israelis to withdraw from Lebanon in 2000. That has been the source of Hezbollah’s prestige. Now, with the Syrians withdrawing from Lebanon, people are coming to focus on Hezbollah. There can be no sustainable democracy in any country unless the state has the sole monopoly of force. That applies to Lebanon as much as it does to any other country. That is why the United Nations Security Council resolution 1559 was quite right—with the support of Algeria, I might add. The resolution of the Security Council was a unanimous one, with Algeria voting in support of the motion. That is why the UN was right to call not just for the withdrawal of Syria but for the disarming of Hezbollah.

Hezbollah’s reaction has been a very interesting one. On 8 March, shortly after the assassination of Mr Hariri, there were massive demonstrations protesting at his death and calling for the withdrawal of Syrian troops. On 8 March, Hezbollah brought into Beirut hundreds of thousands of its supporters, mostly Shia Muslims, to oppose the withdrawal of the Syrian troops. Indeed, the leader of Hezbollah, Sheikh Nasrallah, ended his speech by saying, ‘Long live Syria.’ For the first time, Hezbollah has now positioned itself as a thoroughly domestic player in Lebanese politics, opposing the withdrawal of Syrian troops. In that sense, it has moved from being a champion in the battle against Israel to being a domestic player. That will put it at odds with many of its fellow Lebanese.

Hopefully, the result of this will be that the pressure on Hezbollah to disarm will continue just as the pressure on the Syrians to withdraw has continued. If that can be achieved, we may have not only a free Lebanon, a democratic Lebanon, but a much safer Middle East, a much safer Israel and ultimately a much safer world.

The 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 next day for the next sitting.

Mental Illness

Mrs GASH (Gilmore) (3.30 p.m.)—I move:

That this House:

(1) notes:

(a) the prevalence of mental illness in Australia and its impact on the community;

(b) the concerns expressed by the community for the need to improve mental health services; and

(c) the need to increase funding to mental health services and to provide proper care to those afflicted with serious mental illness; and

(2) calls on all Governments:

(a) to work cooperatively to increase their contribution towards funding mental health services and to maintain that support in real terms;
(b) to take urgent steps to address the prevalence of cases that are not properly and fully managed;
(c) to review the policies that allow people with serious mental illness to live virtually unattended in the community;
(d) to increase efforts to assist in the early identification of mental illness cases and to put in place early intervention measures, particularly amongst the young;
(e) to investigate the high rate of mental illness that has been found amongst prisoners in our jails with the view of providing appropriate care; and
(f) instigate research to determine precisely the extent of the problem in Australia.

I thank my colleagues in advance for their contributions to come in this debate. According to the Australian Bureau of Statistics report *Mental health in Australia: A snapshot*, almost one-tenth of the Australian population, or about 1.8 million people, report having a long-term mental or behavioural problem that lasted or was expected to last more than six months. Recently, I also heard a news report assert that up to 50 per cent of preadolescent children have the potential to develop long-term mental illness. Also reported in the news recently was that approximately 40 per cent of our prison population suffers from a mental illness. But then it is reported that only about seven per cent of our total health budgets in Australia are allocated to the management of this serious social problem whereas in other countries the expenditure has been greater. In the Netherlands, for instance, that figure is about 23 per cent of inpatient expenditure and in the United Kingdom it is about 22 per cent; other First World countries report investing 10 per cent to 14 per cent of their total health expenditure on mental health.

Anecdotally, we are bombarded almost daily by stories of people with severe and obvious mental illness walking freely on the streets, getting into trouble with the police, giving their families hell and basically stretching or distracting resources. Our mental health teams are underfunded, understaffed and overworked. Their options are very constrained and, essentially, the police have to be called to arrest an offender before some serious medical intervention can occur. Even then red tape comes into play, which basically puts these persons back on the streets without any realistic medical management. They are often released into the community with a basic drug regime, unmanaged, and expected to stick to their prescription. As many live alone—because their families have had enough torment—how can they be supervised to ensure that their drugs have been taken? It is a sad state of affairs and, although Australia can count itself ahead of the world pack on the level of services delivered, it is not enough and the community believes it is not enough.

I heard mention of a young man who, following the commission of a criminal offence, was being interviewed by a solicitor. The solicitor was questioning the young man, who sat silently. After a moment’s silence, the young man leaned forward, put his fingers to his lips and said in all seriousness, ‘Sssh—the black crows are listening at the window.’ There is no shortage of these types of stories. According to the World Conference on Health Promotion and Health Education in Melbourne last year, Australian estimates have confirmed mental disorders as the leading cause of disability burden, and it is growing. Costing almost $4 billion, mental disorders have been rated third amongst the six diseases that account for the most health expenditure in Australia. In Australia the health costs and loss of earnings related to suicide and suicide attempts over a one-year period were estimated to be $920 million. That was well over a decade ago. Extend these figures into the costs associated with
crime and civil disorder issues related to mental illness events and you can then start to appreciate the enormity of this problem.

But how do you quantify the disruption to people’s lives through having to deal with a person who should arguably be in close care rather than wandering about freely? You can add to that the effect of everyday anxiety disorders, which affect about five per cent of all Australians and make it difficult for them to hold down jobs, form and maintain relationships and even just enjoy normal leisure activities. The Mental Health Council says about 62 per cent of Australians with mental illness do not receive treatment from health services for a number of reasons, including: the stigma associated with their disorder, fear of treatment, poor distribution of specialist services and the cost of treatment. The council also says that fewer than one in six people with depression or anxiety are currently receiving evidence based treatments. Despite the increases in federal health expenditure in the last decade, the percentage expended by the states as a proportion has virtually remained stable. So, in consideration of all that is known about this issue in Australia, my motivation for moving this motion is, firstly, to stimulate community debate and, secondly, to precipitate increased investment, at least up to parity with all the other First World countries.

Following the Burdekin report in 1993, Australian governments implemented two five-year plans to improve matters. Sooner or later all this planning has got to be put into effect, because the community is becoming more aware of the inactivity whilst the problems associated with mental health continue to grow. It could be said that we are becoming desensitised to the needs of those with mental illnesses unless it touches us personally. This problem needs a bipartisan approach from all levels of government to give effect to the feelgood words. In simple terms, we need to invest and act now. At the moment, it is like trying to put out a house fire with a garden hose and more and more houses are starting to catch alight. We need a larger hose, we need more mental health firefighters and we need more supervised homes where those affected can live in harmony with the community yet still be supervised for their medication. (Time expired)

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

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

Ms Hall (Shortland) (3.35 p.m.)—Firstly, I would like to congratulate the member for Gilmore for bringing this very important matter to the House. The issue of mental illness is one that is largely ignored and has been ignored over the years. In saying that, I would like to recognise that it is very prevalent within our community. Its prevalence does not guarantee that it will receive the resources and support that it needs from all levels of government.

There is a need to improve mental health services throughout Australia. It is paramount that governments of all persuasions act now to address this issue. There is a need for increased funding for mental health services and for the provision of proper care for mentally ill Australians. Mental illness is a disease prevalent throughout the community and I want to touch on just how prevalent it is. One in five people have some form of mental illness. One in five people, similarly, suffer from depression—one in four women and one in six men.

The definition of mental health is the ability to interact with one’s environment and with other people in a way that promotes subjective wellbeing, optimal development and the use of cognitive, affective and relational abilities, and the ability to negotiate daily challenges and social interactions of
life without experiencing undue emotional or behavioural incapacity. Such incapacities are symptoms of mental illness. I think that mental illness has developed, expanded and increased within our society to a large extent because it is a symptom of our society and the way our society operates today. Within our society people are more likely to be dislocated than they were in the past, and that sense of community that has existed throughout time has dissipated to some extent. The causes of mental illness are many and varied. It can be caused by internal workings of the body, such as chemical imbalances within the brain, or by external things such as family, loss of job et cetera. So there is a wide range of causes of mental illness.

It is an illness that leads to stigmatisation. Quite often members would read in the paper that a person who robbed a petrol station, let us say, was suffering from schizophrenia. But you do not read that a person who robbed a service station was suffering from a back injury. It is just that simple terminology that is used. This stigmatisation leads to exclusion. People with mental illness, because of their bizarre behaviour, are often ignored and avoided, and this leads to further alienation, which in turn leads to an exacerbation of their condition. Mental illness is a disease that engenders little sympathy. There is a lack of understanding of the causes and of the behaviour of people with mental illness. Its disability is not necessarily recognised. People react to the way people approach them. It is feared to some extent. People with mental illness are often held responsible for their behaviour rather than recognised as having a mental illness. People with mental illness are more likely to be homeless and more likely to be unemployed. As a person who worked with people that suffered from mental illness, I know it is very difficult for them to find work and to maintain work. They are more likely to be in jail, they are more likely to be socially and economically disadvantaged, they are more likely to be isolated, and they are less likely to have contact with their friends and family and the support they need.

I recognise that I am running out of time. I would just like to put on the record that it is essential that governments at all levels work together to ensure that people suffering from mental illnesses have the resources and care that they need. It is important that we move away from the current silo mentalities, that we work together and that we introduce the proper education programs that will lead to the recognition, the treatment and the support of people with mental illness. (Time expired)

Mr CAUSLEY (Page) (3.40 p.m.)—I am very privileged to second the motion moved by the member for Gilmore this afternoon. I want to put on record my concerns about this whole area of mental health. I do not really think that we understand it completely. Probably that goes back for decades. If you look back through history you will find mention of problems with mental health. I do not really think that it has been understood. In fact, there is mention in the Bible of people who were possessed by demons. When we think about it today, we think that obviously they were people who were suffering from mental illnesses. I do not think the general community understands mental health at all. That is one of the really big problems. I have to confess that I myself did not understand it until I was closely associated with it, as I am at the present. You then start to see the symptoms of some of the problems that do occur with these people.

I was part of a government in New South Wales that—I think in 1993, from memory—finally decided that the institutions would be closed, following the Burdekin and Vincent reports. Unfortunately, while mental health is
a state responsibility and part of the health system, I do not think the governments in the states—particularly the one that I represented at the time, New South Wales—have fully grasped the importance of spending some money in the area of rehabilitation. People suffering from these problems go to an institution or a clinic, get treated and are very quickly put back on the streets, where there is no-one to support them. They do not understand that they have to take their medication. In fact, on the contrary, they believe they are quite well and they do not need to take their medication, and then they are back at the clinic—it is a revolving door. Quite frankly, we can save a lot of money if we can overcome that problem. The people who are treated for those conditions need to go to a halfway house where someone can supervise them and rehabilitate them to get them back into the community and back into the work force.

It is difficult for them to get back into the work force because the medication itself destroys all motivation. The idea of the medication is to slow people down. It destroys motivation. It is difficult, though. Some of them do want to get back into the work force, but the thinking process is interfered with. They do not understand that they have to notify Centrelink, so they go out and work. The next thing they know is that the tax office informs Centrelink that they have been working and they could get a debt built up against them. They do not understand that that has been caused by the fact that they have not contacted Centrelink. When they do not work they do not understand that they have to inform Centrelink that they are no longer working. Those processes are all cut off because of the disease and the treatment of the disease—something we do not fully understand.

The causes are very complicated. As I said, you learn a lot when you are closely associated with it. But there is no doubt that three causes have been clearly identified: one is trauma, one is excess alcohol and one is marijuana. We have heard over the years that marijuana is a soft drug, a recreational drug. There is more and more evidence showing that those people who are prone to schizophrenia will certainly have the condition triggered by marijuana, especially the new marijuana which is being grown under lights and seems to have a higher content of the drug that causes the hallucinations.

It is quite frightening to talk to someone who is in that state. When you talk to them you wonder what demons are possessing their brains. They certainly hear voices. I have spoken to a person who jumped sideways and, when I asked what he did that for, he said: ‘Didn’t you see that person walk through there?’ They see people; they hear people. It is quite a frightening experience when someone is in that position.

Undoubtedly, the federal government have tried to spend more money. I do not believe the states. When you look at the figures from the states, you see New South Wales is the worst offender in the amount of money that is being spent in this area. I believe both federal and state governments have to get together in this area. It is a big problem to society. There are more and more disability pensions. They are being caused in many instances by this problem of mental illness. It is such a cost to society that governments have to look very closely at it. I urge the health ministers to put it on their agendas and to discuss how they are going to approach the real problems of mental illness in our society.

Mr BRENDAN O’CONNOR (Gorton) (3.46 p.m.)—I rise to support the motion and commend the member for Gilmore on putting it on the Notice Paper. I do not think we discuss this matter enough in this place. As
other speakers have already indicated, if you compare the health budget of this nation with those of other comparable nations, you see that we spend a very small proportion on tending to people’s needs in the area of mental health. It is clearly a major problem and it is something we should be responding to.

I will differentiate my comments from some of the comments made by earlier speakers. It is true to say that there have been some increases in Commonwealth expenditure in relation to mental health. It is important to note, however, that the states and territories are the major financiers of mental health services in Australia. Indeed, the combined expenditure on mental health by the states and territories accounts for almost 60 per cent of total spending on mental health in Australia. That is not to say that they spend enough—I do not believe that they do. I just think it is important that when we on both sides of the House rise to comment upon the paucity of resources put into this very important area, we should really make clear that both tiers of government, state and federal, have not spent sufficient funds.

I was also heartened by comments in today’s paper by a former test cricketer, Michael Slater—a great opening batsman—who publicly came out and explained that he has been diagnosed with bipolar disorder. He says he has suffered panic attacks and bouts of depression and has even spent periods housebound. The article said:

“At that time I felt that every day I was going to die. Every day was my last day. That’s how drastically it affected me,” 35-year-old Mr Slater said.

I thought it was very courageous of someone with such a high public profile to bring to the attention of the public the very symptoms that afflict so many people with these diseases. It has already been mentioned by a number of speakers, but I think we should indicate the extent of mental illnesses and disorders that a person could have. There is depression, anxiety, substance use disorders, eating disorders, psychosis and dementia. So there is a whole range of mental illnesses.

A few statistics have been thrown around in this debate and I want to add a number more. As I understand it, over two million people in Australia experience a mental illness each year. About three to four per cent of Australians experience severe mental disorders that significantly interfere with their mental wellbeing and reduce their capacity to participate fully in community life. In fact, 62 per cent of people with a mental illness receive no assistance at all or depend on informal support, usually from unpaid carers or families. We really do see the lack of regard perhaps that this nation has placed on so many citizens afflicted with such diseases. I think it is something we have to rectify.

I commend the mover of the motion. There are many decent parts to the motion. In relation to the matter to do with prisoners in our jails, I would have moved an amendment, if I were able to, to extend it to detainees in our detention centres. We are all aware of the unfortunately now very famous case of Cornelia Rau, who found herself in a detention centre. It showed that the system does not always work—in particular, if it does not work, it is more likely to affect adversely those people suffering an illness. If nothing else, that case highlighted the deficiencies in the system and the biases against people who suffer from mental illness.

Mr Richardson (Kingston) (3.50 p.m.)—I rise today in support of my colleague’s motion before the House. Mental health is rapidly becoming the biggest health issue to face this nation in decades. The lack of understanding and taboo nature of the subject, along with the serious shortfalls in appropriate and adequate services to care for
the mentally ill, mean that the millions of Australians suffering from mental illness are being left without desperately needed support. Not only does this affect those with a mental illness but it also affects the parents, the carers and those providing support mechanisms, for whom the personal and financial trauma are always real and ongoing.

I will turn for a moment to the issue of mental health amongst young people. In Australia between 14 and 18 per cent of children and young people experience mental health problems. That means that in an average school class of 30 children at least four of those children are experiencing mental health problems. This is just one mind-blowing statistic which has resulted in the Howard government ensuring that young people have been a particular focus of its mental health and suicide prevention programs.

Our young people are our nation’s future and many are clearly suffering from the effects of mental illness. It is not only those who are directly assessed and diagnosed and thus show up in the statistics who are suffering but those who are too embarrassed or ashamed to admit they are suffering and those young people who are surrounded by friends and peers with mental illness. This motion seeks to recognise the prevalence of mental illness in Australia as well as its impact on the community. It is my belief that continued recognition of the problem will mean that young people who have to date been too ashamed or scared to get help will feel less embarrassed and more likely to seek help.

This motion also calls on all governments to work cooperatively and take urgent steps to deal with the devastating lack of services which have literally left our mental health systems in crisis. I understand from speaking with my constituents that there is a very real perception that when a tough issue faces governments it is passed back and forth, with the states claiming it is a Commonwealth issue and the Commonwealth claiming it is a state issue. In the case of mental health we cannot afford that kind of argument or perception. The Australian Constitution says that mental health is an area which is the responsibility of state governments. There is no greater legal authority in this nation than the Australian Constitution, and that authority states that mental health and, therefore, by direct implication, the current state of disarray in mental health services are entirely the responsibility of the states.

Despite this the Commonwealth government recognised the desperate need for mental health services and increased its spending on mental health by 128 per cent in the period from 1992 to 2002. In contrast to this commitment by the Howard government, combined spending by state and territory governments increased by only 40 per cent over the same period.

As a South Australian, I have watched the state of mental health services slip under the state’s Labor government to the point where they are virtually nonexistent. In July last year the Mental Health Council of Australia stated that South Australia’s mental health services were ‘at breaking point’. The Chief Executive of the Mental Health Council of South Australia, Grace Groom, stated that South Australia was the worst state for the delivery of mental health services. Dr Groom also said:

It saddens me to say not much is done here that encourages me to think that the South Australian government is committed to a process of genuine mental health reform.

Dr Groom could not have been more correct because, since that time, the South Australian Labor government has done little if anything to arrest the catastrophic state of decline in mental health services which has gone un-
checked by that administration. That is not the only incident which should have prompted the South Australian Labor government to catch up and realise that this is a real problem. At the end of July 2004 a magistrate dismissed a case against a mentally ill man, saying he was the victim of an abuse of legal process caused by failings of the state’s mental health system and that the man needed treatment, not punishment.

Following this incident the Labor government was encouraged to participate in talks with mental health, police and correctional officers in relation to the crisis in mental health and the impact it was having on crime rates. Not surprisingly, it refused to participate. Instead, Deputy Premier Kevin Foley launched a personal attack on the parole board chief for bringing the issue into public view. (Time expired)

Mrs ELLIOT (Richmond) (3.56 p.m.)—I rise to support the motion. Mental health is, indeed, an important health issue within our community, but it is one that has been overlooked and underfunded by this government. As we have heard here today, one in five Australians will suffer from a mental illness at some stage in their lives. Despite this, the government has committed only $110 million over four years to provide mental health services. Indeed, almost one-third of this funding will go to one organisation, Beyond Blue, a worthy project dealing with depression.

Mental health services have been chronically underfunded for the past nine years under this government, leaving the burden to be carried by the states. Mental health experts, like the Mental Health Council of Australia, say that a $1 billion investment is required to get services back up to scratch. The $110 million commitment over four years from the government falls well short of what is needed. The federal government should be taking national leadership on this issue. Instead, they are neglecting their obligations to mentally ill Australians.

During my time in the police, I saw first-hand the demand for mental health services on the ground and the effects on individuals, their families and the community. In the police I often had to deal with mentally ill people who went untreated because services simply did not exist. Mentally ill people would be taken to hospital only to be released a few hours later. Of course, there was no emergency or other housing available, and many would end up on the street only to find themselves caught on the same merry-go-round days or weeks later. Homelessness for mentally ill people is a major issue within our community and one which people speak to me about regularly.

The issue of mental health services in Australia should be above politics. It should be about finding adequate and appropriate methods of care across all levels of government, particularly when it comes to our youth. Young people, particularly those living in rural and regional areas like the North Coast, are at high risk of suffering from a mental illness. The National Survey of Mental Health and Wellbeing found that 14 per cent of young people aged between four and 17 suffered a mental illness. Three out of four of these are not seeking treatment, either because it is unavailable or because of embarrassment or shame. It is encouraging to see that the youth suicide rate both nationally and in New South Wales is declining, but one young person’s suicide is one too many.

The federal government needs to look at the causes of depression in young people, particularly in regional and coastal Australia. I know from my time as a police officer often having to deal with families of children who have committed suicide the drastic effect upon them and their communities. Of
course, high unemployment is an area that needs to be addressed by the federal government and that can have a direct influence on the wellbeing of young people. By providing young people with employment opportunities and simply something to do, the government can help reduce youth suicide in our regional areas.

This week is Seniors Week, and I think it is important to highlight that our seniors can also suffer from mental illness. Loneliness and illness can come with old age. Many elderly people move to my electorate to retire, leaving behind their support network of family and friends. Unfortunately, some of our elderly residents are simply forgotten and, because of frailty, are unable to seek human contact. Depression in our elderly is certainly an area that has been overlooked. As a community we need to make sure that our elderly are looked after. The government need to take some leadership on this very important issue. For too long they have buck-passed to the states on mental health. It is time they listened to the experts and adequately invested in mental health services.

The DEPUTY SPEAKER (Mr Jenkins)—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.

Arts: Orchestras Review

Parliament: Electoral Representation

Mr McMULLAN (Fraser) (4.00 p.m.)—I scheduled myself to speak in this debate to raise an issue of considerable importance to my constituents here in Canberra, as well as being of national significance, and I hope to deal with that matter that relates to the question of representation of territories in this parliament. However, I want to take the opportunity at somewhat short notice to respond to something that has happened today that is also of relevance to my constituents and to an important institution here in the Australian Capital Territory. Today the Minister for the Arts and Sport has released on the departmental web site the report A new era: orchestras review report 2005, which is a very important report. Important questions about the future of the major orchestras of this country and the cultural future of the nation, for which they are very important, will need to be discussed on a wider canvas.

There has been speculation about one element of the report—which today’s release confirms as being accurate—which caused me concern and which I am sure will cause many people concern, and that is the proposal to reduce the size of the ensemble of three of the six state symphony orchestras. In particular, the proposition is to reduce the Queensland Orchestra to 74 full-time equivalent positions, the Adelaide Symphony Orchestra to 56 and the Tasmanian Symphony Orchestra to 38. It is not my intention to speak at length about that point; that is a matter that we will all have to debate. There are clear financial issues involved and pressures on those organisations, but I think anyone who has regard for the culture of the nation will be concerned.

The people who conducted the review are thoughtful Australians with a knowledge and understanding of issues of both public administration and culture, so they would not lightly have come to these conclusions. But I am particularly concerned about the implications for the Tasmanian Symphony Orchestra, which I have had the pleasure of hearing on a number of occasions. They are a very fine Australian orchestra, and the prospect of its numbers being reduced to 38 will have significant implications, not just for the current musicians, which is obvious, but for
everybody in Tasmania and also across Australia. This is an orchestra that tours significantly and that has developed a significant reach through both its recording and its touring, and it would be a great pity if that was cut back.

The review was welcome. The cultural ministers essentially agreed there should be a detailed review of the symphony orchestras, arising from the major performing arts inquiry and because of the clear financial pressures and other challenges facing many orchestras within Australia. Last year that review was initiated. It was constituted by Mr James Strong, Professor Malcolm Gillies of the Australian National University and Mr Peter Grant, formerly of the Department of Education, Science and Training. Those three people, as I said, are intelligent and concerned people. They would not have come to their conclusions lightly, and I will not criticise them until I have had a chance to read the whole context, although those elements in their report cause me significant concern.

There are other positive aspects of the report which I welcome. The report has recommended that either the efficiency dividend needs to be taken from the indexation of the base grants for the orchestras or an alternative funding model needs to be developed. The efficiency dividend is contentious in a number of areas, and I do not lightly recommend it should be taken away because it is a reform driver across the public sector as a whole. It is very difficult for organisations like orchestras, but I think taking it away might create a precedent that conservative governments would worry about, in which case I suspect they need to look at recommendation 8, which deals with a new funding model to respond if the efficiency dividend continues. So that is one positive element of the report which I would recommend the government consider. Another is, as an interim measure, a grant to the Australian Opera and Ballet Orchestra until some new arrangements are agreed and implemented. But the long-term arrangements there look like they might be contentious and difficult.

I want to focus particularly on a small but welcome part of the review, and that is a recommendation that there should finally be some national recognition for the territory orchestras. The review was asked to examine the roles of the two territory orchestras, based in Canberra and Darwin. The report stated:

These have not in the past received ongoing support from the Australian Government. The review considers that these orchestras could greatly benefit from a closer relationship with the state symphony orchestras and has recommended some government funding to facilitate this.

In fact, recommendation 19 of the report says:

The Australian Government should provide $100,000 annually to each of Canberra Symphony Orchestra and Darwin Symphony Orchestra to enable them to build their relationships with the six state symphony orchestras and to access the support services available to those orchestras.

Some people I know associated with the CSO and the Darwin Symphony Orchestra will be disappointed because that still leaves them far short of a fair share of the $44 million that the federal government provides to state orchestras. But, at a time of crisis for those six state orchestras, we are not going to have that pie divided eight ways when dividing it six ways is causing such stress. A recognition that $100,000 should go to the Canberra Symphony Orchestra and the Darwin Symphony Orchestra as a beginning of federal government support is welcome.

I am pleased to say that an organisation with which I am associated, the Labor Club, has been the major sponsor of the Canberra Symphony Orchestra in recent years. It is a very fine community orchestra that draws on the resources in the community—in particu-
lar, those of the Canberra School of Music—and provides great pleasure and entertainment to people in Canberra and a quality musical performance. But it is not the equivalent of the state symphony orchestras. Neither the Canberra Symphony Orchestra nor the orchestra in Darwin have ever had that funding, and this review has recommended at least a foot in the door. That $100,000 will be very welcome. I think the initial suggestions from the committee for what might be done with that money would be an enhancement and a step forward, so I welcome that.

In the last two to three minutes of my contribution to this debate I want to refer briefly to a major issue which I am concerned about because it disadvantages my constituents significantly, although unintentionally, and it means that the votes of people in the electorate of Fraser are significantly undervalued in determining who should form the government of this country. The principle is and ought to be—and the Electoral Act is designed to achieve this principle as far as possible—that everybody’s vote should have an equal say in determining who governs Australia. But in the most recent figures that I could lay my hands on, in my electorate of Fraser there are 118,000 voters whereas the national average is below 90,000. That is a very significant devaluation of the votes of the people I represent.

I hope that they would still feel that they are well represented in this parliament, and I do my very best and I enjoy the opportunity to represent all of them. This is not about my rights or my concerns, because I still have the chance to come here and to vote the same as everybody else. It is about the rights of the people I am here to represent. Their vote is significantly less than it should be, and we need to re-examine the formula. The formula nationally is in fact a fair formula, and I have supported and defended it for many years. I think as a national formula it is correct, but it is not working insofar as it relates to the two territories.

There was a bit of a quick-fix job done by the Joint Standing Committee on Electoral Matters before the last election which rescued the Northern Territory from the fate of having about 113,000 constituents in an electorate of the Northern Territory—though even in one electorate they would have had fewer constituents than in mine. Given the geography of the Northern Territory it would have been a very difficult task, but they still would not have been as adversely affected as my constituents, yet the parliament took special steps to guarantee them two seats and did nothing for my constituents. I am going to continue to raise this matter. The formula works excellently for all the major states, where the numbers of quotas per seat range only from 0.967 to 1.038. It is very tightly focused on equal representation. Tasmania is a special case, because of the Constitution; that is part of the federal compact, and I in no way challenge that. But neither my constituents nor the constituents of the Northern Territory—should they lose their second seat, as they again might in the impending election—are being fairly treated by the formula. I intend at the earliest possible moment to return to this issue and speak on behalf of my constituents whose votes are not being adequately reflected in the critical decision of determining who should govern this country.

Housing: Affordability

Mrs MOYLAN (Pearce) (4.11 p.m.)—About this time last year the Productivity Commission released its report into first home ownership and made recommendations. The report raises a number of issues and provides a base for debate on home ownership and affordability. Our nation is going through a period of strong economic prosperity, and initiatives by the government
have offered opportunities for people to realise their dream of home ownership. An agreement between the state and federal governments to offset the effects of the GST on home construction costs has seen $4.3 billion go to half a million first home owners in the 3.5 years to January 2004.

The home buyers market has been further boosted in an economic environment characterised by high levels of people in employment, with the number of people in full-time jobs having grown by almost a million; low interest rates, with real mortgage interest rates halved; steady income growth, with real household disposable income risen by 30 per cent; greater choices and flexibility in home finance products; and capital gains tax reductions in 1999. This is all very positive, and credit must go to the government for its outstanding management of the economy in what has been a difficult global environment. But the question needs to be asked: why is home ownership falling in Australia today and why should we as members of parliament be concerned about that?

Home ownership is important to most people because it provides a sense of security, financially and emotionally; it improves people’s self-esteem; it provides continuity of living for children; it gives home owners a sense of responsibility for the care of not only their home but their neighbourhood; it ensures a chance at greater civic involvement; it is an appreciating asset and becomes particularly important to older people—in fact, it is usually the most valuable asset most people ever own; and it provides a means of saving for retirement, reducing reliance on welfare.

Home ownership has always been a strong priority for most Australian families and the benefits have been well documented over many years. But to go back to the question of why home ownership is falling in Australia, it seems that it largely comes back to affordability. Affordability of home ownership in Australia has become a key issue especially for young first home owners, Indigenous Australians and those on low incomes. Examining some of the factors that have affected affordability, the Productivity Commission has highlighted the following. Since 1996 average house prices have more than doubled nominally and over half this price increase has occurred in the last three years. This represents an increase of nearly 80 per cent in real terms. The median house price is now equal to nine times average per capita income, compared to six times per capita income at the beginning of the upswing. In the commission’s view, affordability is now near, if not below, the low levels of the late 1980s, when inflation and interest rates were very high.

Affordability is affected by many factors. However, given that wages have increased and cheap and flexible lines of credit are now available, we must look outside the usual barriers to affordability. Affordability can be measured by the ability of home purchasers to meet repayments—or, in other words, the income to mortgage payment ratio—and the deposit gap. There are two key areas affecting affordability of home ownership, amongst others, which were examined by the Productivity Commission. They include—and I think they are the two key and perhaps the most significant areas—the cost of the purchase of a property, what are the ingoing costs of purchasing a property, and the supply of property and land including a transparent, simplified system of approving land and property development.

An examination of the cost of purchase shows that since the introduction of the GST and an agreement to reform state taxes state governments have not only failed to repeal some taxes but raised stamp duty massively. In addition, the states have benefited by un-
expected windfalls from stamp duty on the GST component and the rising property values. They further pick up additional revenue from land tax. Other taxes on residential property include stamp duty on mortgages, emergency services levies and metropolitan improvement taxes, not to mention the additional levies on property developers. Collectively, these taxes accounted for nine per cent of total tax revenue in Australia in 2001. Internationally, Australia is up there with the five highest property-taxing countries. These taxes are progressive levies that rise with the rise in property values and place unacceptable burdens on property owners, particularly low-income earners and the aged, as well as on investors.

Despite some concessions for first home buyers, the average increase in stamp duty revenue to the states since 1998 has been 120 per cent, with Sydney a whopping 171 per cent and Western Australia 110 per cent. The Productivity Commission found:

… for a home buyer required to provide 10% of the purchase price for a deposit—
this is in an average priced property—
a stamp duty of 5% increases the deposit gap by 50%.

Meeting this extra upfront cost might require first home buyers to delay their entry to the market …

The public have a right to be outraged by this iniquitous state tax and particularly by the burden it places on first home owners, and today I call on state governments to remove this burden from home buyers.

The other issue pushing prices up and affecting affordability is supply. There is not time to address this in any detail today, but the lack of new land coming onto the market for residential development is a significant contributor to the increasing cost of real estate. The policy of most states to engage in inner city infill programs is commendable, but not if this policy is implemented at the expense of new land releases and new land coming onto the market; otherwise, property development only at the upper price brackets locks young first home buyers and low-income families out of the market.

Our nation is going through a period of unprecedented economic prosperity. We cannot afford to squander the opportunity for investment in infrastructure and the impact that can have on affordable property prices. Investment in infrastructure has had little attention, and I note a speech which was given by my colleague the member for Flinders, the Parliamentary Secretary to the Minister for Environment and Heritage, on infrastructure and the Australian states. It makes very interesting reading. He highlights that investment in infrastructure has had little attention, yet it is an important legacy that could ensure the future of following generations. We in this place and in other parliaments around Australia have a duty to ensure that the prosperity that we are going through now is used wisely and that we do invest in infrastructure projects. Power generation, water supply, fast rail and other transport, and education, especially higher education, are all elements to adequate land provision for housing as well as for commercial and industrial application. The regions hold the key to affordable housing, but lack of appropriate infrastructure to get started is a major problem.

It is not reasonable for any governments to expect people to be attracted away from coastal areas—and we have heard a lot of debate about this in recent times—if they cannot access reasonable health facilities and if their children still have to leave home or travel long distances to access higher education and if safe, fast, public transport is not available. These key infrastructure developments are critical to ensuring that we spread the development out into our regions. So today in this grievance debate I also call on
both state and federal governments to engage in serious dialogue about the future of infrastructure development in the interests of maintaining a high level of home ownership and quality of life for all Australians. The social and demographic trends will continue to increase the demand for housing in the foreseeable future and problems are unlikely to go away as the population ages, young people remain single for longer and we have a high level of divorce. All of these social and demographic factors will continue to operate to put pressure on housing, and one solution is to make sure that there is an adequate supply of new land into the marketplace.

**Telstra: Sale**

Mr SNOWDON (Lingiari) (4.20 p.m.)—Today I want to remind the House again of the concerns that people who live in remote and regional Australia have for the government’s commitment to selling off Telstra. I say that, having heard the member for Pearce’s plea for investment in infrastructure. Without doubt, that issue sits in front of the minds of many people who live in the bush. I think I am right in saying that the person following me in this grievance debate will be the member for Maranoa, a fine National Party member, a former minister and someone who understands, I hope, the concerns the people of his electorate have for the possibility—in fact, the likelihood—that come 1 July this government is going to punch through legislation to sell off the remainder of Telstra.

I have stated in this place on quite a number of occasions my absolute opposition to the potential sale of Telstra and my very grave concern about the impact of the sale of Telstra on people who live in my electorate and elsewhere in Australia. I live in an electorate with a large number of very isolated communities, and their standard of telecommunications is frankly not good enough. That is not to say that Telstra Country Wide do not do all that they possibly can—they do. In fact, I have nothing but praise for the personnel of Telstra Country Wide—whether in head office or in the office in Darwin, which looks after the Top End—and the technicians and the policy people. They are all terrific, and if they can help they do, but they are limited by decisions taken by the board and the budget which is made available to them. Frankly, what we need to contemplate here is the failure of the Telstra board to properly recognise its responsibilities to people who live in the bush. I note that yesterday the ABC television program *Landline* followed the issue of the sale of Telstra and went with the Minister for Communications, Information Technology and the Arts to various parts of the bush and other places to talk to people about the sale of Telstra. The feedback they got—and this is on the television program, a transcript of which I have in front of me—was grave concern for people who live in the bush, principally National Party electorates, I might add, comrade!

Mr Brough—Comrade? He is offending you.

The DEPUTY SPEAKER (Mr Jenkins)—Order! The honourable member will address his remarks through the chair.

Mr SNOWDON—With great respect to my comrade, the member for Maranoa—

Mr Brough—Aren’t you offended?

Mr SNOWDON—He knows that this is a hot button issue in his electorate. He also knew when the National Party agreed to this process that he was going to end up between a rock and a hard place at some point. The time has come for the National Party to stand up and say to Australians why they support a proposition to sell off the rest of Telstra, why they are prepared to sell the interest of their constituents down the drain on the basis of a
promise of ‘future proofing’. According to the government, future proofing means we will have a report back to the government once every three or four years which will tell us about the state of communications infrastructure in the bush, and then the government might do something about it. What a lot of nonsense.

We know, and I have said in this place before, what will happen under that sort of proposal. If you were to sell off Telstra, if you were to follow this course and in three or four years go and do a review of communications infrastructure in the bush, you would discover the divergence between the quality and the type of communications infrastructure in the bush—that is, is it the most modern or just adequate. You would discover, without question, that there was an increasing divergence, a grave divergence, between what is available for other Australians—that is, people who live in the major urban areas down the eastern seaboard—and what is available to people who live in the bush. The standard of service which would be then provided to people in the bush would be far lower than that being provided to people in the cities.

That is what the National Party are falling for—although I note that at least some of their number have indicated a certain frustration with this sort of approach, not the least of whom is Senator elect Barnaby Joyce. I do not know what this bloke does, but he seems to get a lot of publicity for a bloke who is not yet in the Senate. I do not know who is pulling whose strings around here, but he says this in the Australian Financial Review about future proofing—and I am happy to quote him because he concurs with my view:

**Future proofing:** a bizarre concept if ever I have heard one. We need to retain Telstra in public ownership and ensure that the tax-payer, through its majority shareholding in Telstra, is in a strong enough position on the board to ensure that all Australians get access to proper communications infrastructure.

Recently a cyclone passed through the Top End of the Northern Territory. No doubt we all know already that communications are out at Milikapiti on Melville Island and on Bathurst Island and that people have to use satellite telephones for communication. It will be fixed, I have no doubt, but we also know that in many of these remote communities—some are very large communities—the opportunities for telecommunications are pretty dim. I mention one in particular, one that I have mentioned before in this place: Wadeye. It is either the fifth or the sixth largest community in the Northern Territory. I recently wrote to the Minister for Communications, Information Technology and the Arts supporting the submission by the Local Government Association of the Northern Territory for funding of the Coordinated Communications Infrastructure Fund to set up terrestrial broadband infrastructure for Wadeye, which will allow access to information and communications technology that they have long missed out on. Why have they missed out on it? Because they are isolated and remote. They are isolated from here.

We know from other infrastructure that, unless you are right in front of the face of the government either politically—that is, in a really marginal seat, where you might get bucketloads of regional rorts money—or in a major urban centre where there is heaps of publicity about the dreadful nature of infrastructure, the government just turns away. The best example I can give of that is the condition of roads in the Top End of Australia. That is another essential piece of infrastructure, yet we know the government has
been reluctant to put in appropriate capital to upgrade that infrastructure to ensure it meets the needs of the Australian community, particularly the pastoralists, miners and tourism industry people who rely on these roads. Remote Aboriginal communities in my electorate are, for much of the year, required to sacrifice a great deal because they are held to ransom by the poor state of the roads.

We know what will happen in the end if this legislation is passed and this bizarre future-proofing scheme comes to pass. Proposals to address the telecommunications infrastructure shortfalls in Northern Australia will be visited back here in parliament and we will get the same response that we get for roads—the real bum’s rush. You can just imagine the cabinet sitting in the budget meeting discussing where to allocate the funds: ‘Should we direct it to a regional rorts program or should we put it into improving telecommunications infrastructure in remote communities?’ I can tell you what the response will be.

Ms George—If they’re Labor seats you won’t get it.

Mr SNOWDON—You will not get funding in Labor held seats in any event, but we know what will happen: instead of a rational approach to improving telecommunications infrastructure, this government will go for the rorts every time. They have a responsibility, in my view, not to do with telecommunications what we have done with other sectors of the Australian economy. It is imperative that Telstra stays in public ownership. I invite the member for Maranoa to indicate to this House why he would support the full sale of Telstra. (Time expired)

Defence: Victoria Cross

Mr BRUCE SCOTT (Maranoa) (4.31 p.m.)—I rise today in this grievance debate to inform the House that the recent proposal by the member for Shortland, with support from the Leader of the Opposition and the Premier of Queensland, to posthumously award John Simpson Kirkpatrick, or ‘Simpson’ as we affectionately know him, the highest recognition for gallantry in a theatre of war, the Victoria Cross, is ill-founded. Like all Australians, I acknowledge the distinguished service of Simpson and his donkey during the Gallipoli campaign. He was a brave man who took great risks with his own life and safety to help his fallen comrades. No Australian would ever want to diminish, in any way, Simpson’s contribution to the Gallipoli campaign during World War 1. It was on the shores of that peninsula, as you would know, Mr Deputy Speaker Causley, that the legend of the Anzacs was born.

However, almost 90 years after Simpson was killed on 19 May 1915 on the Gallipoli battlefield, it is not possible to award him the Victoria Cross. If the Victoria Cross for Australia were to be awarded posthumously to Simpson it would set a dangerous precedent which would undoubtedly lead to further calls from politicians to have the end of war lists reopened. Based on such a precedent, it could be proposed that Seaman Edward ‘Teddy’ Sheean should be awarded the Victoria Cross because of his gallant and brave actions during the Japanese attack on the HMAS Armidale in December 1942. What about Albert ‘Gunner’ Cleary? Should he be awarded the Victoria Cross as a reminder of the 1,700 Australians who died on the death marches of Sandakan as Australian prisoners of war in 1945? Should we take this one step further and award a Victoria Cross to the 234 Light Horse soldiers who sacrificed their lives at the battle of The Nek on the morning of 7 August 1915? To remind the House, this was a battle that took place over a mere 45 minutes and saw four successive waves of attack from the Australian 8th and 10th Light Horse regiments. The orders were to fix bayonets and charge the Turkish trenches.
The soldiers of the Australian Light Horse following these commands showed raw courage and bravery when they went over the top into Turkish machine-gun fire, knowing that they would inevitably be killed. Like Simpson, they too showed courage under fire through their gallant actions.

The list could go on and on. Eventually it would denigrate the Victoria Cross and all it represents. Australia has a system of military honours and awards that are important in recognising the achievements of ordinary Australians. It is imperative that the integrity of our military honours and awards is upheld. If we fail in this responsibility, we will dishonour the awards that have, for so long, been regarded with the utmost respect. Of the thousands of men and women who have fought for Australia since the Boer War, there have only been 97 recipients of the Victoria Cross, none of which ever, for one instant, joined the war effort with the aim of receiving such an honour. Neither did Simpson. Instead, he volunteered like so many tens of thousands of Australians. He joined the war effort because he saw it as his patriotic duty to serve his country and defend the values enshrined in our Constitution.

In any case, as both the member for Shortland and, even more so, the Leader of the Opposition—who, I might remind the House, was once Australia’s defence minister—should know, there is absolutely no role for members of parliament in initiating the process of awarding the Victoria Cross for Australia, as it is known today. To end the confusion, let me outline to the House the protocol for the recommendation of a Victoria Cross for Australia. First, recommendations for gallantry decorations must be made by the commanders on the spot after commendation from at least three witnesses. The reason for this is simple: the commanders have a better knowledge of the circumstances surrounding the action. They obviously have much better knowledge than we could ever have 90 years after the event. Furthermore, as you could appreciate, Mr Deputy Speaker, it would obviously be very difficult, let alone absurd, to reverse any decisions made by commanders to award medals, for this exact reason.

The recommendation then requires the approval of the Minister for Defence, the Prime Minister and the Governor-General. Finally, the Victoria Cross for Australia needs the approval of Her Majesty Queen Elizabeth II, as the Victoria Cross for Australia is in fact the same Victoria Cross that was originally instituted by Queen Victoria—it is an imperial award that we brought under our Australian honours and awards system. What is more, and importantly, the World War I honours and awards recommendations closed six months after the signing of the armistice on 11 November 1918. Similarly, shortly after the approval of the end of war lists for World War II in October 1945, the sovereign declared that no more recommendations in relation to gallantry or meritorious service during World War II would be reassessed. This was reaffirmed by Her Majesty the Queen in 1965.

The *Sunday Mail* recently claimed:

The humble medical orderly—that is, Simpson—who died on the battlefield aged 22, was recommended for the VC by superiors but never received it because of a paperwork blunder ...

That claim is factually incorrect. Simpson’s commanding officer, Captain Fry, did discuss with Colonel John Monash, later General Sir John Monash—who, I might add, went on to become the first Australian to command the Australian forces fighting on the Western Front during World War I—the possibility of Simpson being awarded a Victoria Cross. This discussion took place no less than one day after Simpson’s death, not 90 years later.
The report by Monash did not include a recommendation for a Victoria Cross but rather a Mention in Dispatches, with which Simpson was honoured. This is an award for gallantry. Since 1991, under the Australian honours and awards system, the Mention in Dispatches, which was an imperial award for gallantry, has been replaced with a commendation for gallantry. In fact, a commendation for gallantry is the fourth highest award that can be given to an Australian soldier. Furthermore, during World War I, the only two gallantry awards that could be given to a soldier killed in action were the Victoria Cross or the Mention in Dispatches.

There is no doubt that every Australian understands and recognises the courageous, brave and gallant service of all military personnel in war and the supreme sacrifice that many have made for their country. Awarding Simpson a Victoria Cross will not add to their existing beliefs. Rather, it will only confuse the matter as they ask themselves why more and more ordinary Australians who fought for our country are not awarded such an honour.

The crusade by the member for Shortland and the Labor Party is nothing more than a cheap politicisation of the highest military award for valour. It shows their lack of respect for the 97 Australian recipients of the Victoria Cross, and all that the Victoria Cross represents. It appears that some members of the Labor Party feel better qualified than General Sir John Monash in determining acts of selfless courage. It was General Sir John Monash who discussed with Captain Fry how Simpson should be recognised for his service on the Gallipoli peninsula.

I call on the Labor Party to respect the time-honoured system of recognising acts of gallantry. It has served us well for more than a century and will continue to serve this nation well, providing it is not politicised. I also call on the Labor Party to do their research and to honour the Australian honours and awards system for our military people and to respect that commanders will initiate any recognition of those who have served our country in the Australian Defence Force uniform.

Economy: Infrastructure

Mrs IRWIN (Fowler) (4.40 p.m.)—The latest dance tune being sung by the Treasurer, or rather his latest excuse for the poor performance of the Australian economy, is the need to reduce the infrastructure bottle-necks that are impeding Australia’s exports. Along with the pet shop galah, the Treasurer talks about fleets of bulk carriers lying off our nation’s ports, unable to load coal for export, because the state governments have not invested in infrastructure.

Well, there is one bottleneck in this nation’s transport infrastructure that the Treasurer does not seem to know about but that the people of south-western Sydney—the people who live in Fowler, Prospect, Werriwa and Macarthur—are stuck in every day. When I travel from my home in Bonnyrigg to my electorate office in Cabramatta, I cross the Cumberland Highway. At most times of the day, it is like a scene from the Sam Peckinpah movie Convoy. The heavy vehicles, trucks, semitrailers and bogie doubles are lined up for more than a mile, and there are a lot of angry rubber ducks at the wheel. For car drivers travelling on the Cumberland Highway, it is like dancing with dinosaurs—it is not for the faint-hearted. I have often looked on in horror as a small car has been almost sandwiched between two heavy trucks. This is the busiest stretch of our national highway. This road carries the products of our farms and factories that are destined for markets here and overseas.

The great bulk of land transport between the main east coast cities of Brisbane, Syd-
ney and Melbourne passes along the Cumberland Highway. These cities hold more than two-thirds of Australia’s population and are the three busiest general cargo ports in Australia. The main heavy vehicle link is between the major regional cities of Newcastle and Wollongong, yet the major road linking these cities is stretched beyond its capacity. The Cumberland Highway is not just a suburban road linking outer suburbs; it is part of the national highway, and there is no real alternative route for heavy vehicles travelling along this north-south corridor. It is the biggest infrastructure bottleneck in the country.

Mr Deputy Speaker, you would have thought that the Treasurer would have often mentioned in this House that vital infrastructure need. So it is surprising that he has had such an obsession with the Mitcham-Frankston motorway—or, as he likes to call it, the Scoresby Freeway—which is not part of the national highway. The Treasurer is vocally supported in his calls for this by the member for Dunkley and the member for Deakin. To listen to the Treasurer, you would have thought that the Mitcham-Frankston road was the most important transport artery in the country. As I said, it is not part of the national highway, yet the Treasurer hardly ever mentions the Western Sydney orbital tollway, which will become an important link in the national highway.

The M7 Western Sydney Orbital is due for completion next year. It will make a big improvement to traffic along the Cumberland Highway, but it will come at a cost to motorists. The toll is expected to be around $5 for a one-way trip, so motorists using the M7 to travel to and from work can expect to pay up to $50 per week in tolls. That is a big bite out of the family budget, but the real sting for motorists is the cost of petrol. With prices at the pump staying over $1 a litre in recent weeks, families in south-western Sydney are struggling with petrol bills of over $100 per week. When both parents need a car to get to work, the cost of running a car is the second biggest family expense after mortgage payments or rent. Since so much of the price of petrol is paid to the Commonwealth government in fuel excise, you might expect the Commonwealth to use a large slice of that fuel excise revenue to build and improve roads like the national highway.

Last financial year, the Commonwealth collected over $13 billion in fuel excise. Nearly $7½ billion of that was excise on petrol. The Treasurer should have his face on every petrol pump in the country, because he is smirking all the way to the bank. While he carries on about motorists living in the eastern suburbs of Melbourne being forced to pay a toll on the Mitcham-Frankston motorway by the Bracks government in Victoria, he quietly sneaks $13½ billion each year out of motorists’ pockets. And how much of that $13½ billion does the Commonwealth invest in the road infrastructure of this country? Less than $1½ billion. That is less than 11¢ in the dollar. For every dollar this government collects in fuel excise, it spends 11¢ on this nation’s roads, and yet this Treasurer has the hide to lecture the states on road funding. He has the hide to say that infrastructure bottlenecks are all the fault of state governments. So while their petrol excise goes to fund the government’s regional rorts program, motorists in south-west Sydney have to suffer delays along Camden Valley Way, they have to travel bumper to bumper along Kurrajong Road at Prestons, in the electorate of Werriwa, and they have to risk life and limb to dance with the dinosaurs along the Cumberland Highway. In an area that will see its population increase by the equivalent of a city the size of Canberra in the next two decades, residents of south-west Sydney have to rely on roads built 50 years ago to get to work. The M7 Western Sydney Orbital
will provide some relief, but motorists will have to pay to use it.

Having said that the M7 orbital will make things easier for some motorists, I should add that there is a catch that actually makes things worse for many motorists. One thing that has always been of great concern to me is the secret nature of tollway contracts and the conditions in those contracts which prohibit governments from improving alternative roads in the area of tollways. The effect of these restrictions is that some badly congested road intersections may never be improved. One such intersection in the Fowler electorate is the notorious meccano set at the intersection of the Hume Highway with Woodville Road and Henry Lawson Drive. Plans have been in existence for nearly 20 years for this to be made into a grade separated intersection. The land has been reserved and, given the accident record and its history of traffic delays, you would have expected the work to have been completed many years ago. But there is no indication that this intersection will ever be improved. This is another one of those infrastructure bottlenecks that will never ever be fixed.

When you see the long lines of trucks coming from the Wetherill Park, Smithfield and Yennora industrial areas in the neighbouring electorate of Prospect, trucks heading for Port Botany along this direct route, you have to wonder just how serious this government is about fixing the bottlenecks. That industrial area is now the largest in Sydney and a large source of our manufactured exports. But where is the priority for getting these goods to ports and to the markets of the world?

Another bottleneck that seems never to be fixed is rated as the worst intersection in Australia, and that is the Cumberland Highway-M4-Great Western Highway intersection. Until the M7 orbital is opened, this intersection will continue to be the biggest cause of delays on the national highway. But even the opening of the M7 will not relieve congestion at this intersection. You have to ask whether this is also part of the deal for the M7 and whether this intersection will ever be fixed. The same could also be said for other north-south routes in Western Sydney. There is no direct route between the Wetherill Park industrial area and Blacktown, and I might also ask whether that link will ever be built.

When you see the valuations in the take-over bids for such roads as the M2 in Sydney’s north, you have to ask whether these secret, commercial-in-confidence arrangements serve the interests of motorists or the tollway owners. Whichever way you look at the picture, motorists in south-west Sydney get slugged every time they fill the tank in their car. (Time expired)

Child Support Agency

Mr SCHULTZ (Hume) (4.50 p.m.)—Over the weekend I took the opportunity in some of the time that I had available to me to read a document by PIR Investment Research entitled A review of the unemployment and welfare costs of the Child Support Agency. Lo and behold, I was gratified to read that much of what I had been saying about the Child Support Agency is in fact included in that document. My recommendation to those in the media who are interested in looking at injustices in this country is that they should read this document. It contains some very compelling facts based on information that the research group got out of that government agency.

In the executive summary of that report, headed ‘Child support—the financial cost to the taxpayer’, it says:

- Amongst the key findings of the report are:
- Children of separated parents now receive less per child than prior to the creation of the
$240 million a year CSA bureaucracy with its 3,000 staff.

- For every dollar the CSA collects, it costs $5.58 in administration costs, welfare and lost taxation revenue.
- The cost of the scheme in administration, increased welfare and lost productivity was estimated at $5,000 million for 2002/03.
- The number of payers earning less than half the national average wage is 45%.
- In all probability on average more than 70% of all the unemployed males in Australia over the age of 20 are child support payers.
- At least 39% of CSA payers are either unemployed, sporadically employed or on disability pensions.
- 47% of separated fathers did not file a tax return in 2003.
- An estimated 80% of payees are reliant on social welfare.

It goes on to say, in part:

Official government statistics reveal male participation in the workforce is declining at an alarming rate. PIR Independent Research has reached the conclusion that the child support scheme is the primary driver of unemployment in Australia.

On the basis of the thousands of submissions that I have received, I have to agree with them. The report goes on to say:

- Payers faced with the daunting prospect of losing up to 62% of their after-tax wage calculated on their gross wage at marginal tax rates are opting out of the work force. On top of high income tax rates cutting in at low levels separated fathers can be left with less than 20 cents in the dollar. This provides strong disincentives to work.
- Payees are receiving considerable monies via parenting payments, family tax benefits, rental assistance and tax free child support payments from the payer, which can be sufficient to provide a reasonable lifestyle without the need to seek part or full-time work.

There are serious flaws in the research which was used to justify the creation of the Child Support Agency and serious flaws in the formula still used to calculate child support. But beyond this PIR Research believes that the Agency has been grossly mismanaged and by its own tactics and procedures has helped drive the high unemployment rate of its clients.

In closing, here is another quote from that summary:

The Agency lacks transparency and proper accountability, and continues to apply excessive demands on payers with considerable hostility. The effect has been to cause a huge unemployment pool that if it continues to grow at its present rate, will cost taxpayers an estimated $66 billion over the next ten years.

As a result of reading that—and I agree with it, on the basis of what I had read into all of the thousands of submissions that I have received in my office—I was very much aware of what the research paper had to say in relation to the capacity to earn. I will just touch on that subject. The capacity to earn is the reason most cited for increasing a payer’s payments and is thereby the single greatest cause of creating an instant back debt. That then attracts punitive collection methods, including the sweeping of bank accounts—and I have had some experience with that, I can tell you, as recently as last Friday—and orders to sell assets, including the family home. Debts are endured beyond bankruptcy.

The scheme was not meant to be intrusive into people’s lives, and it was not meant to be a deterrent to employment. It is only in later years, since 1997, that the Child Support Agency has vigorously pursued payers by increasing their deemed incomes on the basis of their capacity to earn. Have you ever heard so much nonsense as the words ‘capacity to earn’—that piece of diatribe coming out of the Child Support Agency? This has had the impact of increasing people’s debt levels, which are then used as the reasoning for the Child Support Agency to demand harsher penalties against alleged nonpayers, who are more likely to be parents unable to
pay than parents unwilling to pay. Its implementa-
tion was without proper democratic consultation with all stakeholders, particu-
larly fathers’ groups.

The objectives of the scheme were to en-
sure that parents share in the cost of support-
ing their children according to their capacity
to pay; that adequate support is available for
all children not living with both parents; that
Commonwealth involvement and expendi-
ture is limited to the minimum necessary to
to ensure that children’s needs are met; that
incentives for both parents to participate in
the work force are not impaired; and that the
overall arrangements are simple, flexible and
efficient and respect personal privacy.

While the Child Support Agency produces
considerable research and data, it is skewed
in a way that cannot be interpreted to effect-
vively benchmark and monitor the perfor-
ance of the Child Support Agency. An inde-
pendent review is required to ensure that
continuing selectivity is not applied to the
data and reports generated. The performance
of the Child Support Agency in collecting $1
billion from non-custodial parents was
proudly announced recently. Not announced
were the unemployment benefits for the
129,174 non-custodial parents, costing the
government $1.163 billion. The cost of run-
ning the Child Support Agency is $274.742
million per annum, giving the federal gov-
ernment a bill of $1.43 billion. How in the
hell can anybody run a business that runs
into deficit like that agency does? How does
the government justify this false economic
logic? Where is the economic rationale in
continuing the child support scheme if peo-
ple are forced to opt out of it? Where is the
economic engine for Australia if a growing
portion of the community cannot afford to
work? The Child Support Agency formula
must be changed substantially.

With a general interest in seeing the chil-
dren of separated parents well cared for, me-
dia interest has come in slowly behind com-
munity outrage about the impacts and opera-
tions of Australia’s child support scheme.
Taxpayers not involved with the Child Sup-
port Agency are completely uninformed
about the way the child support scheme op-
erves and are largely unaware of the conse-
quences for paying parents and the commu-
nity at large. It is the government’s obliga-
tion to ensure that transparent reporting is
immediately implemented. Taxpayers will
then clearly understand that they can no
longer afford the financial and social costs
and the continuing drain on public sector
resources.

These were the very points that I made
last week to the two ministers responsible for
the Child Support Agency, Minister Patter-
son and Minister Hockey. I said that, as the
ministers responsible for this government
agency, they should immediately commit
themselves to undertake an independent in-
quiry to identify malpractices and breaches
of Australian law by the Child Support
Agency and to make each individual from
the top down responsible and accountable for
their actions. I also said, and I will continue
to say it: it should be obvious to anybody
with any intelligence that there are serious
problems within the Child Support Agency,
including the abuse of people’s rights, the
abuse of their privacy, and unaccountable
access not only to people’s private bank ac-
ccounts but also to joint bank accounts opened
with their partners in a second relationship.

The information that I am getting from
people is very worrying. I have here a small
submission from a woman who has told me
about the effect that the Child Support
Agency is having on her marriage—which is
a second marriage—and her children, who
are being ignored in favour of the children of
the payee. It is a common occurrence. The
Child Support Agency publicly espouse concern and care for the children of parents; on the one hand, they say they have to do what they are doing in the interests of the children of a broken marriage but, on the other hand, the payer they are pursuing is not allowed to get on with his life and enter a second relationship. The children of that marriage are also being ignored. (Time expired)

Foreign Affairs: China

Mr DANBY (Melbourne Ports) (5.01 p.m.)—I grieve for the situation in the Taiwan Straits, which has the potential to involve not only China and Taiwan in conflict but also other countries, including the United States, Japan and Australia. A war in the Taiwan Straits would be a tragedy for the East Asian region when the countries of the region are successfully building a framework for peace, prosperity and democracy, to the great benefit of the billions of people of the region.

Today the Chinese National People’s Congress in Beijing, at the behest of the Communist Party, passed a so-called antisecession law, which in my view is intended to intimidate the people and government of Taiwan. Article 8 of the law authorises the Chinese government to take what it calls ‘non-peaceful measures’—truly Orwellian doublespeak—to maintain the national sovereignty of China. As China claims that Taiwan is a province of China, this law is clearly directed at any attempt by Taiwan to move towards formal independence. According to Chinese leaders, this law gives China the right to attack Taiwan should the government of Taiwan take any action that China chooses to define as ‘separatist’. The definition of ‘separatist’ is in the widest sense of the word and is determined by Beijing. Taiwan has recently made moves through President Chen Shui-bian to ensure that there is no misapprehension in China that the island is declaring independence.

China has claimed jurisdiction over Taiwan throughout its history, but firm Chinese rule over the island was established only in 1664. In 1895 China was forced to cede Taiwan to Japan following the Sino-Japanese war. In 1945 the island was returned to Chinese rule, but in 1949 the communists gained control of the mainland and established the People’s Republic of China. The government of the Republic of China escaped to Taiwan, and the island has been de facto independent ever since. This means that Taiwan has been under the effective rule of China for only four years in the past century. The people of Taiwan, while mostly of Chinese descent, increasingly feel themselves to be Taiwanese and not Chinese.

Over the past 30 years Taiwan has become a successful, stable and prosperous democracy. The free and fair elections there have been witnessed by many members of this parliament. In fact, the orderly transition of power without violence in Taiwan is something of great interest to people who support democracy throughout the world. Today Taiwan has a population of 22 million and is Australia’s seventh largest trading partner.

When Gough Whitlam came to power in 1972, he quite rightly established diplomatic relations with the People’s Republic of China, which meant accepting Beijing’s theoretical claim of jurisdiction over Taiwan. The United States followed suit a few years later. However, recognition of China’s de jure claim to Taiwan was always accompanied by an understanding that China would not use force to establish that claim.

For the past 30 years China and Taiwan have enjoyed increasingly close economic relations, to their mutual benefit, while allowing the issue of the status of the island and its future to remain deliberately ambi-

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ous. At the insistence of his friends in Australia, the United States and Japan, President Chen Shui-bian of Taiwan, despite his background of support for Taiwanese independence, has pledged not to make any moves in that direction. Despite this, in recent years the Chinese leadership has, in my view, grown increasingly belligerent about this issue.

Despite some conciliatory moves recently by China to allow commercial aircraft traffic between Taiwan and China, we now see the passage of this antisecession law. This move by the National People’s Congress seems to be a deliberate escalation of tensions between China and Taiwan by the government in Beijing and perhaps a sign that China is contemplating a unilateral change to the status quo. The law threatens to destroy what has been a growing atmosphere of amity and reconciliation across the Taiwan Straits, symbolised recently by the resumption of civil aviation links. Instead this law will only serve to engender resentment towards China among the people of Taiwan and those people who want a peaceful resolution to the cross-strait tensions. Many people in Taiwan are now calling on the government to pass an anti-annexation law to counter the threat of Chinese hegemony. Thus China’s heavy-handed tactics are only making more likely what it is trying to prevent—a move towards formal Taiwanese independence.

China has been engaging in an ominous arms build-up in recent years. Defence expenditures will reach $38.1 billion this year, which is up 12.6 per cent from last year. Not only has China acquired the capacity to attack Taiwan from the air but it also recently purchased 23 amphibious craft that would enable it to take troops and tanks across the Taiwan Strait. This is a very dangerous situation, as there is no doubt that Taiwan would fight to defend its rights. Under the Taiwan Relations Act, the United States would be obliged to come to Taiwan’s defence if such an attack were launched.

The ANZUS Treaty makes Australia a military ally of the United States, so there is a possibility that Australia could be drawn into this. China understands this, which is why we now see the spectacle of representatives of Beijing demanding that the Australian government review our 50-year military alliance with the United States. The Director-General of the North American and Oceania Affairs section of the Chinese foreign ministry, He Yafei, has been quoted in recent days as warning Australia and the United States about the need to be careful not to invoke the ANZUS alliance against China. Opinions differ as to whether China really would resort to force against Taiwan. If it did so, it would risk losing economic advances over the past 20 years, not to mention the Olympic Games.

Robert Kagan, a senior associate at the Carnegie Endowment for International Peace, argues in the Washington Post on 10 March:

It is possible that China hopes to get what it wants by bullying alone and that the Chinese leadership has no real intention of making good ... its threats. It is also possible, however, that the Chinese are laying the groundwork for an eventual military assault on Taiwan. Who knows? Either way it would be foolish and dangerous to ignore Chinese threats. The best way to avoid war in the Taiwan Strait is to make it clear that the United States will abide by its defense commitments, together with its Australian and Japanese allies.

‘Let’s not be too subtle’ in our response, Mr Kagan argues. That is very good advice. I think that the authorities in Beijing misunderstand democratic solidarity if they think that Australians, who want good relations with China and who consider the economic progress in that country and the great economic benefits of trade between the two countries, can be ignored in the long term if
there was a military escalation as a result of this belligerent law. The prospect of a small country like Taiwan which changes its government by democratic election being militarily attacked and Australia—let alone the United States—not saying anything is a miscalculation by Beijing authorities who do not understand democratic international politics.

We cannot assume that China is bluffing. It would be foolish and dangerous to ignore these threats. Australia should be using its best offices to see the situation does not deteriorate further. We should certainly be counselling our friends in Taiwan not to make any provocative moves about secession. We should also be making it clear to China that the use of force is not an acceptable course and that the US view is—if worst comes to worst—that they will defend Taiwan against an attack, just as President Clinton, a very liberal President of the United States, did some years ago. Australia’s interest clearly lies in the preservation of the careful ambiguity of the current situation, in which Taiwan is de facto an independent state but China’s de jure sovereignty is recognised. But in the long run this may not be a tenable position. As Taiwan becomes a more distinct national entity, people there will ask why they are denied the right of national self-determination. If a future Taiwan chooses this path, Australia and other democratic states will face a difficult dilemma.

That, fortunately, is not the situation now. That is a problem for diplomats of the future. The issue facing us at present is persuading China that its bullying of Taiwan will not succeed, and that China’s interests lie in continued economic progress, domestic political reform and peaceful cooperation with all of her neighbours. My view is that the statement from the leading Chinese official threatening Australia over the ANZUS alliance and over cross-strait relations is symptomatic of the Chinese Communist Party’s misreading or miscalculation. The fact is that Australia has very good relations with China, and everyone in this parliament and in this country wants them to proceed. But if, in the still unlikely instance, the Chinese were to ratchet up into a full-out military conflict with Taiwan, I think the authorities in Beijing would see a change in mood not just in this country but in Europe and in the United States—and I am sure that is a situation that wise and cool heads in Beijing do not want to precipitate.

**Soldier Settlement Schemes**

Dr STONE (Murray—Parliamentary Secretary to the Minister for Finance and Administration (5.10 p.m.)—I want to talk today about a particular set of government policies, the first of which was an absolute abysmal failure because of its inflexibility and its misunderstanding of the conditions that existed in the economy at the time. However, the second policy, following the same area of interest, was an outstanding success. Let me talk about these policies: they are the closer settlement schemes and the soldier settlement schemes.

Before World War I we had closer settlement schemes, and the idea was to entice British and American immigrants out here to occupy the country. We were very concerned at the turn of the century and in the early 20th century about our very small population, spread over what we considered very attractive country to our neighbours. But after World War I it was felt that the debt of honour that was owed to the returning diggers could perhaps be best paid by putting a lot of those returned diggers onto the land. There was a view at the time that it was just a simple case that if you were given land, and if you were willing to work, you could make the deserts bloom.

Some 10,000 returned servicemen took up blocks in Victoria immediately after the First
World War. Unfortunately the size of the blocks, their locations, the individuals’ lack of capital, the lack of public infrastructure at the time and depressed produce prices saw some extraordinary hardships and personal tragedies, and up to 60 per cent of those who had designated blocks walked off them in that First World War soldier settlement scheme. You can imagine the difficulty, for example, of being given a square mile of uncleared mallee country, in areas of quite arid zone agriculture today, and that one square mile had to be cleared with perhaps just a bulldozed track as a road taking you to a very far distant town. In addition, you were given no support if you did not have any capital of your own and you may perhaps have lived in a humpy for quite a few years. But in those circumstances, and with just a few dry years, it was a disaster waiting to happen. As I said, over 60 per cent walked off.

Sadly many of those diggers who had survived the European theatre of war, many of them already perhaps suffering from the physical if not the mental rigours of such a long period at war, stepped off these blocks into the teeth of the 1930s depression. So there was no alternative work for them either. Some took to the roads as the bagmen of that era; others went to the cities and literally began to beg, often leaving their families with some other family member who could help the family—the wife and the kids—to survive. So unfortunately the grateful nation, while well-intentioned, had got it terribly wrong when it came to the soldier settlement scheme that was established in 1917. There was also an incredible inflexibility surrounding that scheme and when the royal commission looked into the deplorable circumstances of those soldier settlers, there were many cases where people begged to be given some support. But the inflexibility of the scheme was such that it was ‘walk off’ or ‘stay and starve’.

You would think after that experience that perhaps governments would not have believed in the whole notion of soldier settlement, but after the Second World War it was believed that there should be another soldier settlement scheme but this time learning from the policy mistakes that had been so evident in the First World War scheme. In the First World War scheme, the more expensive the land the smaller the block, which meant that you could hardly survive. In the Second World War scheme, blocks were purchased in areas that were viable and productive. Individuals were interviewed to see what their aptitude, skills and understanding of agriculture were before they were given a block.

There were in fact some 6,000 ex-servicemen, with 21,000 dependants, who participated in the Second World War soldier settlement scheme. They were paid an allowance for the first 12 months. They had to repay one per cent interest on capital over 55 years. Their bank interest was two per cent. As I said, they had workable-sized blocks. They had modern housing built for them. Indeed the architecture that suddenly became evident right across rural Victoria changed the face of housing in rural and regional Australia for all time. These houses had many windows. They were low-roofed and had low ceilings. They were quite different to the housing that had been there before. The construction of these houses trained up a whole generation of carpenters and builders who previously in rural and regional Australia had experience only of mud brick or timber dwellings. On each property shedding was built, there was fencing and a water supply was established.

Luckily the soldier settlers who were settled immediately after being demobbed stepped into the 1950s wool boom, which
was stimulated to some extent by the demand for woollen uniforms and clothing that arose from the Korean War—and the fact that wool had been run down as a fibre right throughout the period of the Second World War. There was of course a lot of increased carrying capacity as a result of the irrigation systems that were really coming into their own in the 1940s and 1950s. Compared to what had been happening on that same land before it was settled in this new way, it was found that there was a 30 per cent increase in productivity on the soldier settler blocks. There were roads built and social infrastructure—schools, churches and sporting facilities—established. RSL halls were established too, because, of course, the RSL continued to support these soldier settlers and demand that they had a fair go this time. The SEC came to these areas.

On Sunday I had the real privilege of opening a memorial to the soldier settlers of the Second World War and after at the small community of Nathalia and district along the Murray in my electorate. Some years ago I had a similar privilege when I unveiled a memorial to the Strathmerton soldiers settlers, also of the Second World War period. About five years ago I spoke at the last meeting of the board of the Closer Settlement Scheme at the Victorian RSL, where the men who had presided over this World War II scheme, who were now in their 80s or older, bade a final farewell to the scheme itself, saying that their job had been done. I want to pay tribute to the diggers of the First World War soldier settler schemes who suffered, and mostly lost, because of the government policies of the day not being flexible and being inappropriate for the conditions and environment of the day. I want to pay a huge compliment to those who persisted in the Second World War scheme. It was state run but the costs were reimbursed from the Commonwealth.

Today we acknowledge that those Second World War soldiers did two things. They saved the country from what was looking to be an attempt at colonisation by the Japanese when our troops fought off their advances down through Papua New Guinea and as they bombed Darwin. So we owe our freedom to these Second World War returned service men and women of the Army, Air Force and Navy. We owe them our society as it is today. In my part of the world, we also owe them the social structure and the economic wellbeing that we experience today in what is the food bowl of Australia. These soldier settlers in fact created the most prolific food producing region in all of Australia. We have the most densely concentrated food manufacturing of any part of the country. We have the most well-developed irrigation structures, which in our part of the world are developing over $3 billion worth of agribusiness per year.

I want to sound a note of warning though and a note of caution. A lot of this is now under threat due to the short-sighted policies of the Victorian government. As they put in place their so-called white paper where they claw back irrigation water—and in turn fail to put in place funds for supporting on-farm water use efficiency measures—they jeopardise the future of our irrigation systems. We have now in the Victorian parliament a so-called reconfiguration project where they look to farms which have sold off their water due to the drought and say, ‘Perhaps we can simply shut down the irrigation systems in these parts’. These are the irrigation systems which were built to complement the soldier settler schemes of the 1950s. I say that is a short-sighted move. We must of course have a sustainable environment with environmental waters returned to our river systems, but that must not be at the expense of our region’s development and our community’s viability. The social fabric of our community
is such that it is one of the most tolerant and supportive environments in Australia, hence our enormous multicultural and multiracial population. All of that is at stake if Victorian government policy gets it wrong in the way that it got it wrong in the First World War soldier settlement schemes.

We need smart policy, developed in consultation with our local people—and I acknowledge Rob and Cheryl Miller, who are here from my area, along with their friends Sue Dreyer and David Moreton. They are salt of the earth people from my part of the world who work hard and whose ethic is to do the best for our country. I thank the House. (Time expired)

BROADCASTING SERVICES AMENDMENT (ANTI-SIPHONING) BILL 2004

Consideration of Senate Message

Bill returned from the Senate with amendments.

Ordered that the amendments be considered immediately.

Senate's amendments—

(1) Schedule 1, page 3 (after line 4), before item 1, insert:

1A After subsection 115(1)

Insert:

(1AAA) Any notice in effect in accordance with subsection (1) must include a reference to each match in the Fédération Internationale de Football Association World Cup (FIFA) finals tournament as being an event of the kind specified in subsection (1).

(2) Schedule 1, page 3 (after line 20), at the end of the Schedule, add:

3 Paragraph 10(1)(e) of Schedule 2

Repeal the paragraph, substitute:

(e) the licensee will not acquire the right to televise, on a subscription television broadcasting service, a commercial television broadcasting service or a national broadcasting service an event that is specified in a notice under subsection 115(1) unless:

(i) a national broadcaster has the right to televise the event on its broadcasting service; or

(ii) the television broadcasting services of commercial television broadcasting licensees who have the right to televise the event cover a total of more than 50% of the Australian population;

(eaa) the licensee will not communicate to the public, or permit to be communicated to the public, on a subscription television broadcasting service an event to which the right to televise has been acquired in breach of subparagraph (e)(i);

(3) Schedule 1, page 3 (after line 20), at the end of the Schedule, add:

4 After subclause 10(1B) of Schedule 2

Insert:

(1C) For the purposes of paragraph (1)(e), if a related party of a subscription television broadcasting licensee acquires the right to televise an event, the licensee is taken also to have acquired the right. For this purpose, related party of the licensee means:

(a) a person who is in a position to exercise control of the licensee; or

(b) a person in respect of whom the licensee is in a position to exercise control; or

(c) a person who is in a position to exercise control of a person mentioned in paragraph (a) or (b); or

(d) a person in respect of whom a person mentioned in paragraph (a) or (b) is in a position to exercise control.
Mr McGAURAN (Gippsland—Minister for Citizenship and Multicultural Affairs) (5.20 p.m.)—I move:

That the amendments be disagreed to.

The opposition have moved three amendments to the Broadcasting Services Amendment (Anti-Siphoning) Bill 2004 and those have been approved by the Senate. I now wish to outline why these three amendments are unacceptable to the government. I will deal firstly with amendment No.1, which relates to the 2010 World Cup. The opposition’s amendment seeks to permanently add the FIFA soccer World Cup finals to the antisiphoning list, via legislation—I hope I have pronounced that properly, as I am more an AFL man than I am a soccer man. It is going to be very interesting to hear the shadow minister for industry, workplace relations, manufacturing and all things economic, and formerly shadow minister for communications, explain this away—because this is a very significant departure from previous practice and an impractical, unworkable approach to antisiphoning issues, as I will now outline.

Certainly the government continually monitor the antisiphoning list to make sure it appropriately reflects the attitude of Australians and the commercial realities of sporting and broadcasting sectors. It is against that backdrop and in that context that we announced on 9 March that the 2010 FIFA World Cup final will be added to the antisiphoning list. That is exactly how it should operate: the government of the day, through the minister, takes into account community expectations as well as the commercial realities of broadcasters, including the national broadcasters—ABC and SBS—makes a decision and adds or subtracts from the antisiphoning list. But the opposition’s amendment goes far beyond this, because their approach is to amend the antisiphoning list via legislation. They do not want to do it by government decision, with all the flexibility and speed that that involves; instead, they will resort to a cumbersome mechanism such as legislation, which even Senator Conroy, the current communications shadow minister, described in the Senate as being a blunt instrument. By the way, under no previous Labor government did the Labor Party depart from the practice of the current Howard government, where we believe that you use the gazettal and tabling of a notice made by the minister and do not amend primary legislation. This approach has enabled ministers to add or remove events and it provides the flexibility for it to operate effectively for the free-to-air and pay television broadcasters, the rights holders and, most of all, Australian audiences. The opposition’s approach is deeply flawed, and I am waiting expectantly for the very competent member for Perth’s explanation of how it will actually improve the situation where a minister can list or delist speedily via gazettal and tabling.

By requiring the World Cup to be on any antisiphoning list created under the provisions of the act, the Labor Party’s amendment would remove flexibility, which is the key element of the scheme of this and previous governments. As a consequence, it is possible that the amendment proposed by the opposition would override the automatic delisting provisions of the act, which operate to delist an event six weeks before its occurrence—or 12 weeks under the bill—and also cover its delisting after the occurrence of the event, which enables pay TV licensees to broadcast highlights or news reports of the event. That is patently absurd. Why would the opposition seek to prevent pay television from even screening a delayed highlights package about the World Cup?

Critically, this amendment would also have the likely effect of preventing any minister in the future from delisting the soccer
World Cup in the event that free-to-air broadcasters do not acquire the rights, thereby circumventing the entire intention of the scheme. It would lead to a bizarre situation in which, if Australian free-to-air broadcasters decided that (Extension of time granted) it was too expensive to broadcast the World Cup or that it was not in the right time zone or that there was any other reason that prevented them, in their commercial judgement—which they are entitled to bring to bear—from obtaining the rights, pay television broadcasters would not be able to broadcast the event. Australian audiences would be deprived of the right to see any coverage of the World Cup at all, should free-to-air broadcasters decide not to cover it. Is this what the opposition is seeking? I doubt it, and yet that is the effect of their amendment. Whether it is intentional or accidental on the part of the opposition, whether it reveals a clear intent or poor drafting, either way the amendment is unacceptable to the government and the Australian public, let alone the broadcasters. We ourselves have added the World Cup to the list. We reject the amendments.

Mr STEPHEN SMITH (Perth) (5.26 p.m.)—I am happy to make my remarks today as shadow minister for industry, representing the shadow minister for communications, Senator Conroy, from the other place. The Broadcasting Services Amendment (Anti-Siphoning) Bill 2004 makes a minor procedural change to the antisiphoning regime. Under the Broadcasting Services Act, all pay TV broadcasters are subject to a licence condition which means they cannot acquire an event that is listed on the antisiphoning list unless it has also been acquired by a free-to-air broadcaster. The fact that an event is on the antisiphoning list does not necessarily mean that it will be shown on free-to-air television. Free-to-air broadcasters often decide that they do not want to show a listed event—for example, overseas cricket tours. As I said in my remarks during the second reading debate, history has shown that, if free-to-air broadcasters do not show a particular listed event, in due course it goes off the list.

The Broadcasting Services Act contains an automatic delisting process where events are taken off the antisiphoning list six weeks before they commence, if free-to-air broadcasters have not picked up the rights. The major change made by the bill is to extend the time for automatically listing from six weeks to 12 weeks. Labor supports this change to allow pay TV licensees more time to promote and prepare for the broadcast of events that are not taken up by the free-to-air broadcasters. This has been an issue for pay TV broadcasters for some time, and I am pleased to see that it will be affected by the bill.

Labor in the Senate succeeded in making two substantive amendments—three technical but two substantive—to the bill to further strengthen the antisiphoning regimes. The first requires the minister to include the FIFA—or soccer, for the benefit of the minister—World Cup finals tournament on any antisiphoning list that is in force. The second seeks to plug a loophole in the antisiphoning regime by ensuring that parties that are related to pay TV licensees, such as channel providers, cannot acquire the rights to events that are on the antisiphoning list before free-to-air broadcasters have had a reasonable opportunity.

I will deal firstly with the World Cup amendment. The minister is very good at protesting too much, but protest too much he does. Labor in the Senate circulated this amendment to put the World Cup back on the antisiphoning list last Wednesday morning and, lo and behold, by Wednesday afternoon, the government had announced that it would
restore the 2010 finals in South Africa to the list. We welcome this belated change of heart on the part of the government. It is a great victory for soccer fans, who have waged a long campaign to see the 2010 World Cup back on the list—including Senator Conroy, I must say, a well-known obsessive soccer fan.

The 2010 World Cup should now be broadcast on free-to-air television and available to all Australians, so Labor’s amendment has had its ultimate practical effect. The desired aim of the Labor amendment—to get the 2010 World Cup on the list—has been effected. The government has backed down from its untenable position. Should the parliament now adopt the amendment, it would ensure that the World Cup is on the antisiphoning list for the 2014 World Cup and beyond. The amendment would ensure that, so long as the antisiphoning list is in force, it must include a reference to the World Cup finals tournament. The minister has outlined a range of reasons why, in the government’s view, that ought not to be adopted, but the practical reality here is that the effect of the Senate passing that amendment at Senator Conroy’s suggestion is that the government belatedly, against its longstanding position, restored the 2010 finals in South Africa to the antisiphoning list for the benefit of Australian viewers.

The second substantive amendment is in respect of what has become known as the loophole to the antisiphoning regime. The antisiphoning regime only prevents pay TV licensees, such as Foxtel, from acquiring the rights to events on the antisiphoning list before the free-to-air networks. It does not prevent third parties related to licensees, such as channel providers, from acquiring the rights. Labor believes that the ability of parties related to pay TV licensees to acquire events before free-to-air broadcasters has the potential in practice to undermine the antisiphoning scheme. Arguably, it is also contrary to the intent of the parliament when it introduced the scheme in 1992.

When pay TV commenced in Australia it was not envisaged that channel providers would be purchasing the rights to sporting events. The explanatory memorandum to the original antisiphoning legislation indicated that parliament wanted free-to-air broadcasters to have first crack at rights to listed events. The explanatory memorandum to that original legislation described the intention in the following terms:

This process should ensure, on equity grounds that Australians will continue to have free access to important events. It will, however, allow subscription television broadcasters to negotiate subsequent rights to provide complementary or more detailed coverage of events.

On this reading, parliament intended at that time to put free-to-air broadcasters in a position to maximise the chance of listed events being broadcast on free-to-air television.

(Extension of time granted)

Labor’s amendments seek to achieve three things: firstly, to stop pay TV licensees from acquiring the free-to-air rights to listed events; secondly, to prevent licensees from broadcasting events on the antisiphoning list in circumstances where they have not acquired them; and, thirdly, to ensure that the regime also applies to parties related to pay TV licensees. The government has raised drafting concerns about the amendments in the Senate but at the same time has failed to address the substantive issue of principle behind them. Does the government, for example, believe that current practices are consistent with the intent of the antisiphoning regime—in particular, the original intent as expressed in the original explanatory memorandum? While the government continues to assert that there is no such loophole, its own members are not so sure. Government members of the Senate committee urged the minister to examine the issue of the loophole and
whether it may be circumventing the intent of the antisiphoning scheme.

Just as the passage of the bill was relevant to the insertion of the 2010 FIFA World Cup in soccer back onto the list, the passage of the legislation also had some relevance as far as the showing on free-to-air television of the forthcoming Ashes series in the United Kingdom was concerned. SBS and Channel 7 did respond to public concern that the Ashes tour would not be shown on free-to-air television, but this does not necessarily demonstrate that the scheme is working effectively. The effective operation of the scheme should not depend on a public outcry, an outcry by Senator Conroy or a campaign by the West Australian.

Labor remains committed to a strong and effective antisiphoning regime. Events of national importance should be available to all Australians, not just those who can afford pay TV. If the government rejects these amendments and events are subsequently lost to free-to-air viewers through the exploitation of the loophole, it will not be able to avoid responsibility, because the government has been well and truly warned of the danger and alerted to that danger by its own members on the Senate committee that looked at this.

Mr McGauran (Gippsland—Minister for Citizenship and Multicultural Affairs) (5.34 p.m.)—Looking at Senate amendments (2) and (3), in response to the honourable member for Perth I say at the outset that the government does not accept that there is an antisiphoning loophole. The fact is that there is not a single example of a pay TV licensee acquiring, let alone broadcasting, a listed event in contradiction of the antisiphoning scheme. I challenge the member for Perth or the shadow minister for communications, Senator Conroy, or anyone else for that matter—whoever it is who is feeding the opposition these very time consuming and legislatively complex amendments—to produce such an example. They cannot. It is a simple question: please tell us who has exploited this so-called loophole.

The Labor Party, in putting forward these amendments, has claimed that, while this may be the case, acquisition of rights to listed events by pay television channel providers has prevented free-to-air television broadcasters from obtaining exclusive access to those events, thereby removing the commercial case for broadcasting them. Again, the very basis of this claim by the Labor Party and the justification for amendments (2) and (3) is not supported by any evidence. Indeed, the recent acquisitions of the Ashes tests and the one-day matches by SBS and Channel 7 are cases in point.

As the report of the Senate committee makes clear, the antisiphoning scheme was never intended to guarantee that free-to-air broadcasters could gain exclusive access to listed events. Rather, it was intended to ensure that a pay TV licensee could not acquire the exclusive rights to listed events until their free-to-air counterparts had a reasonable opportunity to acquire rights. Moreover, the current scheme has a safeguard that directly addresses the concerns behind the opposition amendment. The current licence conditions imposed on pay TV licensees prevent a pay TV licensee from acquiring rights from an associated company before they have first been acquired by a free-to-air broadcaster or the event has been delisted. If a free-to-air broadcaster considers it has not had a reasonable opportunity to acquire rights. Moreover, the current scheme has a safeguard that directly addresses the concerns behind the opposition amendment. The current licence conditions imposed on pay TV licensees prevent a pay TV licensee from acquiring rights from an associated company before they have first been acquired by a free-to-air broadcaster or the event has been delisted. If a free-to-air broadcaster considers it has not had a reasonable opportunity to acquire rights to a listed event, it can apply to the minister to have the event retained on the list and not be subjected to automatic delisting, thereby preventing exclusive pay TV broadcasting of the event. There you have it—a sensible, workable explanation of the government’s legislation, which the opposition is attempt-
ing to amend without evidence and without justification.

I do not know the motives or the reasons behind Senator Conroy’s taking up the parliament’s time with these unnecessary and unworkable amendments. Maybe idle hands lead to mischievous work or maybe special interests are using Senator Conroy to channel certain issues into the parliament for their own purposes. I do not know. All I know is that no case has been made out for these amendments. Moreover, Senate amendments 2 and 3 have enormous legal complications. If time permitted, I would happily explain those on the basis of counsel’s advice. Then there is the impact on the regulator. These are unintended consequences, I am sure. In opposition, it is true that you do not have the same resources available to you as government does. But Senator Conroy should have worked these through with Senator Coonan, the Minister for Communications, Information Technology and the Arts, before taking up everybody’s time.

In summary, these amendments seek to address a problem which has not been proven to exist. If the amendments were ever to be carried, they could inflict a major burden on the sector and would not even be effective. For those reasons, the government rejects them. I present the reasons for the House disagreeing to the Senate amendments. The government rejects the amendments.

Mr STEPHEN SMITH (Perth) (5.38 p.m.)—May I speak very briefly, Mr Deputy Speaker. We would not want the pay TV industry to be delayed much longer for the extension from six weeks to 12 weeks, which is a very beneficial aspect of the legislation. What is the effectiveness of the amendments that Senator Conroy has moved? Senator Conroy has had a great victory in this matter. Firstly, he has got the 2010 soccer World Cup back on the list.

Mr McGauran—It would have happened anyway.

Mr STEPHEN SMITH—It would not have happened anyway. Senator Conroy circulated his amendments on Wednesday morning, and by Wednesday afternoon the minister had flip-flopped.

Mr McGauran—No, we’d always planned on—

Mr STEPHEN SMITH—You had always planned on reversing your position? The minister said the government had always planned on reversing its position. What has Senator Conroy achieved here? He has achieved victory as far as the free-to-air broadcast of the 2010 soccer World Cup is concerned. That has been, as Senator Conroy would put it, the blunt instrument effect of that amendment. Secondly, as far as the loophole is concerned, what the minister does not respond to—and I simply leave it on this point—is that members of his own government in the Senate have asked the minister to investigate the loophole. If the government does not want to take it any further, that is fine, but, as I said in my earlier remarks, it is on notice.

The truth in this matter has been that putting the 2010 soccer World Cup, the FIFA World Cup, back on the list, making sure that the Ashes are broadcast on SBS and making sure that the one-day games are broadcast on Channel 7 has been a result of public outcry, not a result of the effectiveness of the regime. It is the lack of effectiveness of the regime that the government is now on notice about.

The DEPUTY SPEAKER (Hon. BC Scott)—The question is that the amendments be disagreed to.

Question agreed to.
Mr McGAURAN (Gippsland—Minister for Citizenship and Multicultural Affairs) (5.40 p.m.)—I present the reasons for the House disagreeing to the Senate amendments. I move:

That the reasons be adopted.

Question agreed to.

WORKPLACE RELATIONS AMENDMENT (RIGHT OF ENTRY) BILL 2004

Second Reading

Debate resumed from 10 March, on motion by Dr Nelson:

That this bill be now read a second time.

Mr STEPHEN SMITH (Perth) (5.41 p.m.)—Labor opposes the Workplace Relations Amendment (Right of Entry) Bill 2004 for the reasons I will now outline. The principles underpinning any right of entry regime need to be about rights and responsibilities the implementation of which is fair to both employee and employer. This bill does not meet those basic requirements. The principal objectives of the Workplace Relations Act 1996 are outlined in section 3. They include:

(e) providing a framework of rights and responsibilities for employers and employees, and their organisations, which supports fair and effective agreement-making and ensures that they abide by awards and agreements applying to them; and

(f) ensuring freedom of association, including the rights of employees and employers to join an organisation or association of their choice, or not to join an organisation or association ...

Freedom of association is a fundamental right. To have genuine freedom of association requires that an employee has a personal choice to access his or her union at the workplace. As a consequence of this general principle, the ILO Tripartite Committee has, for example, determined that unions should have access to workplaces to meet with employees. In Australia, there has been a long tradition of allowing unions reasonable access to workplaces. In this bill the government is seeking to severely and unfairly restrict employees’ access to their representatives and restrict the representatives of employees from being able to properly and effectively represent their members in industrial matters.

Another fundamental right infringed by this bill is the right of an individual employee to decide to collectively bargain with other employees. Collective bargaining is able to be effectively exercised only when employees have access to a level of skills, advice, support and information comparable to that of employers. Without such access, employees do not have access to a fair collective bargaining environment.

The according of a right to an individual brings with it the obligation on the part of an individual to exercise that right with responsibility and not to unreasonably impinge upon the rights, dignity or civility of others. That is why a right of entry regime has to be fair and balanced and that is why the regime created by this bill is not.

I will make some remarks about the legislative background to the right of entry at the Commonwealth level. A legislative right of entry was described in the former Industrial Relations Act 1988. Pursuant to section 286, an officer of an organisation was allowed to inspect premises ‘for the purposes of ensuring the observance of an award or an order of the Commission’. Those premises which could be inspected by the officer of an organisation were those occupied by an employer bound by the award or order or those in which work to which the award or order applied was being carried out. An inspection under section 286 could be authorised by the secretary of the organisation or the secretary of a branch. If required, the officer was
obliged to produce evidence of this authority. Inspection could be permitted only during working hours, and the right to inspect was subject to conditions provided by the award itself. The section also authorised the interviewing of any member or person eligible for membership of the organisation.

This legislative regime was amended in 1996. The Workplace Relations and Other Legislation Act 1996 made a number of amendments to the Commonwealth’s then legislative right of entry regime. Since 1996, right of entry has been provided for through division 11A of the Workplace Relations Act 1996. Right of entry is now allowed only for the purposes of investigating a suspected breach of an award, agreement or relevant legislation, rather than for the general purpose of ensuring the compliance of an award or commission order. The Workplace Relations and Other Legislation Amendment Act 1996 abolished award based right of entry. Section 127AA of the Workplace Relations Act 1996 provides that any award or order giving union officers or employees the right to enter premises, inspect records and other things and interview employees is unenforceable. Award based right of entry was replaced with a right to enter to hold discussions with employees who wished to participate in these discussions, provided that discussions with employees are held only during breaks. As well, a requirement that a union give at least 24 hours notice to the employer of their intention to enter the premises was introduced. The Workplace Relations Act 1996 does not at present limit the inclusion of right of entry provisions in certified agreements. It is common for agreements to include such provisions, although this is being tested as a result of the Electrolux and other cases.

Right of entry has been considered by relevant Senate committees on a number of occasions since these changes were made by the Howard government in 1996. For example, a coalition majority of the Senate Employment Workplace Relations Small Business and Education Legislation Committee recommended in 1999 that changes to right of entry in the Workplace Relations Legislation Amendment (More Jobs, Better Pay) Bill should be passed, including requiring a written invitation from an employee and allowing the employer to choose the place where discussions might take place. The report of the Senate Standing Committee for the Scrutiny of Bills on entry and search provisions in Commonwealth legislation unanimously concluded in 2000 that no evidence was put before the committee suggesting that unions should not have a right to enter. That committee found that, while dissatisfaction was expressed about the way that the provisions operated in certain circumstances, a voluntary code of practice developed between employers and employees, as opposed to legislation, was a more appropriate remedy. This bill was introduced into the House on 2 December 2004. It was referred to the Senate Employment, Workplace Relations and Education Legislation Committee on 8 December 2004. It is expected that the committee will report to the Senate today, 14 March 2005.

The bill will further restrict the ability of union representatives to enter the workplace. It seeks to limit the scope of state law by using a range of constitutional powers to allow the Commonwealth to exclude the operation of state right of entry laws. The bill introduces a raft of more stringent criteria before a union employee or official can be deemed a fit and proper person and be granted an entry permit. The bill also expands the grounds for suspension and revocation of permits.

The government argues that the bill would continue to allow unions to represent their members in the workplace, to hold discus-
sions with potential members and to investigate suspected breaches of industrial laws and instruments but that this would be better balanced against the right of employers and occupiers of premises to conduct their business without undue interference or harassment. Labor believes that employers already have significant protections in the current act to enable them to conduct their business without undue interference or harassment.

This bill will severely impact upon employees’ access to their representatives. The restrictions to right of entry proposed in the bill would prevent employees from being able to choose to be effectively represented by a union in a collective bargaining process and would limit unions’ capacity to ensure that employers abide by awards and agreements applying to them.

The bill would prevent unions from being able to effectively represent employees who choose to be members of a union and from being able to recruit members. Restricting union entry to once every six months per work site for recruitment purposes assumes that the employer would have knowledge of the content of conversations between an employee and a union. Further, the size of most workplaces would mean that many employees, especially shift workers, part-time employees and those in industries with high staff turnover, would not see a union representative at all. It amounts to a practical banning of recruitment at the workplace and there is no explanation for choosing this particular limit.

As a part of the rights both to freely associate and to collectively bargain, employees should be able to choose to have conversations with their representatives without fear of retaliation from their employer. In practical terms, this means that an employer does not need to know which employees are meeting with the union. Further, an employer should not necessarily know, without the employee’s consent, whether the employee is or is not a member of a union. It is a breach of an employee’s privacy for the employer to know the content of discussions between an employee and their union.

Because of the nature of Australia’s industrial relations system, unions are the only properly resourced enforcement mechanisms for awards and agreements. The level of enforcement able to be provided from the government departments’ inspectors is massively underresourced and certainly has no capacity to systematically ensure compliance with awards and agreements.

The bill erodes an employee’s rights to freedom of association by effectively conferring upon employers a right to oversee interactions between employees and unions. The bill offends an employee’s right to privacy and potentially allows discrimination against an employee on the basis of union membership, through the requirement for unions to access only members’ employment records. The bill proposes that permit holders comply with a reasonable request from the employer to conduct interviews in a particular room or area of the premises and to take a particular route to reach that room or area. The bill would also restrict the capacity of the Australian Industrial Relations Commission to exercise discretion to resolve disputes in this area and, again, may place employees’ privacy and freedom of association at risk.

Genuine freedom of association and an effective right to collectively bargain depend upon employees having ready, practical access to advice, information and representation by trade unions in their workplace. The rights of workers to organise in this way are
articulated in the ILO convention 87 on freedom of association and protection of the right to organise. ILO convention 98 on the right to organise and collectively bargain is undermined by the proposed prohibition of right of entry as a legitimate subject about which the parties to agreement may bargain. It is also inconsistent with the scheme of the Workplace Relations Act 1996—which seeks to encourage employees and employers to determine matters affecting the relationship between them at the workplace or enterprise level, subject to appropriate and fair minimum standards—to impose this limitation about what may or may not be the subject of bargaining, especially where both parties agree.

The bill is not balanced. It does not address any existing or suggested problem with the right of entry provisions—for example, employees covered by AWAs currently have no right to visits from a union at their workplace. This is discriminatory as these employees have lesser rights to access to assistance and information than employees on other industrial instruments. This issue is only partially addressed in this bill.

There is no compelling evidence of widespread difficulties for employers associated with the operation of the current right of entry provisions. Indeed, even the current right of entry provisions in the Workplace Relations Act as amended in 1996 make it difficult in practice for unions to operate effectively. The proposed much more stringent requirements for granting a right of entry permit are unnecessary, onerous and discriminatory. The commission and the registrar have already shown an ability to deal with inappropriate behaviour by permit holders, including the revocation of permits.

Finally, the bill does not create a single statutory scheme; it creates confusion. It replaces simple, well-understood state laws with a highly restrictive federal scheme for the sake of 35 per cent of corporate employers who are currently covered by state systems. The bill adds to this confusion by proposing to retain different laws for small businesses that are not incorporated.

This bill was referred to the Senate Employment, Workplace Relations and Education Committee for inquiry. I propose to detail some of the state governments’ submissions and perspectives to that inquiry on the bill. The New South Wales, Queensland and ACT governments each made submissions to the Senate inquiry. Key points made in these submissions included: there has been no consultation with state governments, employees, employers or industrial organisations in the development of the bill; there is no policy case for change; there is no legal case for change; the bill seeks to impose a centralised one size fits all approach on employers and unions; the bill aims to replace simple, effective and non-controversial state legislation; the bill would create contradictions with existing state and federal legislation; the bill would hamper unions’ ability to monitor effectiveness of state laws and otherwise carry out statutory duties; the bill unnecessarily and arbitrarily restricts employees’ rights to collectively organise using representatives of their own choosing, contrary to international obligations; and, finally, the bill will facilitate the identification of employees on the basis of their union membership, contrary to the principles of freedom of association.

A number of employer groups—including Master Builders Australia, the Australian Industry Group, the Australian Mines and Metals Association and the Australian Chamber of Commerce and Industry—also made submissions to the Senate inquiry. The views of the employer groups can be summarised as being in support of the bill, as they believe it will provide a more balanced framework for right of entry. The employer
groups are particularly supportive of measures designed to produce a more uniform or unitary national system of right of entry provisions. The employer groups believe that the bill will assist in preventing and addressing abuse of right of entry provisions. The employer groups maintain that right of entry should only be exercised where employees choose to be represented by trade unions in respect of a particular workplace matter and that such an approach is consistent with freedom of association principles.

Submissions to that inquiry were also received from a wide range of unions and trade union councils. Key aspects of the unions’ submissions include the views that: the bill would impose unreasonable restrictions on employees’ access to unions at their workplace; the bill would place Australian law in further breach of international obligations in respect of freedom of association and collective bargaining; the bill ignores unions’ roles as parties principal to awards and agreements; there is no evidence that there is widespread abuse of union right of entry or that the basis of the current scheme is in need of major change; and under current laws both state and federal tribunals have a wide discretion to revoke right of entry permits if they are found to have been misused, and this has occurred in practice.

The Senate committee was originally due to report its findings on Monday, 7 March. This has been delayed until today by request of the Department of Employment and Workplace Relations, as the department is considering possible amendments to the bill. The department indicated to the Senate committee:

Following a number of concerns raised by submissions to this inquiry, the Minister has decided to consider some possible amendments to aspects of the bill. These aspects are the limitation in the bill on a permit holder being able to engage in recruitment conduct only once every six months; the maintenance of the existing rights of union officials to enter premises, pursuant to the Victorian Outworkers (Improved Protection) Act 2003; and the requirement that notice of entry must be provided during working hours. The department is not yet in a position to provide any details of the precise nature of these amendments.

That departmental reference was evidenced by Mr James Smyth, the chief counsel of the department, in the Senate Committee Hansard of 18 February 2005. The possible amendments, while welcome in principle, would not appear to be significant enough to warrant Labor’s support of the bill.

The bill is deficient because it does not meet basic tests. It does not prescribe fair and reasonable right of entry provisions that meet the needs of both employers and employees, and their representatives. In addition, the bill will override state laws and in this respect create gaps and uncertainty in its application. The states have not been consulted in the development of this bill. The bill will undermine the role played by unions in ensuring compliance with the various awards and agreements they are party to, thus further eroding the rights and entitlements of Australia’s working people.

Unions are party to awards and certified agreements. Their role is not confined to merely representing their members. As a party to a type of contract, unions have a direct interest in ensuring that the provisions of the award or agreement are adhered to, that breaches are investigated and that the award or agreement continues to meet the needs of the employees whose employment is subject to it. This principle underpins the current provisions permitting unions to enter premises for the purposes of inspecting wage records, as well as other documents and things, and to interview employees in order to investigate any suspected breaches and to ensure the enforcement of an award or agreement.
The bill impinges on basic rights—the right to freely associate and the right to collectively bargain. Freedom of association is a fundamental right. Genuine freedom of association requires that employees have the choice to access their unions at their workplace. An effective right to bargain collectively can only exist where employees can choose to have ready, practical access to advice, information and representation by trade unions in their workplace. In these respects the bill breaches our international obligations to abide by ILO conventions. Neither of these rights are anything other than undermined by this legislation, which, for those reasons, Labor opposes.

Mr RANDALL (Canning) (5.59 p.m.)—It is my pleasure this evening to speak on the Workplace Relations Amendment (Right of Entry) Bill 2004. I acknowledge that the member for Perth has said that, as with most of the workplace relations bills that have come before this House, the Labor Party oppose such measures. It is not surprising, given that the previous opposition spokesman said they would never pass any legislation of this nature in this House. We know why the Labor Party will not pass any of these bills: the union bosses who control them tell them they cannot. Why do the union bosses have so much control over people on the other side? Because they control their preselections and the funding to their campaigns. I was recently subjected to that in the seat of Canning at the last federal election. The CFMEU were the major financial supporters of my opponents. As a result, the fact is that the union movement controls the people on the other side of this House. We know that something like 78 per cent of the Labor members and senators in this parliament have a union employment history, yet only something like 19 per cent of people in the private sector work force in this country belong to a union. As a result, you can understand how unrepresentative that is and the control that unions have over people in this place.

This bill is needed to address the intimidatory behaviour in workplaces and the resultant loss of production and productivity on work sites all around Australia. This bill repeals and replaces the provisions in the Workplace Relations Act 1996 dealing with unions’ rights of entry. Under this bill the federal law will override the state right of entry system for a relevant employer in a premises in a territory or Commonwealth place. This bill imposes more stringent criteria for a person to be considered a fit and proper person before that person can be granted right of entry or a permit. It expands the grounds for the suspension and the revocation of permits.

The bill also requires union officials or their employees to have reasonable grounds for suspecting a breach of industrial law or instrument before entering the premises. Permit holders must be required to provide entry documentation to the premises. They must have the authority of the Australian Industrial Registrar. Entry will not be authorised unless the permit holder complies with reasonable requests.

Problems with the system that we have at the moment have been highlighted in many places around Australia. One of those that really stood out was in the Burrup Peninsula in Western Australia. We know that Western Australia is second only to Victoria as the most lawless state in industrial relations action in this country. On the Burrup Peninsula a non-unionised company called BGC had not one union worker, yet the CFMEU, under instruction from Kevin Reynolds and its state secretary, Joe McDonald, decided that they would force an internecine war on this site and poach AMWU members, even though there were no union members on this
site. They decided that, because they could not satisfy any criteria under the federal law, they would use state based laws to gain right of entry to this site. As a result, the courts decided that they would allow right of entry to Mr McDonald and his CFMEU members, as the previous member said, for the purpose of inspecting union records and discussing issues with union members— which they could not, because there were no union members on this particular site. As a result this case reached a standstill. Eventually there was an out of court settlement in which Mr McDonald voluntarily agreed not to enter the North West Shelf site, but it leaves the legal situation uncertain. This legislation addresses the uncertainty in the jurisdiction between the federal legislation, as per the Workplace Relations Act, and the state based laws under which Mr McDonald and his cohort decided they would enter these work sites.

The previous speaker, the member for Perth, Mr Stephen Smith, said that there is no evidence of any problems with the right of entry. He is not serious. On a regular basis we hear about right of entry transgressions all around Australia. They are well documented. That is why this bill will use the corporations power of the Constitution to enact a single system for the right of entry and to extend possible limits of this power. The fact is that you cannot have it both ways. That is why this legislation will fix this up. For example, as Minister Abbott said previously, you cannot have a system where you lose your licence in Western Australia yet you can use your South Australian licence to drive around the same state and try to circumvent the law. We will not go there and to the recent practical example of that.

The union in Western Australia had the use of a Mr Tom Dixon to represent them in court. Mr Dixon was successful in being able to establish, in the case of the CFMEU, Mr McDonald’s right of entry to a construction site despite the manager’s objection that led to his arrest for trespass and other offences. The other case was a bid by bosses to keep Mr McDonald off construction sites by having a restraining order placed on him. Both cases involved failed attempts to use criminal law to override union rights. The commission win related to the builder’s unsuccessful bid to revoke Mr McDonald’s workplace right of entry by alleging he unlawfully instigated strike action at a construction site. In this case, Mr Dixon, a lawyer who has now returned to the eastern states, was cleverly able to establish that you could not use criminal law on an industrial site; you needed to use industrial law.

The Labor Party, even under their own state legislation, endeavoured to use this, because Mr McDonald had been entering Perth building sites with the sole purpose of recruiting new members where there were no members on that site or, if there were, there were no members of his union. As a result, as I have explained in this House previously, there was intimidatory behaviour—people were given a hiding and the crib room where people took shelter to get away from Joe McDonald and his union thugs was upturned. When the police came to arrest Mr McDonald, he was able to escape into the city. He was rearrested sometime later. Mr Dixon was able to get him off because of a lack of certainty with the legislation as it applied in Western Australia.

In a perverse sort of way, Mr Gerry Hanssen, who has had a long-running battle with non-unionised sites in Western Australia, also had problems with violence from the CFMEU and Mr McDonald and his other cohorts, as pointed out quite clearly in the Cole royal commission. Under state laws, Mr Hanssen was accused of flouting union right of entry provisions. The state said that it would not stand by and see violence—Mr
Hanssen actually employed a few strong-armed Maori fellows to stop these people entering his building sites and the union got their just deserts by getting a reasonable touch-up themselves. Page 243, volume 21 of the Cole royal commission report, discussing the hearings in Western Australia, states that there were several ‘attempts by the CFMEU to obtain entry to the site’:

On 27 April 2000 seven people associated with the CFMEU entered the site. They were stopped at the security boom gate by the security officer, but having parked their vehicles, the seven people proceeded on foot, going under the boom gate and walking onto the site. They disrupted the operations and refused to leave upon request. There was no 24 hours notice and no notice that they were there to transact any business other than to walk in on the site and cause mayhem. On page 257 it states:

This case study illustrates:
(a) disregard of the Workplace Relations Act 1996 (C’wth) and the common law by a union and its officers and organisers;
(b) abuse of right of entry provisions by officers and organisers of a union;

The list goes on. The Cole royal commission provides chapter and verse—whether it be on the Universal construction site, the Worsley site or the Woodman Point site in Perth—on union transgressions of the provisions in relation to their obligations. The member for Perth talks about rights and obligations; they never abided by any of these common, decent rights and obligations.

Finally, one of the normal ploys that the union—particularly the CFMEU in Western Australia—uses to force right of entry is so-called safety provisions. Again, the Cole royal commission outlined numerous examples where safety provisions on work sites were used to abuse right of entry laws. I will refer to a case in the Cole royal commission report. On page 281 of volume 12 of the report it states:

... the misuse of occupational health and safety issues as an industrial tool is common. Those union officials who so abuse occupational health and safety directly undermine the pre-eminence that such issues ought to have. Safety issues are exploited to provide a justification for the employment of persons named on lists maintained by the union. Safety is exploited as an industrial tool to bring pressure to bear on head contractors, subcontractors and others to achieve desired, non-safety related outcomes or simply to reinforce the power of the union. Safety issues are often raised by union officials in attempts to coerce subcontractors to sign EBAs and to pressure subcontractors not to engage non-union workers at a site. They are abandoned when an EBA is signed,—

That is, the safety issues are abandoned when the EBA is signed—or when amounts are paid on account of casual tickets and ‘specialised training’.

There is a litany of examples in the Cole royal commission report on the abuse of the right of entry provisions and the abuse of safety provisions for gaining entry. Subsection 24 on page 281 states:

Abuse by CFMEU officials and organisers of the right of entry provisions of the Workplace Relations Act 1996 (C’wth) and the Industrial Relations Act 1979 (WA) is common. Stop work meetings are called during working hours and outside authorised breaks.

The member for Perth was saying that there was no problem with this law because it was done during authorised breaks et cetera and that this was to talk to union members about their membership. It is strange that on most of these sites—for example, Mr Hanssen’s site—there were no union members, but they wanted the right of entry under occupational health and safety laws to talk to their so-called phantom union members on those sites. Subsection 24 continues:

Attendance by large numbers of officials and organisers under the pretence of the exercise of right of entry occurs.
This bill addresses all the thuggish, disgraceful behaviour that is demonstrated by the unions under so-called right of entry provisions and the abuse of occupational health and safety laws. This bill needs to be supported to clean up the industry to make sure that this sort of behaviour is stopped and that a decent legislative framework giving certainty to contractors, work sites and decent subcontractors in this country is enacted to protect them.

Mr MARTIN FERGUSON (Batman) (6.13 p.m.)—The Workplace Relations Amendment (Right of Entry) Bill 2004 is in my opinion just another example of the Howard government’s narrow-minded industrial relations agenda. The objective is to undermine and wind back the hard-won rights of Australian workers. As we have already heard, this bill is about one thing and one thing alone—in essence, restricting the ability of union representatives to enter the workplace to go about their normal duties. It reminds me of another bill recently introduced by the government, a bill that discriminates against Australian working people with respect to unfair dismissal law merely because they are employed by small businesses. As is the case with the unfair dismissal bill, the right of entry bill is about discrimination on the basis of union membership. It is a bill which, without a doubt, fetters the rights of employees to genuine freedom of association and an effective right to bargain collectively, and it is a bill that offends their right to privacy.

It is also a bill that furthers the government’s insidious moves to undermine the states’ rights and one that places Australian law further in breach of international labour conventions. I refer particularly to ILO Convention 87 concerning freedom of association and protection of the right to organise. One should appreciate that ILO conventions are not drafted by union officials but by a tripartite organisation that meets on a regular basis, with an equal number of workers and employer representatives in association with government representatives. Conventions such as the convention concerning freedom of association and protection of the right to organise represent basic laws that we should have in place in any decent society—in this case, with respect to workers’ rights. Alternatively, there are also in place a number of conventions going to the rights of employers in different countries around the world.

For those reasons, the opposition is correctly opposing the proposal by the government, as are a wide range of unions and state and territory governments. It is interesting to note that there has been no consultation with stakeholders—state and territory governments, employees or employers. I suppose that reminds us of what we are seeing on a regular basis this year with respect to how the Howard government is conducting itself—the government’s pure arrogance during question time and its attack on the rights of state and territory governments.

If you consider the second reading speech, you see that there is no case whatsoever made out for a policy change and no legal case laid out for a change. The bill serves no useful purpose. For example, it does not fix any problems that exist with respect to the right of entry. One of the problems most notably concerns the fact that employees covered by AWAs currently have no rights to visits from a union official at their workplace, yet this problem is not sought to be remedied by the bill before the House this evening. That effectively means that those workers have fewer rights to access assistance and information from unions than do employees subject to awards or other industry arrangements. It means that those employees covered by AWAs are being denied the information they need to make objective choices about the conditions of their AWAs;
they are being denied the opportunity to properly weigh up the advantages and disadvantages of an AWA compared to other industrial instruments. So much for so-called choice, in terms of government policy; it is about denying choice with respect to being able to be presented with information concerning a comparison between what might be laid out in an AWA and what might be laid out in an alternative industrial instrument, be it a state or federal award. Choice is not on the government’s agenda. It is about a few ministers sitting in a room and pursuing their ideological attack on the union movement and the rights of workers. In essence, it means that those workers have no way of knowing what the industrial benchmarks are or whether or not their conditions and wages are being eroded—if anything, whether they are being sold out by signing up to such AWAs.

Why does this government and why do employers want to restrict the right of entry of unions to the workplace? Where is the evidence of problems for employers with the operation of the current right of entry provisions? The commission and the registrar have already shown an ability to deal with inappropriate behaviour by permit holders, including the withdrawal of permits. The fact is that this bill is aimed at appeasing the minority of employers who have something to hide—those who want to avoid scrutiny and accountability. The truth is that most employers are good employers, but unions should have right of entry provisions to guarantee their right to actually pursue those employers who choose to do the wrong thing by their workplace.

That is what the right of entry provisions are about. For example, they are pursued to raise issues regarding the conditions of employment, but also, importantly, they have been used on a regular basis to pursue genuine problems with respect to health and safety. They could be issues relating to improper attention to the use of asbestos or to a failure to maintain one’s workplace with respect to the fact that the building is made of asbestos. These are serious issues that union officials have a right to pursue on behalf of workers to guarantee what I consider to be a fundamental right—that is, the right of workers to go to work at the commencement of a shift and come home at the end of the shift in the knowledge that they work in a safe environment and their life is not threatened or endangered. Historically, that is the fundamental use of the right of entry provisions by the union movement.

It is also about making sure that workers receive their proper entitlements of employment—for example, spot checks on employers to make sure that workers are receiving their just superannuation entitlements as provided for by legislation of this parliament. It is fair to say that there is not a rigorous requirement from government on a regular basis with respect to checking up on whether or not workers are receiving their superannuation entitlements. That is why from time to time you do have drives to guarantee that workers are receiving their entitlements, be they under an industrial instrument or under an act of this parliament such as the requirement for employers to pay in workers’ superannuation entitlements on a regular basis. I know of examples where those spot checks have revealed that not only had employees not been paid the requirement of nine per cent for superannuation but employees’ own personal contributions had not been paid in by the employers. It is the ability to actually check books to determine whether or not the requirements of the law of the land have been adhered to which is fundamental to the use of right of entry provisions.

I effectively argue that this bill is clearly about undermining the rights of working Australians and winding back their working
conditions and wages. It is about putting up barriers to scrutiny with respect to the conduct of workplaces, going to that minority of employers who are not prepared to do the right thing by working men and women in Australia. It is a bill that allows this government and a minority of employers to abrogate the responsibility to seriously address productivity reform in this country—and that is what the debate this evening ought to be about. It ought to be about how we lift our performance on the productivity front. But those are the types of issues that the Howard government do not want to debate, because they have been unwilling to confront that huge challenge since they were elected in 1996. The facts speak for themselves.

Where do we hear from this government about our need for productivity improvements and our need to lift our game on the training front to increase the number of traditional apprenticeships? Where do we see any suggestion that the private sector in association with the state, federal and territory governments should be doing more to invest in the training of our workforce? When do we ever hear the Minister for Employment and Workplace Relations talk about the need for technological advances to improve productivity, in association with a better-trained workforce—the issue of how, in essence, we achieve a cheaper cost of production? All we ever hear from them is about the need to lower wages and put in place poorer conditions for the lower-paid in the Australian community.

I suggest to the House this evening that it is about time that we as a nation focused on the big issues that drive the Australian economy, like productivity growth and the training of the workforce. They are the issues that will make or break the future employment prospects of all Australians, including those who are now required to work longer in order to exist in retirement, because of the huge changes in the cost of living that have been perpetrated by the Howard government. What do we get? We get a narrow-minded debate about right of entry provisions in order to take people’s attention off the real challenges that confront Australia.

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I think is about time we refocused the workplace relations debate in Australia in the 21st century. It should not be about trying to turn Australia into a low-wage economy; it should be about us as a nation lifting productivity, just as we did in the 1980s and 1990s. That is when we did the hard yards on the workplace relations front. That is when Australian industry actually became more competitive. We increased our export of manufactured products. All we have now is a government that, in terms of its trade problems, relies on exporting more raw materials which we do not process in Australia. That is not the key to Australia’s future—and we do not even have the tradespeople and the professional people to assist in that. Investment is now being held back in Australia because of the failure of the government to do the right thing about workplace relations and employers’ performance through investment in training and skilling of the work force. What do we get? We get a narrow-minded debate about right of entry provisions in order to take people’s attention off the real challenges that confront Australia.

I believe in mutual obligation. It was the Labor Party in government that invented the concept of mutual obligation for our Working Nation employment program, saying to the business community in Australia: ‘We’re prepared to invest in getting people skilled and back to work, but we also require you to pull your weight, to employ some of these people and give them an opportunity in the workplace.’ I think it is time for us as a community, in thinking about what happens at the workplace, to also commence a new debate about mutual obligation. It will not
focus on right of entry, if we are to make progress in increasing our exports and creating better-paying jobs in Australia. It will be about the rights and responsibilities of employers, workers, unions and governments—and I am talking about all three levels of government in Australia.

As I say, the proposal before the House this evening goes nowhere near that type of debate. It is not about productivity. It is not about the fact that our productivity now is well below that recorded in several OECD countries. When do you hear the Minister for Employment and Workplace Relations take a dorothy dixer in question time to talk about those issues? They are too complex. The only dorothy dixers we ever get from the minister for workplace relations in question time are aimed at belting low-paid workers, denying their right to a proper consideration of an increase in minimum rates, or alternatively taking away workers’ or union rights in terms of access to a workplace. The government never raise the debate about productivity, about skilling, in a proper way. They are always trying to blame someone else on that issue rather than fronting up to their responsibilities.

When do we hear the government talking about how we can increase participation rates? We made huge gains on the issue of women’s employment under the Hawke and Keating Labor governments. What is the government doing about that other untapped manpower resource in Australia: the Indigenous community? Very little. It has now been largely left to major resource companies such as BHP and CRA to show the way, because the Howard government has failed in terms of Indigenous employment. There is a huge untapped work force out there to be trained to overcome the skilling problems in Australia. But what do we get now? It is always the short-term fix by the Howard government: ‘We’re just going to increase migration.’ That is the easy option, rather than fronting up to the hard decisions and the real effort that have to be made to turn around the economic situation that is now confronting Australia: the fact that we could actually start to go backwards if we are not very careful.

I raise these issues because I want to remind the House this evening of a recent OECD country report which highlights what the opposition has been saying for some time—and it has now been supported by a number of key economic commentators in Australia—that is, the Howard government has been living off the Hawke-Keating reforms of the 1980s and early 1990s for the last nine years. They talk about a reform program, which the report says ‘was remarkable, and is still producing benefits’. It has produced a lot of benefits. The Howard government has lived off the benefits of those huge changes for the last nine years.

It is about time the Howard government took up the challenge. It was the Hawke and Keating governments that left Australia with a terrific economic foundation. We now have to build on those productivity gains. We are currently squandering them, and the cracks are starting to appear in the economy. Interestingly, the OECD report also goes on to say ‘the reform agenda needs reinvigorating’ and ‘maintaining high productivity growth and raising economic and social participation are key’. In other words, the OECD is suggesting that the reform agenda has stalled. If this government were really serious about employment reform and job creation, it would do something about the skills shortage in this country, a shortage which unions and employer groups both say is holding back economic growth.

Neither our governments nor our businesses are investing enough in education and training, particularly for trade skills. According to ACTU research, last year only one in
10 private sector employers delivered structured industry training that would lead to a national qualification. That is a national shame. The research also showed that between 1996 and 2002 investment in structured training fell from 1.7 per cent to 1.5 per cent. These are facts that the government cannot escape.

The ACTU report also notes that rising labour force skills and competencies help achieve higher levels of productivity, with OECD research showing that a 10 per cent increase in the average number of years of education of the working-age population would increase per capita GDP by between four per cent and seven per cent. Contrast that with the suggestion by the Prime Minister last week that our young people should leave school at 16. Not only is ongoing education good for young people and their potential employment and earnings prospects but it is also good for the nation. We have to start fronting up to these debates.

The position of the opposition is clear: we do not support this draconian piece of industrial legislation. We further call on the government to start tackling the real policy challenges that face Australia with respect to labour market reform. Think about the issues. They ought to be bread and butter to any government, especially a national government that is expected to lead us in the economic challenges confronting Australia. We must have a proper debate about education and focus as a nation on training and skills development. We must do more to increase labour force participation and to lift the participation of the Indigenous community, which is out there waiting to be tapped into and gainfully employed when properly trained.

It is also about how we treat state and territory governments. If you want progress on the economic front, it is about cooperation not confrontation. It is about a real process of federalism not only in industrial relations but in all the areas I have discussed this evening: skilling, lifting productivity, increasing exports and achieving further downstream processing in Australia, which will create even better jobs.

The opposition believes government policy should provide a fair go for employers, workers and unions. The opposition opposes the bill because it erodes the rights of working Australians to freedom of association, to collective bargaining and to effective workplace representation when and if they need it. The aim of this bill is to replace simple, effective, non-controversial state legislation with a bill that adds red tape to the system and confusion about existing state and federal legislation. It does nothing at all to actually improve workplace relations. This bill will unnecessarily and arbitrarily restrict employees’ rights to collective organising—using representatives of their own choosing—contrary to international obligations. The bill will open the floodgates for discrimination against employees on the basis of union membership, contrary to the principles of freedom of association.

In winding up, I simply say to the House that the government will probably have its will—so be it—but working people will find their own ways to counter this narrow-minded agenda. I also say that working people have just about had a gutful of this ideological approach. They are prepared to do a fair day’s work for a fair day’s pay provided they have the right to be represented. Let us start focusing the industrial relations agenda in Australia on the real issues: the economic challenges confronting Australia at the moment. This bill does nothing to resolve those problems and does not help us to confront the economic difficulties that are staring us in the face. (Time expired)
Mr SCHULTZ (Hume) (6.34 p.m.)—I am pleased to stand here and make my contribution to the Workplace Relations Amendment (Right of Entry) Bill 2004. I will not reflect on history, because I have been on both sides of the fence and I know how the system works. I will talk about the system as it is today and why there is a need for the right of entry to the workplace to be addressed. The right of entry provisions in the Workplace Relations Act confer significant rights and privileges on unions to enter workplaces to hold discussions with members or to investigate suspected breaches of industrial laws and instruments. The government strongly believes that these significant rights must be carefully balanced with the rights of employers and occupiers of premises to conduct their businesses without undue interference or harassment.

This bill fulfils an election commitment to reform the union right of entry laws. The Workplace Relations Amendment (Right of Entry) Bill 2004 proposes to amend the right of entry provisions of the Workplace Relations Act 1996 to exclude the operation of state right of entry laws where federal right of entry laws also apply and to introduce further measures to ensure that the right of entry regime operates fairly and efficiently. In the recent case of BGC Contracting Pty Ltd v CFMEU, the Federal Court found that unions could gain entry to sites under state right of entry laws despite the fact that all workers on the site were working under the federal law. This clearly is an unsatisfactory position which imposes an unnecessary extra layer of regulation on business. We all know about the regulation that is currently imposed on business: for example, taxes and charges, workplace relations, occupational health and safety and workers compensation. Regardless of what people might think, these things place an enormous burden on small businesses as they try to survive and to offer employment to people in their areas.

In workplaces where both federal and state right of entry laws apply, confusion about rights and responsibilities may and do arise. This uncertainty can leave employers vulnerable to abuse of unions’ statutory right to enter the workplace. This is a very legitimate point to make. Not so long ago, I think it was the middle of last year, some small business people in the cherry-growing area of Young in my electorate were subjected to unnecessary strongarm tactics by union officials when attempting to get to their properties. They were concerned about it. I said, ‘When you are talking to these people, put a tape recorder in front of them. Get a record of what they are threatening to do to you and you will have the legal right to challenge them.’

The government strongly believes that workplaces operating under the federal system should not be subjected to inconsistent elements of state systems. Workplaces under the federal system should be free to operate under a single system of workplace regulation without also having to contend with aspects of a state system. The bill will use the corporations power of the Constitution to enact a single system for right of entry to the extent possible within the limits of this power. Where an employer operating under the federal system is a constitutional corporation, unions will only be able to exercise their right of entry under the federal act, and that is the way it should be. The bill will restore certainty and end the loopholes and complex duplication that the BGC case has created.

The Workplace Relations Act 1996 should be able to provide a single system of regulation for a workplace in which all employees are employed under the federal act. It was never intended that state law be able to be
used in this way to create a backdoor right of entry where none exists under federal law. If the act is not amended in this way, it could conceivably be possible for state governments to widen their state right of entry powers so much that unions could gain entry whenever they liked if they were denied the right under the act. It is important to note that the bill will not restrict rights of entry that unions currently have under state occupational health and safety legislation—a very sensible contribution to health and safety as far as this piece of legislation is concerned, which ought to be applauded.

The Workplace Relations Act acknowledges the legitimate role that unions have in visiting workplaces to deal with their members. The act provides unions with rights of entry which, in any other context, would be considered trespass. That is precisely the point I was making with the example of standover tactics of union officials in my electorate last year.

The act ensures that businesses, particularly small businesses, have certainty in relation to right of entry regulation to ensure that their businesses are not unnecessarily disrupted and to guard against abuse of unions’ statutory right to enter the workplace. The powers conferred by a right of entry permit are significant and certainly wide-ranging. They allow a person to enter premises with a ‘shield’ against trespass—in other words, they allow the union official to be protected from the charge of trespass. This is a significant right and should only be enjoyed by persons who exercise it responsibly. In any other context it would be illegal to enter another person’s property in this way. It is a significant statutory privilege that unions enjoy and should not abuse.

The bill contains measures designed to ensure that more appropriate and stringent criteria must be satisfied before a person can be granted a right of entry permit so that only ‘fit and proper persons’ may be permit holders. I concur with that because I have seen some very unfit and improper people holding a right of entry permit to workplaces. When they enter those workplaces they exhibit irresponsible actions—actions that a screening would have picked up if they had had to apply for a permit. The grounds for suspension and revocation of permits will also be expanded to ensure that those who abuse their rights are held to account—and quite rightly so. We are all held to account for our actions in the community and there is no reason why union officials should not be held to account.

In relation to the requirements for permit holders to be ‘fit and proper persons’, the ACTU submission to the Senate Employment, Workplace Relations and Education Legislation Committee inquiry into this bill argued that such a provision was discriminatory. They did not say on what grounds they believed it discriminated, yet they seem to be denying the rather persuasive argument that there should be at least some requirement that those given the legal privilege to enter other people’s property should be obliged to uphold some standards of responsible behaviour. I say ‘Hear, hear!’ to that.

The bill also contains measures to require the Industrial Registrar to consider whether the applicant is a ‘fit and proper person’ before issuing a right of entry permit; to tighten the requirements to ensure that more stringent criteria must be satisfied before a person can be granted a right of entry permit; and to limit entry for recruitment discussions to once every six months. Obviously you cannot have people coming in every six days or every six weeks because that would have a negative effect on a business trying to operate in an orderly fashion on a day-to-day basis to meet the deadlines required for the business to remain viable and, more importantly, to remain trading and producing.
ther measures include to limit investigations of suspected breaches of an industrial law to the extent that unions may only access the records of their members; to require a union to have reasonable grounds for suspecting a breach of an industrial law before they enter to investigate the suspected breach; and to require a union to comply with reasonable requests of the employer regarding the location of interviews and discussions.

The bill also imposes the following obligations on permit holders: a requirement to provide entry documentation to the occupiers of the premises—this will assess both parties to better understand their rights and responsibilities regarding union entry and assist employers in being able to determine whether the requirements of the legislation are being complied with; a requirement that a union must have reasonable grounds to suspect a breach of an industrial instrument before exercising its right of entry—this will prevent unnecessary ‘fishing expeditions’, very eloquently put and described, by unions; and limitations on entry for recruitment purposes, as repeated visits from unions can often result in harassment of nonmembers. Unions will no longer be able to access the records of nonmembers unless the Industrial Relations Commission orders otherwise and will only be able to enter to investigate a breach of an Australian workplace agreement if they receive a written request from the employee party to the AWA.

Whilst still allowing unions to enter workplaces for legitimate purposes, these measures will reduce harm to business, particularly small business, caused by unions seeking to enter workplaces for improper purposes. The grounds for suspension and revocation of entry permits have been expanded and the Australian Industrial Relations Commission will be empowered to make orders revoking or limiting a permit holder’s right of entry, where a union or an official of a union has abused the rights conferred on them. The measures in this bill reflect the government’s continued commitment to improving the current union right of entry framework.

The recent case of ANZ v the FSU also resulted in an unacceptable widening of the current right of entry provisions of the act. This needs to be put on the record, because it illustrates how these privileges are abused by some—not all, but some—members of trade unions. The FSU sought to enter the ANZ’s mortgage processing area and walk the floor. Many of the employees would have been dealing with confidential financial records of customers. The risk of a breach of privacy and the disruption this would have caused to the workplace was a serious concern to the business. ANZ offered the FSU a private meeting room on the premises to meet with employees—a very sensible and responsible action. This offer was not taken up by the union, because they wanted to go on with the process of disrupting the business and making it difficult for the business’s customers—and, more importantly, making it difficult for the business’s customers to carry out their business in a private and confidential way.

The Federal Court ruled that the current wording of the Workplace Relations Act did not allow the employer to choose the location of a meeting room for discussions to take place between its employees and the union. The result is that a union can access any part of a workplace at any time, creating privacy issues for employees, especially those who are not union members, who can be approached directly at their workstations by union representatives, and the potential for serious disruption of businesses. This is a tactic that is used very professionally by some union delegates.

Part of the problem that we have with the Australian Labor Party being so sensitive
about these issues is created by the falling levels of union membership. They get a great deal of satisfaction out of their union representatives going onto work sites where employees are happy working without being members of unions and trying to coerce and indeed threaten those employees to join or to rejoin a union. I have to say that in talking to people in the electorate of Hume I have received the message that employees want to get on with working in happy and safe workplaces which offer them security and flexibility. They want to get on with working in environments where there is mutual understanding of the need to work harmoniously with their employers. They value their freedom of association in particular, and they do not want it interfered with.

The bill seeks to reintroduce balance into the system, by requiring that unions conduct their business within meeting places at reasonable locations chosen by employers. Unions will still be entitled to conduct their legitimate business at employers’ premises but not in such a way that undue disruption to a business is caused. The act currently places restrictions on union right of entry, in that a union must suspect that a breach of an industrial instrument has occurred before it can access certain records, and the issue of right of entry is the basis of one of the arguments given in opposition to this bill. It is noticeable that the federal Labor Party’s current platform, and the policy it took to the last election, proposes an enormous widening of right of entry powers for unions. It wants to widen those powers so that unions can get into workplaces and use their coercion and threatening tactics to force people to rejoin or join unions. The ALP’s policy would give unions unfettered right of entry, by abolishing this requirement and replacing it with the requirement that an industrial award need only have the potential to apply to a workplace, regardless of whether it actually does and regardless of whether there are even any union members working on the site. Under the ALP’s policy, there would be nothing to stop union right of entry to a family home. People might laugh at that, but the reality is that some businesses are run from family homes because it is convenient for the employer to run a home based business.

The legitimate role of unions in the workplace is going to be preserved in this bill. At the same time, it strikes an appropriate balance with the rights of employers to carry out their business without unwarranted disruptions. That is what the general thrust of this bill is all about. It is all about making the right of entry into a workplace responsible. It makes the right of entry into a workplace conducive to a happy environment for the employer and the employee. More importantly, it ensures stability in the workforce and, in the case of rural and regional areas, it keeps the economy going so that we can continue to employ people in a very difficult time. I commend the bill to the House.

Mr RUDD (Griffith) (6.51 p.m.)—The Workplace Relations Amendment (Right of Entry) Bill 2004 seeks to amend the Workplace Relations Act 1996 and places further restrictions on the right of trade union officers and employees to enter workplaces in pursuit of their varying responsibilities in representing employees. This is known as the right of entry, and it is a long-established principle of Australian industrial law. In accordance with the new centralist agenda of the Howard government, the bill uses the Commonwealth’s constitutional powers to override state laws or industrial instruments on the right of entry.

There is a sad irony in the use of this power by the Howard government to restrict the right of trade unions to have access to workplaces. At the Constitutional Convention of 1898 it was the great Liberal, Henry
Bourne Higgins, who moved that the new Commonwealth be given a specific constitutional power to conciliate and arbitrate industrial disputes. Higgins—a Liberal back in that Palaeolithic period when there were still real Liberals—was a lifelong defender of the rights of labour and of trade unions. The arbitration power was one of the most innovative features of the Constitution and provided a legal basis for Mr Justice Higgins’s great Harvester judgment of 1908, which created the basic wage. It was the appalling conditions endured by workers in the sweatshop industries of 19th century Melbourne that aroused the sympathies of HB Higgins and other Victorian Deakinite Liberals for the rights of workers and of trade unions. One of the first battles that the unions had to fight and win was the right of access to these workplaces. The right of entry was an important protection for exploited workers, particularly women in the clothing trades. It was the Commonwealth Arbitration Court under Higgins’s presidency which recognised the right of entry and approved its inclusion in federal awards. I cannot imagine that Higgins would be pleased to see the arbitration power being misused today by a centralist Liberal government to restrict the right of access.

It will no doubt be argued that we no longer have the sweated trades and that unions no longer need to have a right of access to workplaces. But the main reason so many abuses of the rights of workers have been stamped out is that trade unions have been vigilant over many decades—and vigilance can only be exercised, in many cases, through direct access to the workplace where the abuses are taking place. To suggest that the right of entry should be abolished or heavily restricted because the abuses which the right of entry was designed to remedy no longer take place is like saying that we should abolish health inspections because there have not been any outbreaks of cholera in recent years. The face of the Australian workplace has changed significantly. The rapid shift of employment from the manufacturing sector to the service sector has seen workers—traditionally concentrated in large factories—scattered across a large number of smaller premises. We have experienced an increasing casualisation of the work force and we have witnessed this government’s campaign to dismantle the award system and replace it with a system of voluntary agreements. These changes do not mean that the potential for the violation of lawful industrial standards has somehow magically disappeared.

The bill before the House significantly restricts the ability of union representatives to enter workplaces. Among other things, it specifies that a union official or employee cannot be granted a right of entry permit unless they are a fit and proper person. The bill then defines who is, in this government’s opinion, a fit and proper person. In other words, the government seeks to dictate who may or may not represent a trade union in carrying out its legitimate function of representing employees. Any person who has been fined for a breach of any of the government’s myriad restrictive industrial laws will now be deemed not to be a fit and proper person for the purposes of this legislation and thus will not be able to carry out their duties. Under the bill, neither Nelson Mandela nor Mahatma Gandhi would be a fit and proper person to visit a workplace on behalf of a trade union.

The bill also places new requirements on union officials seeking to enter premises. It requires that an entry notice be in a prescribed form, that it be given to an employer prior to entry and that it specify the intended date of entry and the purpose for which entry will occur. It must also give details of any suspected breach or whether recruitment is
the purpose of the entry. This is one of the most significant restrictions contained in the bill. It means that unions can enter a workplace only to investigate a specific breach of an industrial law or instrument which has been reported to them and not to determine whether industrial laws or awards are being complied with generally. It ignores the reality that certain workforces who may be working in totally substandard conditions may be either unwilling or unaware of how to notify their relevant union to complain. This may be particularly the case with certain workplaces where the work force is predominantly immigrant.

In his second reading speech the minister said that these provisions were designed to prevent ‘fishing expeditions’. A fishing expedition is another way of describing a preventive inspection. It is something that health inspectors or fire inspectors, for example, do all the time. It is a way of preventing abuses, not just of responding to them when they have already occurred. It is clear that the overall purpose of these restrictions is to deny unions the ability to exercise any kind of preventive or supervisory role in defence of the interests of their members or of employees in general.

There are other features of the bill as well: a provision that the right of entry to a workplace will not apply to a breach of an Australian Workplace Agreement unless the employee who is a party to the AWA makes a written request to the union to investigate the breach; a provision giving employers the right to tell union officials where they may conduct interviews with their members or other employees and what route they must take to reach that interview location; a provision that this legislation will override state laws and awards; and a provision prohibiting the Industrial Relations Commission from certifying industrial agreements which contain right of entry provisions.

Why is the government doing all this? The minister gave no justification in his second reading speech, except to say that the bill was intended to ensure the ‘rights of employers and occupiers of premises to conduct their business without undue interference or harassment.’ Nobody out there is in favour of undue interference or harassment. If undue interference or harassment occurs, employers and occupiers of premises should have legal remedies against that, and indeed they do—as some union officials have found to their cost. But where, after nine long years in office, is the quantitative data that establishes that the current rights of entry are an impediment to business or to the overall economy? The answer is that there is none. None has been provided by this government. We are to imagine that it exists.

This bill is not a matter of policy but a matter of ideology, and, while the minister may be coy about the ideological imperative, ACCI is not nearly so coy. Among its policy statements we find the following:

There is no policy rationale for right of entry for union recruitment purposes.

Now we get to the core of the issue. One of the purposes of the bill is to prevent unions recruiting—in particular, to prevent employees in the rapidly growing service sector of the economy from joining unions. ACCI also says that the current legislative framework is ‘insufficient to target and minimise abuse of right of entry provisions’. But it provides no evidence to support that contention. The nearest ACCI comes to providing evidence is the statement that ‘Evidence of abuse of right of entry has been documented in the Cole royal commission into the building and construction industry.’ It is true that the Cole royal commission identified many problems in the construction industry. Plainly, improvements must occur and there is room for rational debate about that. If union officials
break the law, they should be prosecuted to the hilt.

The construction industry is a dangerous industry where there is, on average, a workplace fatality every week. This is an industry where building workers, some of them teenagers, are regularly killed or crippled because of unsafe work conditions. In these conditions, it is no surprise that unions are vigilant in protecting the lives of their members. They are dealing with some of Australia’s most dangerous workplaces. But to argue that the situation in the construction industry justifies new, significant restrictions on the right of entry across all workplaces is without rational foundation.

In the absence of any economy-wide data presented to parliament on the impact of the current rights of entry, the parliament can only conclude that this bill is about politics—not economics. It is about ideology beyond mere politics alone. So what is this government’s ideology for the workplace? Ultimately it is the abolition of any separate industrial jurisdiction. That is it. That is what they are on about; that is the end point. And its replacement is personal contract law. That is where we are headed.

Twenty years ago, in a less guarded moment, the Prime Minister said that his ambition was to ‘turn Mr Justice Higgins on his head.’ That means the abolition of the federal and state industrial relations commissions or, in the absence of their formal abolition, the abolition of their effective powers—including the power to determine the minimum wage, the power to determine industrial awards and the power to determine minimum industrial conditions. But that is only one part of the ideological revolution that this government is dedicated to. The other part is the abolition of trade unions themselves.

The government resents the political relationship which organised labour has with political Labor, while not for a moment reflecting on the relationship which has historically existed between itself—that is, the government—and organised business. The government resents the public advocacy role in which unions engage in defence of their members and, more broadly, of nonmembers and those who cannot argue their case properly in the broader economy. And the government resents the audacity of organised labour to suggest that wages and salaries should command a reasonable share of profits.

The government describes all of the above, blandly and blithely, as ‘labour market reform’. In fact, it is seeking to undo the social contract which has served this country pretty well for the last 100 years and that has been the subject, throughout those 100 years, of continuing reform depending on changing economic circumstances. The system it seeks to put in its place is one whose central organising principle is the redistribution of wealth and power from the weakest to the wealthiest members of our community. This has nothing to do with fairness. It has everything to do, however, with refashioning the face of Australia in its own image. But somehow I do not think the Australian people are going to warm to this once it is properly explained to them, which presumably is why some of the harder heads within the Howard government are as yet undecided as to how far, politically, they can afford to push in the direction of the brave new world which their ideology commands.

It is curious that the implementation responsibility for the ideological revolution should in recent years have fallen to Ministers Abbott and Andrews. Both these ministers grew up in the tradition that I grew up in—the tradition of Catholic social teaching. But as they embark on this brave new ideological world I would ask both ministers, but Minister Andrews in particular given that he
currently holds the job, to reflect on how this proposed industrial relations revolution stands with more than a century of Catholic social teaching. How does it square with Pope Leo XIII’s encyclical of 1891, *Rerum Novarum*, which states it is a natural human right to form professional associations of workers. How does it square with Pope John Paul II’s encyclical of 1991, *Centesimus Annus*, where in reference to the observation of *Rerum Novarum* about the natural human right to establish professional associations Pope John Paul II states:

Here we find the reason for the Church’s defence and approval of the establishment of what are commonly called trade unions ...

Both encyclicals refer to the right to a just wage, which John Paul II states:

... cannot be left to the ‘free consent of the parties, so that the employer, having paid what was agreed upon, has done his part and seemingly is not called upon to do anything beyond’.

John Paul II continues, in an even starker criticism of industrial agreements which rest exclusively on individual contracts, when he states of the conditions which prevailed in 1891:

It was said at the time that the State does not have the power to intervene in the terms of these contracts, except to ensure the fulfilment of what had been explicitly agreed upon. This concept of relations between employers and employees, purely pragmatic and inspired by a thorough-going individualism, is severely censured in the Encyclical as contrary to the twofold nature of work as a personal and necessary reality.

Furthermore, on page 33 of *Centesimus Annus*, Pope John Paul II states:

... society and the State must ensure wage levels adequate for the maintenance of the worker and his family, including a certain amount for savings ... The role of trade unions in negotiating minimum salaries and working conditions is decisive in this area.

That does not sound like a marginal role for trade unions to me. More explicitly, in connection with the role of the state in arbitrating between industrial parties, Pope John Paul II, in reflecting on *Rerum Novarum*, states:

The State, however, has the task of determining the juridical framework within which economic affairs are to be conducted, and thus of safeguarding the prerequisites of a free economy, which presumes a certain equality between the parties, such that one party would not be so powerful as practically to reduce the other to subservience.

That, to me, does not sound like any explicit disendorsement of the concept of an independent industrial relations commission. If Minister Andrews thinks these observations are marginal to Catholic social teaching, I would draw his attention to the current Pope’s 1981 encyclical *Laborem Exercens*, which deals explicitly and at length with the rights of labour in the modern economy. *Laborem Exercens* says:

The experience of history teaches that organisations of this type are an indispensable element of social life—

here the encyclical refers to trade unions—especially in modern industrialised societies ...

... ... ...

They are indeed a mouthpiece for the struggle for social justice, for the just rights of working people ... their union remains a constructive factor of social order and solidarity, and it is impossible to ignore it.

These various encyclicals have been brought together in the 2004 *Compendium of the Social Doctrine of the Church*, published by the Pontifical Council for Justice and Peace. I would draw Minister Andrews’s attention in particular to chapter 6, entitled ‘Human work’. Quoting more recent authoritative statements by Pope John Paul II, the pontifical council states:

Today, unions are called to act in new ways, widening the scope of their activity of solidarity
so that protection is afforded to the traditional categories of workers but also to workers with non-standard or time limited contracts, workers in those jobs are threatened by business mergers ...

And, on the broader role for unions, what does Minister Andrews have to say to paragraph 307 of the pontifical commission’s Compendium on the Social Doctrine of the Church where it states:

... beyond their function of defending and vindicating, unions have the duty of acting as representatives working for the proper arrangement of economic life ... unions and other forms of labour associations are to work in cooperation with other social entities and are to take an interest in the management of public matters. Union organisations have the duty—

I repeat, the duty—

to exercise influence in the political arena.

My point to Minister Andrews—and I am sure he is watching on the television as this debate proceeds—is that the core documents of Catholic social teaching in no way seek to marginalise the role of trade unions, nor do they seek to marginalise the role of the state, in bringing about a fair industrial system through instrumentalities such as an independent industrial commission; in fact, the reverse.

Coming closer to our own time and place, I am sure the minister will be interested in the views of Bishop Kevin Manning, the Catholic Bishop of Parramatta, who recently told the Sydney Morning Herald:

Labour market flexibility is not a good in itself. If flexible arrangements undermine the ability of workers to earn a living wage or to plan a family, then the state has a responsibility to intervene in favour of the common good.

That is what we find in Catholic social teaching. That is exactly what Mr Justice Higgins, the son of a Methodist minister, thought when he inserted the arbitration power in the Constitution and when he handed down the Harvester judgment in 1908. By contrast, we seem to have policies which are more Calvinist in tone. If I might quote another prominent Catholic, Mr Joe de Bruyn of the Shop Distributive and Allied Employees Association, from the Australian recently, he said:

If he—

that is referring to the industrial relations minister—

was following Catholic social teachings he would not be talking about cutting minimum wages. Nor would he be legislating to prevent moderate, responsible and sensible unions, like the FSU and the SDA, from doing their jobs by restricting their legitimate access to the places where their members work.

The core of Catholic social teaching is that of balance between legitimate interests of capital and of labour. But we see no interest in balance at all on the part of the ideologues opposite. We speak positively on our side of politics about both business and labour. We do. I know the honourable member sitting on the back bench up there finds that amusing, but we do. But, in the last six years I have been in the parliament, when I have listened to those opposite speak about trade unions I have only heard them use the term ‘trade unions’ as a term of abuse. Where is the balance in your approach to this nation’s economic life? Where is your balance in the approach to shaping social justice for the country more broadly?

I find it stunning that a government which often seems to wrap itself in religion seems strangely silent when the orthodox social teaching of one of this country’s principal religious traditions—that is, the Catholic Church—offers contrary evidence to the government’s ideological agenda. I challenge the minister directly in his reply to the speeches which have been made on this legislation to justify how this bill responds to each of the authorities I have referred to so far in my own address. Or will Minister An-
drews simply choose to remain silent because it is all too uncomfortable for him? This bill deals with a fundamental change in the rights of unions to gain entry to workplaces. It changes the balance of power between employees and employers. It is a bill which, in its current form, we cannot support. (Time expired)

Mr HENRY (Hasluck) (7.11 p.m.)—The Workplace Relations Amendment (Right of Entry) Bill 2004 confers significant rights and privileges on unions to enter workplaces for the purposes of holding discussions with members or investigating suspected breaches of industrial laws and instruments. It was certainly interesting to hear the opening remarks of the member for Griffith when he took us back 100-odd years to the establishment of arbitration and conciliation in Australia. The fact is that Labor and the union movement are still living 100 years ago; our communities and societies have moved on. If the union movement is marginalised, it has clearly marginalised itself through its behaviour—often bordering on thuggery—which would not ordinarily be tolerated within our communities. Under the guise of industrial relations, right of entry, as defined in state law, has often been used as a mechanism for unions to intimidate, threaten and coerce others—a process that all too often appears to be aided and abetted by the Australian Labor Party. I think that is demonstrated by the number of speeches we have heard on this bill tonight. I will provide an example of what I mean during my speech.

When right of entry is used and abused in this way, it is my firm belief that the only law that should prevail here is the law of trespass. The government strongly believes, therefore, that the significant rights of entry laid out within this bill must be carefully balanced with the rights of employers and occupiers of premises to conduct their business without undue interference, hindrance or harassment. This bill fulfils an election commitment to reform the union right of entry laws, a measure that has been widely welcomed and endorsed as a proactive and positive step in my electorate of Hasluck by many small businesses, contractors and employers—a group that I have much sympathy for, having myself been involved in small business for over 40 years, including nearly 30 years in the building and construction industry. As such, I have personal experiences of the many excesses of unions and their practices of intimidation and coercion.

The Workplace Relations Amendment (Right of Entry) Bill 2004 proposes to amend the right of entry provisions of the Workplace Relations Act 1996 to exclude the operation of state right of entry laws where federal right of entry laws also apply and introduces further measures to ensure that the right of entry regime operates fairly and efficiently. These measures will give greater certainty for employers and help put a brake on some of the excesses currently taking place in workplaces across Australia.

Recent case law from federal courts has found that unions are able to gain entry to sites under state right of entry laws, despite the fact that all workers on the site are working under federal law. Clearly this is an unacceptable position that imposes an unnecessary extra layer of regulation on businesses. In workplaces where both federal and state
right of entry laws apply, confusion will inevitably arise. This uncertainty leaves employers vulnerable to the abuse of unions’ statutory right to enter the workplace. The government strongly believes that workplaces operating under the federal system should not be subject to the inconsistent elements of state systems. Indeed, workplaces under the federal system should be free to operate under a single arrangement without also having to contend with the vagaries of a state system.

The bill will use the corporations power of the Constitution to enact a single system for right of entry, to the extent that that is possible within the limits of this power. The bill will restore certainty and end the loopholes and complex duplication that the recent Federal Court case law has created. It is important to note that the bill will not restrict the rights of entry that unions currently have under state occupational health and safety legislation—although, given the unions’ approach on many building sites, I do not see how that can be warranted or justified.

The Workplace Relations Act acknowledges the role that unions have in visiting workplaces to deal with their members. The act provides unions with rights of entry that in any other context would be considered trespass. Under the act, the independent Industrial Registrar may issue right of entry permits to officers of registered unions. The bill will help to end the uncertainty under which businesses currently have to operate and will provide an improved framework for employers to manage their workplace relations.

Let me give an example of the confusing and inconsistent situation that currently exists between the state and federal right of entry provisions for employers and others. An article which appeared in the West Australian on 14 February 2003 entitled ‘Federal twist to union trial’ described the trial of three senior union officials. The unionists involved had faced a range of charges, including assault, resisting arrest and assaulting a police officer. The trial hinged on whether the unionists had right of entry to a construction site under state law or whether that right had been extinguished under federal law. The attempt by the employer to deny right of access under federal law led to a union orchestrated confrontation and the arrest of a number of unionists, following a violent altercation with the police and the manager on the site.

Incredibly, the case against the unionists was thrown out on the basis that the state law applied and, therefore, their arrest was unlawful. In this incident, the workers who were on site and wanting to work were spat on and pelted with rocks and urine-filled bottles by members of the CFMEU. Is this the sort of behaviour that should be tolerated? Is this the sort of behaviour that members on the other side support? Is it the kind of behaviour to be expected from those who claim to be working in the interests of workers? Incredibly, these individuals will also be given authority and access to sites under the occupational health and safety laws of the states. In spite of this, the bill contains measures designed to ensure that more appropriate and stringent criteria must be satisfied before a person can be granted a right of entry permit.

With regard to such measures, it seems that those on the opposition benches are happy for workers to be prejudiced by their union friends. I am sure they know that on work sites where ‘no ticket, no start’ prevails—closed shops—those who dare to cross a picket line are blackballed for life. This practice contrasts with the ACTU’s view on this bill. The ACTU appears to have considerable trouble with measures designed to prevent abuses—in particular, it criticises
life-time bans for union officials who may infringe the laws’ strict requirements. Obviously, in its opinion union blackballing of workers does not count.

The bill allows for expansion of the grounds for the suspension and revocation of permits to ensure that those who abuse their rights are held to account. The bill contains measures to require the Industrial Registrar to consider whether the applicant is a ‘fit and proper person’ before issuing a right of entry permit, tighten the requirements to ensure that more stringent criteria must be satisfied before a person can be granted a right of entry permit, limit entry for recruitment discussions to once every six months, limit investigation of suspected breaches of an industrial law to the extent that unions may only access the records of their members, require a union to have reasonable grounds for suspecting a breach of an industrial law before they enter to investigate the suspected breach and require a union to comply with the reasonable requests of the employer on the location of interviews and discussions. In my view, that is highly desirable.

In my view, these measures are entirely appropriate and reflect the government’s continued commitment to improving the current union right of entry framework, making it workable for all parties. This bill provides clarity and ensures that those who are confused will no longer be in that parlous state. Businesses require certainty in relation to right of entry regulation to ensure that they are not unnecessarily disrupted and to guard against the abuse of unions’ statutory right to enter the workplace.

The powers conferred by a right of entry permit are significant and wide ranging. They allow a person to enter premises with a ‘shield’ against trespass. This is a significant right and should only be enjoyed by persons who exercise it responsibly. This legislation will impose obligations on permit holders and will help to stamp out the incidence of union representatives improperly using right of entry provisions to bully and intimidate non-union workers and independent contractors. An article in the West Australian on 26 February 2004 entitled ‘New writ claims union is a bully’ highlighted one such problem in my own electorate of Hasluck, where a construction company took legal action alleging the intimidation of contractors working at its Gosnells Civic Centre construction site.

Unions have predictably opposed the bill, with the ACTU claiming it is discriminatory. However, despite their claims, the bill preserves a significant statutory privilege for unions. The legitimate role of unions in the workplace is still preserved. At the same time, the bill strikes an appropriate balance with the right of employers to carry out their business without unwarranted disruption and harassment. On that basis, I support the bill.

Ms BIRD (Cunningham) (7.22 p.m.)—I am pleased to take the opportunity to speak in opposition to the Workplace Relations Amendment (Right of Entry) Bill 2004. I listened closely to the contribution of the member for Hasluck and I think that, to a large extent, what he had to say reflects some of the problems I have with the government’s approach to industrial issues. In particular, the member for Hasluck talked about thuggery and abuse of the right of entry legislation at both state and federal levels. He painted a picture which would have us believe that all employers behave impeccably and that all union representatives behave badly. This is a constant and simple explanation and description of the industrial relations environment in which many people work. Therefore, the consequent industrial relations programs and policies that the government puts forward are based on a very simplistic good versus bad sort of image of
the workplace. Indeed that is not the truth. We on this side of the House have never, and would never seek to, put an argument forward that all union behaviour is impeccable. We are also more than well aware that all employer behaviour is not impeccable.

The member for Hasluck chose to particularly focus on the construction industry, indicating that he had 30 years experience in that industry. He should well know that the history of death and disability arising from many construction workplace accidents is one that leaves worried and fretful many parents who send their young people into those workplaces every day. Indeed we know now that there is a skills shortage in the construction industry, and I suggest to members opposite that taking away further protections for young people who go into those industries is not a sensible approach to addressing that skills shortage. We have seen graphic and very sad examples of young people, young fathers who have been badly injured or killed in construction industry accidents. The story is not simple, and I really think that members opposite would contribute much more effectively to a good review of what makes a good industrial relations environment if they did not present it so simply as being black and white; it is clearly not.

This bill does nothing more than further that ideological hatred of trade unions, and other speakers have covered that representation. Unions still cover a large part of the Australian workforce—something like two million workers. This bill reflects a big business agenda and satisfies the ideological wishes of the big business lobby in Australia. As I outlined in response to the member for Hasluck, it focuses only on the negative examples and does not look at the fact that there are massive improvements possible on both sides of the fence. Not one businessperson in my electorate has raised with me the fact that right of entry by workers’ representatives is so daunting that special legislation needs to be enacted to restrict it. This bill is a further indication of an arrogant, power-drunk government seeking to point attention away from the real problems facing workplaces around Australia such as skills and training shortages, the overflow of paperwork regulation for businesses and bottlenecked infrastructure. And of course we should not forget that it is important at this point in time for the government to divert attention away from the interest rate hike which, during the election, it led people to believe would not occur.

This bill quite simply seeks to pick a fight with trade unions and their members. It seeks to lay down a marker for big business and the big business lobby, to chalk up another political propaganda point and to give a message that the government is really on a war footing with the unions and union members. The bill restricts the right of entry of union officials to workplaces, and it replaces provisions in the government’s own 1996 Workplace Relations Act. The bill also limits the scope of state laws by using constitutional powers to exclude the operation of state right of entry legislation.

The bill will introduce stringent criteria before a ‘fit and proper’ person can be granted a right of entry permit. It expands the grounds to suspend and revoke permits. It limits entry for recruitment purposes to once every six months per premises. It requires that right of entry notices be in a prescribed form, covering the date of entry, purpose, details of suspected breaches and whether recruitment is a purpose of entry. It requires a union officer to comply with employer requests to conduct interviews, even to the point of specifying the location and the taking of a particular route to the interview location. The bill overrides state right of entry
It forbids the certification of right of entry in agreements. It forbids the investigation of an Australian workplace agreement, it limits the right of entry to investigate a breach, it places the onus on union officials and it restricts access to records to those relating solely to union members. I doubt that, even in the old days of the Soviet Union, the minutiae found in this bill would have been acceptable to those notorious state control five-year-planners! Despite the seriousness of the bill, watching management instruct a union official on which room can be used for interviews, or which pages of the wages and conditions log, and even which path they need to take to get to the instructed interview room, is frankly over the top and constipated.

The current right of entry provisions are governed by the Workplace Relations and Other Legislation Amendment Act 1996. This act changed the right of entry by, firstly, requiring union officials to obtain permits from the Industrial Registrar; secondly, providing advance notice to employers about an intention to enter business premises; and, finally, removing the right of entry as an award matter. Further amendments to the government’s legislation were made in 2003 by passage of the Workplace Relations Legislation Amendment (Registration and Accountability of Organisations) (Consequential Provisions) Act 2003.

I have said before that industrial relations—or ‘workplace relations’ depending on which label you fancy—is about people. It is by definition and nature unlike a product market. Employers and employees both have legitimate interests. The employer obviously desires an efficient and productive workplace to maximise profit and extend market share. The employee desires a good secure income, recognition of skills and training, meaningful work and safe working conditions.

But this employment relationship is not, and never has been, an equal one. Employers at the turn of the last century abused their privilege on occasion and paid workers poorly. Conditions of employment were often atrocious and new institutions and protections were established to improve the employment relationship for workers. Trade unions were established, as were public institutions, to develop and implement fair wages and conditions in the workplace and across industries.

Australia, in many ways, pioneered these changes. Industrial relations requires balance—and the member for Hasluck talked about the need for balance. It appears that modern day ideologues do not well appreciate history or the need for balance. Big business lobbies can push government to swing the industrial relations pendulum in one direction for only so long before the environment and perceptions change, demanding a swing back to the centre and a balance. It has happened throughout Australia’s industrial relations experience, and it will happen again.

Sydney Morning Herald columnist Ross Gittins, recently made a very telling point in a column which previewed the government’s
much speculated—but so far less detailed— changes to industrial relations. Under the headline, ‘Howard at risk of losing the battlers’, Gittins predicts:

He’ll—

the Prime Minister—

be moving to further shackle the unions, discourage collective bargaining and promote individual contracts, reduce the powers of the Industrial Relations Commission, institute smaller increases in minimum wages, reduce the matters covered in awards and allow the federal industrial relations system to override the state systems.

Those workers represented by active unions don’t have a lot to fear, but those without the protection of a union could see their wages and conditions eroded over time. The bottom 20 per cent of workers reliant on arbitrated increases in minimum award wages could say goodbye to real wage increases.

Gittins goes on to suggest:

Howard’s Battlers have never cared much for unions, mainly because they’ve been protected by the commission and the award system. They may find working life without the protection of any outside powers a lot less congenial.

I and many others have become used to the Howard government’s demonisation of the trade union movement. At every opportunity members opposite bag trade unions and accuse them of thuggery, of being non-representative and unwilling to play a role in reform. It is a favourite accusation to throw at this side of the House that somehow the active role that many of us have had in the unions, representing our own workplaces, is a negative in the experience that we bring to this place. I have had my own disagreements with some trade unions over recent times but I have never questioned the movement’s essential role in protecting and advancing workers’ interests in pay and conditions.

Today, the trade union movement represents, as I mentioned earlier, at least two million workers. Add their families to these two million workers, and it is a sizable constituency on any objective analysis. Yet the Howard government retains a stubborn ideological opposition to workers’ representatives having a role in a modern industrial relations system.

In support of its argument that unions are no longer representative of today’s workforce, the government has no hesitation in focusing debate on the decline in union membership over the last 20 years. I think even the trade union movement will acknowledge it was slow in recognising the substantial growth in part-time jobs, particularly in the service based businesses and industries, and how it may offer its own services to those workers. After all, for all the talk of how this sector has expanded and created jobs, its workers are still among the lowest paid in Australia, the conditions of employment are at a bare minimum and the remaining protections are at the mercy of a further sustained attack by the government. Yet the unanswered question is: why does this government remain so fiercely frightened of trade unions that it needs to engage in yet another round of amendments or changes to its own legislation to further undermine the role of trade unions in the modern workplace?

The Howard government is proud of its claim that it has had a role in the decline of trade union membership, so why are changes introduced to further erode the role of trade unions in industrial relations? Even though the government has no courage to spell out in detail its plans for industrial relations, it is hell-bent on implementing the conservative agenda of cutting wages and conditions for all workers, but particularly the low paid. It intends to further reduce and erode the involvement of third parties—although not of big business lobbies—in the employment relationship. Indeed, I spoke on this in an
earlier debate on amendments to the trade practices legislation.

This agenda involves cutting ‘costs’—that is, wages—in order to shift those to profits. It intends to ensure that no worker is able to collectively bargain, or have available to them a representative in a trade union to negotiate a fair wage and conditions outcome in their workplace. It intends—let us not mince words—to implement the wish list of the big business lobby to every comma and full stop.

In the debate on the Trade Practices Legislation Amendment Bill (No. 1), we saw that the government, which talks about choice all the time, has effectively closed down the ‘choice’ of small businesses—for example, owner-operators, of trucks and delivery vans—to collectively bargain by choosing a union as their bargaining agent. The government is happy to pay lip-service to arguments about ‘choice’, but then legislates to barricade the practice of it through clauses on the statute books. Small business will continue to remain at the mercy of big business, represented by their well-funded peak lobby organisations, and predatory pricing.

This bill has been drafted with no consultation, particularly with state governments whose own laws it will override. The New South Wales, Queensland and ACT governments have all made the point in submissions to the Senate Employment, Workplace Relations and Education Legislation Committee that this bill will override effective and non-controversial state legislation. These governments have also highlighted that the bill will limit the ability of trade unions to monitor the effectiveness of relevant state laws and to comply with other statutory obligations.

Business will be considerably disadvantaged by the bill, especially when they realise that the bill does not implement a national scheme. In fact, the bill proposes to retain different legislative provisions for small businesses that are not incorporated.

My many other objections to this bill can be summarised as follows: firstly, it imposes an unreasonable restriction on the right of workers’ access to a union in their workplace; secondly, it ignores the fact that unions are principal parties to awards and agreements; and, thirdly, it places Australia in further breach of international obligations on freedom of association and collective bargaining at a time when the Howard government wishes to re-establish its involvement with the International Labour Organisation.

I note with considerable interest that the Chief Counsel to the Department of Employment and Workplace Relations, as recorded in the Senate committee Hansard on 18 February, indicated:

... the minister has decided to consider some possible amendments to aspects of the bill. According to the chief counsel, amendments may cover the following areas:

... the limitation ... on a permit holder being able to engage in recruitment conduct ..., the maintenance of the existing rights of union officials to enter premises ..., and the requirement that notice of entry must be provided during working hours.

It will be very interesting to see whether the amendments flagged during the inquiry actually come forward. Nonetheless, as it stands, the bill will certainly be opposed by my colleagues and me.

The bill addresses a 10th order issue in industrial relations. Not one business person in Wollongong has told me that right of entry is a problem in the continuing operation of their business to such an extent as to require such legislation. In none of the meetings I have had with the Illawarra Business Chamber or Australian Industry Group has there been any indication that this is an issue for
them or their membership. No case has been made by the government for this bill beyond the ideological obsession of further eroding the role of unions and the protection of workers’ wages and conditions.

This bill is designed to divert attention from the many other more significant priorities—indeed, the many other more significant failures—in economic reform. The Howard government has been in office for a long time. At this stage in this ageing government’s cycle, it is time it took full responsibility for the economic failures Australia currently faces. It must not attempt to use legislation and its current agenda to create diversions and divisions, which I believe is the intention of this bill. It must address the continued problems of the skills shortage and the fact that its apprenticeship policy is not addressing or going to immediately solve many of the problems faced by businesses in areas like my electorate.

The bill will not address the need for Australia to increase infrastructure investment to relieve the bottleneck pressures on ports, rail and roads in exporting our commodities, which at the moment are achieving record prices. As a result of the concerns I have about this bill and the failure, as far as I can see, of the government to propose how this bill will address the economic challenges facing this country at this point in time, I will continue to oppose the bill. I encourage those opposite not to allow this debate to descend into a simplistic argument of good versus bad or that all employers behave impeccably, as I said at the beginning, and that all union representatives behave badly. We do not require this poorly thought-out, ineffective and, at the end of the day, unnecessary legislation.

Mr SECKER (Barker) (7.41 p.m.)—It is my great pleasure to speak today in support of the Workplace Relations Amendment (Right of Entry) Bill 2004. It was very interesting to hear the member for Cunningham—a fairly new member—accuse the Howard government of demonising the union movement, as though it were a one-way street. Of course, we all know that the unions never demonise John Howard and this government!

The member for Cunningham also talked about cutting wages and conditions. I find that an amazing statement when you consider that, in the nine years of the Howard government, we have achieved 1.5 million new jobs and an increase in real wages of 13 per cent. When you compare that with the Labor government of 13 years—four more years—and a real wage growth of only two per cent, I would take our 13 per cent any day. Most of what the member for Cunningham raved about was not even relevant to the bill. In fact, it was a bit like those Texan longhorn bulls that you see in westerns—a point here and a point there, but a hell of a lot of bull in between.

In seeking to amend the Workplace Relations Act, the government are looking to protect the interests of employers and employees alike. We have always been concerned about the issues that affect the work environment of the nation’s employers and employees and have been trying to make advances in this legislative area which will make industrial relations much more workable for both parties. Since coming to government in 1996, we have sought consistently to update and amend the Workplace Relations Act to better suit the working climate of today.

The member for Cunningham, who has now left the chamber, said we had to take responsibility for our economic failures. What economic failures? As I said, there are 1.5 million new jobs, inflation is at its lowest in 30 years, real wages are up by 13 per cent.
and interest rates are at a 20-year-low. Even with a 0.25 per cent increase, they are still low by Australian standards. If they are the so-called economic failures which the member for Cunningham accuses the government of, I think we are quite happy to take responsibility for them.

The bill before the House today honours the Howard government’s election promise to amend the right of entry provision under the Workplace Relations Act 1996 and seeks to protect union rights to enter a workplace whilst enabling employees and employers to carry out their business without unwarranted interruptions. This bill simply looks to improve the agreement making system so that workers can negotiate their working conditions, thus providing a work environment requested by the workers which would effectively lead to greater productivity, and therefore a greater impact on the economy, which all the figures show they have. Workplace relations issues are important to all parties in the Australian workforce. They provide our workforce with the right to a safe and healthy work environment and give protection in the workplace with avenue for recourse. Essentially, the Workplace Relations Act 1996 serves the interests of both employers and workers in the Australian workforce.

The amendments before the House today introduce further measures to ensure that right of entry operates fairly and efficiently for all involved parties and excludes the operation of state right of entry laws where federal right of entry laws also apply. Essentially, the Workplace Relations Act 1996 serves the interests of both employers and workers in the Australian workforce.

The right of entry permit provides the bearer with significant and wide-ranging powers and essentially enables that person to enter a workplace without the possibility of being prosecuted for trespass. Thus, it is understandable that employers and employees would want a guarantee that the bearer is a fit and proper individual who will exercise the rights associated with the permit responsibly. This bill sets out stringent criteria which an individual must meet when applying for a right of entry permit, which will effectively give the individuals in any given workplace the assurance that they want and need. The Labor Party may say that this is discriminatory, but this is what you would expect from a party who relies so heavily on union backing.

To use an analogy: would we allow an individual who claims to be a doctor to give us a check-up without proof of their qualifica-
tions, as to whether they are fit and proper to practise as a doctor, especially if, firstly, we have not requested the appointment and, secondly, we are not aware that there is a problem in the first place? I have no doubt that the answer would be no. Therefore we must ask ourselves why we would allow unions to enter workplaces without guarantees that, firstly, the individual is fit and proper and will behave in an acceptable manner and, secondly, the individual’s visit to the workplace is warranted—that there is some health problem with the workplace.

This bill sets out measures which stipulate that, when a union is investigating a suspected breach of industrial law, they may only access the records of their members. If I can again draw a parallel in our daily lives, it is unlikely that we would allow that same doctor to access our medical records for the purpose of diagnosing another patient. This is effectively the same thing. Workers who have chosen not to be members of a union are exercising their freedom of choice, and it must be remembered that five out of six Australians in the private workplace are not members of unions. By making that choice they have opted not to be part of union action and therefore their records should be off limits to the unions. This goes to the heart of our privacy laws that we hold dear.

This particular amendment will go a long way to preventing what can only be described as fishing expeditions by union officials, whilst also ensuring unions have appropriate access to the workplace for those investigations which are legitimate. To keep employers informed throughout this type of action, the right of entry permit holder will be required to present official entry documentation to the occupier of the premises. This will ensure that both the employer and the union member have a thorough understanding of their rights and responsibilities and, furthermore, it will enable the employer to verify that the requirements of this new bill are being met.

The second key element of this bill before the House tonight is the move to restore certainty and end the loopholes created through the duplicate state and federal right of entry laws. Currently there are workplaces in this country that are subject to both state and federal right of entry laws. This can cause great confusion with regard to the rights and responsibilities of both the union and the employer. More importantly, this duplication can give unions leeway to abuse the right of entry laws, placing the employer in a vulnerable and unfair position. This bill will remove any ambiguity in relation to why unions and union officials take the action they take. All in all, this bill is yet another step towards a better industrial relations system which will be of great benefit to both employers and employees. In conclusion, these amendments will tighten up the current right of entry laws. This bill strikes an appropriate balance between the right of unions to enter workplaces and the right of employers to carry out their business without unwarranted disruptions.

**Mr GAVAN O’CONNOR** (Corio) (7.52 p.m.)—I rise in this House to oppose the Howard government’s Workplace Relations Amendment (Right of Entry) Bill 2004. I do so on behalf of responsible Geelong unionists and their representatives whose ability to collectively bargain will be curtailed by this legislation, as will the great principle of freedom of association on which our Australian democracy is based and which has underpinned the industrial relations system in this country up to now. I note that on the speakers’ list the honourable member for Corangamite is scheduled to follow me later this evening in this debate. The honourable member for Corangamite shares a part of the Geelong community with me in a constituency sense. To the workers who travel some
distances to Geelong from the electorate of Corangamite he has to justify his support for every piece of repressive and restrictive industrial relations legislation that this government has introduced.

Geelong unions have a very proud past and present history of defending their industrial rights and they do not intend to take this latest attack by the Howard government on those rights without the father of all fights. As I have said in past debates on these matters in this House, we have a visionless Prime Minister who has always pursued a shallow and limited political agenda. You can distil it down to three basic policy issues: the pursuit of a GST, the sell-out of Telstra into private ownership and a vicious anti-union industrial relations agenda that violates important elements of democratic practice in this country as well as our international treaty obligations in this instance. That agenda panders to the ugly ideologues on the far right of the political spectrum who are now in control of the Liberal Party. The industrial and political wings of the Labor movement in Geelong are at one on this issue. We intend to defend the freedom of union members. We intend to resist the attacks on the hard-won industrial rights now enjoyed by the Geelong work force.

I recently attended the annual Labor Day dinner in Geelong along with my state parliamentary colleagues, the member for Geelong, Ian Trezise, the member for Lara, Peter Loney, and the upper house member for Geelong Province, Elaine Carbines. Also in attendance were past union and political leaders who, through their collective efforts, have built up the rights of Geelong workers—the rights that delivered the standard of living that is currently enjoyed by many of them and their families. Members on this side of the House would be pleased to know that in attendance that night was the former member for Corio, Gordon Scholes, who I believe has not missed the annual Labor Day dinner in Geelong for decades. Not only was Gordon the president of the Geelong Trades Hall Council but, in 1967, he became the member for Corio and continued in this place the fight to advance the interests of Geelong workers and their families. Also in attendance was Neil ‘Nipper’ Trezise, who became a state MP and minister and who also dedicated his political life to the interests of Geelong workers. Past and present Trades Hall officials and delegates from a wide spectrum of unions representing Geelong workers were also in attendance. Their unanimous resolve is to resist these attacks on them and to defend their livelihoods and their standard of living.

Let us cut to the chase in this debate. The Howard government is not interested in establishing a fair and balanced industrial relations system. It is interested in driving Australian workers back into the 19th century to an industrial relationship that would see them in perpetual subservience to employers’ and owners’ interests. This bill seeks to trample on some well-established industrial traditions in this country that have allowed union representatives reasonable and responsible access to workplaces to represent their members. It is fair comment to say that, in the past, some employers and some unions have violated what would be deemed to be fair and reasonable practice in workplace relations.

Mr Slipper—Mainly unions.

Mr GAVAN O’CONNOR—For example, some employers have used their industrial power to not only restrict the rights of workers but diddle them out of their rightful entitlements for their labour. Similarly, on occasions, some union officials have exercised their industrial power in ways that could not be construed as fair and reasonable. I do not shy away from putting some blame on both
sides for industrial malpractice. What I will not do is to single out employers alone or single out unions alone, as the honourable member who interjected just did. I do have some respect for the intellect of the honourable member who just interrupted but, regrettably, on this occasion he demonstrates an extraordinary bias in making those sorts of interjections—an ugly bias, a rather grubby bias that does not really befit the honourable member. No-one is condoning the behaviour that I have just outlined. However, there is a public interest in governments articulating the positive relationship between employers and employees that exists in most enterprises throughout the length and breadth of the Australian economy and staying well clear of the ugly bias that permeates this bill and that has just been given expression by the interjection of the honourable member from Queensland.

There is no public interest in ugly bias. Quite simply, I am opposing this legislation because of that bias and the severe restrictions it will place on Geelong union representatives to represent the interests of Geelong workers in Geelong enterprises. Geelong workers have played their part in the past in economic restructuring, which has delivered at the end of the day higher living standards to other workers and to the community. But it was done at a significant cost. It was not only a cost that was paid by workers; it was paid by some employers who lost their businesses. So when I speak of sacrifice in the economy and in the industrial relations arena, I am not only referring to unionists who were displaced in the massive restructuring that accompanied the reform of the Australian economy undertaken by Labor, because there was a price paid by some employers. I do take exception to the portrayal of unionists by members opposite. Who do you think they are? They are family members, breadwinners, male and female, who toil in enterprises to create wealth to sustain their families, their communities and this nation. While some honourable members are out on the golf course of a Friday, swilling around the golf courses in their electorates, my workers are in the enterprises earning a living and contributing in a meaningful way to the economic growth of this country and to the economic stability of the enterprises.

These workers have the right to be represented by their representatives in critical negotiations affecting the price they receive for their labour and the conditions under which they work. They need access to the support, the negotiating skill, the information and the accumulated expertise of their union in the face of the often substantial resources available to their employers on industrial matters. The industrial relationship in a modern economy is inherently an unequal one, and the mark of a civil and democratic society is the way that it achieves balance and fairness in the relationship through the legal framework constructed to govern that industrial relationship.

Let me now deal with some of the detail and major provisions of this bill. It replaces provisions of the Workplace Relations Act 1996 dealing with right of entry into workplaces and it seeks to limit the scope of state law by the use of Commonwealth power to exclude the operations of state right of entry laws. I am thankful and indebted to my colleague the member for Perth and shadow minister for workplace relations for the excellent brief that he has provided me on the provisions in this bill. Key aspects of the bill include: the introduction of stringent criteria before a fit and proper person can be granted a right of entry permit; an expansion of the grounds for suspension and revocation of right of entry permits; restrictions on entry for the purpose of holding discussions with employees; and limiting entry for recruit-
ment purposes to once every six months per premises.

What sort of legislation is this? This is not a piece of legislation that gives expression to a long-held and cherished principle of freedom of association. This is not a piece of legislation that gives expression to some meaningful collective bargaining between employees and employers. This is a vicious piece of legislation introduced into this parliament for a particular purpose, and that is to restrict the rights of Geelong workers and their representatives.

The bill also limits right of entry for the purpose of investigating a breach, placing the onus on a union to make this out if challenged, and restricts access to records to those relating solely to union members unless the Australian Industrial Relations Commission orders access to non-members’ records. Right of entry to investigate a breach of the Workplace Relations Act will not apply to a breach of an Australian workplace agreement unless the employee who is party to the AWA makes a written request to the union to investigate the breach. The bill also requires union officers entering to comply with reasonable employer requests to conduct interviews in a particular location and to take a particular route to reach a designated interview location. It overrides state right of entry law in respect of constitutional corporations and prohibits the certification of agreements which provide for right of entry. It also requires that an entry notice be in a prescribed form given to an employer prior to entry, specifying intended date of entry, purpose for which the entry will occur and details of any suspected breach or whether recruitment is a purpose of the entry. These are all provisions that might sound very reasonable to somebody with an extremely conservative mind, but they really have no place in a liberal industrial relations system. As a general comment, it is simply a fact that employers already have significant protection under the Workplace Relations Act at the moment to go about their business free from unreasonable restriction.

So what justification have the government advanced for this ugly piece of legislation? The answer is none. Indeed there is an inherent illogicality in the government’s position. On the one hand they claim low levels of industrial disputation and success in the uptake of Australian workplace agreements and they tout the success of the economy. On the other hand they state that the economy is being weighted down by an inflexible wages and industrial relations system. I say to the government: you cannot have your cake and eat it in this game; you cannot walk both sides of the street, to use the Prime Minister’s and the Treasurer’s terminology. Responsible and reasonable governments are motivated by a genuine sense of fair play and a desire to reasonably balance the interests of players in that industrial relations equation, and a reasonable and responsible government would never come up with this ideologically driven nonsense.

Given the involvement of the states in this legislative equation, it is not unreasonable to ask what negotiations and discussions have been undertaken with them to produce this little gem. The answer to this is nil, nor, as I understand it, has there been any meaningful consultation with employer organisations, employees or other organisations or institutions in the sector. So much for the Prime Minister’s commitment to govern for all of us! The reality is that this biased, ideologically driven bill is not really about responding to any legal or policy case for change. Its underlying motivation is to make it hard for unions to recruit in workplaces and to curtail the rights of workers to be represented in the collective bargaining process by agents of their choice. More insidiously, this bill enables the identification of workers in the
workplace on the basis of their union membership and it opens up the real possibility of discrimination in many workplaces. Where has there been presented in this place evidence of widespread abuse of union rights of entry and the need for change? There simply has not been. The reality is that the government have not constructed a case for change based on fact but have attempted to construct one based on prejudice and misinformation.

It is really an obscenity to call this piece of legislation ‘a reform’ as that much maligned and misused word in our economic and industrial dialogue should be used in the context of taking the agenda issues forward. This takes it backwards. It is reactionary, it is quite unnecessary and it is undemocratic. It demonstrates again the ugly bias that lays bare the government’s real intent in bringing this legislation forward at this time. This is no new industrial relations agenda for a modern Australia; this is an ugly political stunt from a government that has lost all sense of decency. It lost it when it hired, to do its dirty work on the Australian waterfront, thugs and mercenaries who unleashed dobermans on Geelong and Melbourne workers in my state. I say this to members opposite: Geelong workers have been involved in the past in struggles to protect their families and improve their living standards. They have done it against some tough opponents and in some tough environments. We are not going to be intimidated at all by the spineless posturing of a deceitful and discredited government and, as the old saying goes, every dog has its day.

My call goes out in this debate tonight to Geelong workers. We are fast approaching the time when you will all be called upon to resist in a variety of creative ways the repressive legislation of what can only be described as a vicious tory government that long ago abandoned any claim to a liberal tradition in this country. You will be called upon to defend what has been won for you by your fathers and mothers in struggles long past. The fair play treatment of your children in the workplace will depend on your resolve and sense of sacrifice in coming months in restricting the limits that the government is now attempting to put in place on your industrial rights.

This will be a long and protracted struggle, and at the end of the day it is one we will win because we always have. We always have because workers in my community in the Geelong region have stood together and families have stood together to advance their standard of living, to defend their freedoms and to advance their industrial rights. We will not buckle under this government’s intimidation. That is the commitment we give to this government. That was the commitment of Gordon Scholes and ‘Nipper’ Trezise. That was the commitment of Bernie Darcy and other presidents and secretaries of the Geelong Trades Hall. When you pick the fight against one Geelong worker, you pick it against us all. We intend to resist this piece of legislation and the others. No doubt when 1 July comes you will bask in the sunshine of having a majority in both houses. (Time expired)

Mr SLIPPER (Fisher) (8.12 p.m.)—Let me congratulate you, Madam Deputy Speaker Bishop, on your occupancy of the chair. I have to say that I was somewhat concerned by the contribution made by the member for Corio. I certainly have a regard for him personally, but when one listened to the words that he uttered forth in the chamber one could see the reason that this side is in government and those on that side are still in opposition. The member for Corio seems to talk the rhetoric of the class warfare of the 1890s. He reminds us that the Labor Party, despite veneer changes, was indeed the government of the unions by the unions and for the unions. When one listens to the outdated
class notions uttered by the member for Corio, one appreciates that the Labor Party is no longer relevant to most of the Australian people.

I think it is very important that people look at what is actually included in the Workplace Relations Amendment (Right of Entry) Bill 2004. If one absorbed at face value the arrant nonsense uttered by the member for Corio, one would imagine that this is a piece of fascist legislation designed to grind down the rights of workers and deny workers in Geelong and elsewhere the right to stand up for their families and aimed at stopping people from being breadwinners for their families and that in some way, shape or form this legislation is to in effect destroy people’s rights won over hundreds of years of industrial progress. I think there ought to be a reality check, and it is important that the member for Corio appreciate that the Workplace Relations Amendment (Right of Entry) Bill 2004 is all about striking a balance between the rights of unions to enter workplaces and the rights of employers to carry out their business without unwarranted disruptions. It is vital to appreciate that the way to make sure that we have full employment in this country, the way to make sure that workers are able to achieve their full potential and the way to make sure that we do in fact have higher wages and better conditions is by creating an environment where businesses are able to grow, expand and be successful.

Mr Anthony Smith interjecting—

Mr SLIPPER—When businesses are successful, as the honourable member for Casey points out, jobs are created. When one creates jobs one gives the opportunity to so many people to get one foot on the employment ladder. Of course, one foot follows the other and people climb up the employment ladder. All of us can cast our minds back to those disastrous years of the Hawke and Keating governments, particularly the Keating government, when, I believe, some one million people were unable to get a job. How on earth can the member for Corio—a person, in my view, of high personal integrity—come into the chamber and somehow suggest that the bad old days were better days for Australian workers? How on earth can he suggest that the failed policies of the Hawke and Keating governments were, in some way, the way forward?

The right of entry provisions in the Workplace Relations Act 1996 confer significant rights and privileges on unions to enter workplaces to hold discussions with members or to investigate suspected breaches of industrial laws and instruments. This bill, which is very moderate and reasonable, proposes to amend the right of entry provisions of the Workplace Relations Act 1996 to exclude the operation of state right of entry laws where federal right of entry laws also apply and to introduce further measures to tighten the right of entry regime. So, far from being a draconian piece of fascist legislation, which is what the member for Corio would want us to believe the Workplace Relations Amendment (Right of Entry) Bill 2004 is, it is a reasonable and balanced piece of legislation which seeks to bring about certainty. It seeks to guarantee the rights of employers and employees and it aims to advance a situation where, if people are prepared to work harder, they will receive the fruits of that hard work.

The measures in the bill reflect the government’s continued commitment to addressing the current union right of entry framework. These measures will reduce harm to business, particularly small business, that is caused by any unions seeking to enter a workplace for an improper purpose, while still allowing unions to enter workplaces for legitimate reasons. The member for Corio
seems to think that unions are perfect, that they do not make mistakes and that, in some way, it is beneficial to a business and to employment opportunities to allow unions untrammelled access to all workplaces for whatever reason. I think it was the current Leader of the Opposition who said that the Labor Party has never pretended to be the party of small business.

Mr Anthony Smith—That’s right.

Mr Slipper—As the member for Corio points out, that is correct—sorry, the member for Casey. I would not wish that he should move to Corio, because the bright political future of the member for Casey might not be as bright if he were the member for Corio.

Dr Emerson—Well, he wouldn’t win the seat.

Mr Anthony Smith—I don’t think Corio’s going to be there much longer.

Mr Slipper—The member for Corio might not be there much longer. If we listen to the rhetoric that he has uttered in this place, one would have to suggest that he is close to his use-by date. These measures will reduce harm to businesses, particular small businesses, and, as the Leader of the Opposition said, the Labor Party do not pretend to support small business. Small business is the engine room of the Australian economy and, if we can create, as we are, an environment where particularly small businesses can grow and invest, then we will have improved employment outcomes. When you look at the situation currently in Australia, with unemployment being much lower than it has been in recent times, it is pretty clear that our policies are creating a sense of confidence in small business. We are encouraging the mums and dads of Australia to go out there and create jobs. When they create jobs, of course, they give the constituents of the member for Corio and others the opportunity to actually take a productive role in the Australian economy and in Australian society.

This bill introduced by the minister has the potential to effect significant positive change in industrial relations in the building sector in particular. It seeks to do this by barring collective agreements from including retrospective pay rises or provisions breaching freedom of association. Everyone supports the rights of people to join a union, but it has been one of the most shameful things in Australia’s existence that for many years essentially we had a situation where people did not necessarily have the right not to join a union. The bill also bans pattern bargaining where unions seek common pay deals across hundreds of different employers. The bill introduces penalties of up to $110,000 for companies and unions and up to $22,000 for individuals engaging in unlawful strike action.

The legislation, as the minister points out, seeks to limit inappropriate union entry and to ensure that entry is less intrusive and disruptive where it does occur. Under the current arrangements, employers and employees may be subject to union entry to the workplace under both federal and state law. I am one of those who would like to see the states surrender their industrial relations power to the Commonwealth. One of the difficulties we have, and one of the great drivers of cost in the industrial relations system, is duplication. We have demarcation disputes; we have federal jurisdiction; we have state jurisdiction. Let’s face it, if we could actually save all of the money that is currently wasted through duplication, then we would be able to achieve even better outcomes.

This bill will amend the Workplace Relations Act to expand the Commonwealth system for union right of entry and override state systems, within constitutional limits. Where the employer is a constitutional cor-
poration, a union will only be able to exercise a right of entry under the new Workplace Relations Act provisions. It is important, though, to recognise that the bill will not prevent unions from exercising their existing rights under state laws not covered by the bill or state occupational health and safety legislation. So, despite the scare campaign that members opposite might raise in the House, this legislation does not prevent unions from exercising their existing rights under state laws not covered by the bill or state occupational health and safety legislation.

The bill also contains measures to ensure that more stringent criteria must be satisfied before a person can be granted a right of entry permit and that, when entry is made to investigate a suspected breach, unions would only be able to access the records of their members. It is just appalling to suggest that unions should be able to access the records of people who are not members of the union. What about the right of privacy?

Other important measures contained in the bill include the requirement for a union to have reasonable grounds for suspecting a breach of an industrial law before it enters to investigate the suspected breach. There is also the requirement for a union to comply with reasonable requests of the employer regarding the location of interviews and discussions.

The bill before the House is an important bill. In fact, I would go so far as to suggest that it is an essential bill if the business community, and in particular the small and medium business community, are able to have any certainty in the conduct of their respective businesses. When the ALP have stood for election, they have made a whole range of promises. I think we remember the promise that they were not going to sell the Commonwealth Bank. They were not going to sell Qantas. Of course, whatever the Labor Party have promised prior to an election they have been prepared to tear up upon returning to the government benches.

Ms King—Pot, kettle, black?

Mr SLIPPER—The situation is that the Labor Party were prepared to break their election promises and, by comparison, the government, particularly the Treasurer and the Prime Minister, have placed very great stress and importance on the need to deliver our promises to the Australian people. We find that, time after time as we seek to introduce legislation to the parliament, the Labor Party are trying to force us to break our pledges to the Australian people. The member for Macquarie, who is a person for whom I have the highest regard—

Mr Bartlett—And rightly so.

Mr SLIPPER—and he is quite correct to interrupt—is someone who believes strongly that the government ought to deliver on its commitments. This bill delivers and fulfils a commitment of the Howard government prior to the last election, and it is amazing that those opposite are seeking to make us break a commitment. We are not going to break that commitment. We support this legislation, and I am very pleased to commend it to the chamber.

Dr EMERSON (Rankin) (8.25 p.m.)—Based on previous form, I am surprised the government has not called the Workplace Relations Amendment (Right of Entry) Bill 2004 the ‘Workplace Relations (Better Right of Entry) Bill 2004’. On previous occasions the government has employed such Orwelian language in respect of allowing businesses with 20 or fewer employees to dismiss their staff unfairly. The government introduced enabling legislation called the Workplace Relations Amendment (Fair Dismissal) Bill 2004. It introduced into the parliament the Workplace Relations Amendment
(Better Bargaining) Bill 2005, which substantially weakens the remaining bargaining power of working Australians. The government also introduced into the parliament the Workplace Relations Amendment (Protecting the Low Paid) Bill 2003. That piece of legislation protects the low paid against a pay rise.

George Orwell has been alive and well, but in this term of the parliament the government has been far more open in its intentions and the Workplace Relations Amendment (Right of Entry) Bill 2004 is a very clear intention on the part of the government to effectively take away any remaining collective bargaining capacity that working Australians might have. It is an undisguised onslaught on collective bargaining. It is an onslaught that severely restricts the abilities of unions to organise and represent their members.

Right of entry amendments were made in the first wave of the industrial relations legislation of 1996. That legislation has meant that, since 1996, unions have had to give notice of their intention or desire to enter a premises. It has also meant that unions could not in any way disrupt operations and that they would need to enter only during breaks.

The legislation of 1996 also specifies that unions must meet with potential and actual members in a place designated by the employer. In reality what that can mean and what it has meant in many circumstances is that employees are expected to file past the office of the employer on the way to a meeting with unions, thereby revealing their interest in joining a union or in discussing matters relating to the workplace with union officials. This has been used as a method of intimidating employees not to hold such discussions or to express an interest in joining a union. It has also meant that an employer can specify that meetings cannot occur in a lunch room but need to occur in a room out the back. That is the existing workplace relations legislation as it impacts on right of entry.

But the government has not been satisfied with such restrictions on the capacity of unions to enter workplaces. As a consequence, it has introduced the Workplace Relations Amendment (Right of Entry) Bill 2004. This legislation contains a number of very severe provisions, and I will not go through all of them. However, one such provision is the entry notice that is required to be produced by a union official. It is highly detailed; it must be filled out well in advance; and it is designed, obviously, with a mind to making entry more difficult.

A second provision of the legislation is that it overrides state right of entry laws. It always astonishes me that just about every day in the parliament you will hear a Liberal or a National Party member championing the cause of choice, saying that Australians deserve a choice. But when working Australians choose to be represented in a state industrial relations system, the Howard government changes its tune and says that no such choice should be available to working people to operate in a state system. Therefore, this legislation is but one attempt to override the relevant provisions in state legislation—in effect, to bring about a hostile takeover of state industrial relations laws.

The third provision of this legislation that I wish to spend some time on is the limit on entry for recruitment purposes to not once a month, not every two months, not every three months but once every six months. A union can enter the same workplace only once every six months in order to consult with union members and to recruit prospective union members. The impact of this is effectively to ban recruitment of prospective union members in workplaces. I say that with reference to the definition of 'premises'.
‘Premises’ is defined in section 4(1) of the Workplace Relations Act as including:
... any land, building, structure, mine, mine working, ship, aircraft, vessel, vehicle or place ...

This legislation specifies one visit every six months to a high-rise office building, a large hospital, an education institution or a mine spanning a vast area. By allowing only one visit to such premises so broadly defined is to effectively ban a union official from speaking to all relevant employees even on that one occasion every six months.

The government is aware of how severe this legislation is, and I was amused that the previous speaker, the member for Fisher, was saying that this is balanced legislation. If this is the government’s idea of balance, then the Australian people are in for a rude shock in the coming three years, because the legislation does not seek in any way to balance the interests of employees and employers. The government, as I say, is aware of these concerns. On page 57 of the Hansard of the Senate Employment, Workplace Relations and Education Legislation Committee hearing on 18 February, Mr James Smythe, Chief Counsel of the Department of Employment and Workplace Relations, said:

Following a number of concerns raised by submissions to this inquiry, the minister has decided to consider some possible amendments to aspects of the bill. These aspects are the limitation in the bill on a permit holder being able to engage in recruitment conduct only once every six months ...

Mr Smythe goes on to speak of other possible amendments. I have endeavoured during the day and just now to obtain details of the amendments that the minister is going to move to relax this incredibly tough provision that unions are allowed to enter a workplace only once every six months, and I cannot find any such amendment. Perhaps the Minister for Ageing at the table could enlighten us as to any such amendments that were foreshadowed by Mr James Smythe, chief counsel to the department, who seemed quite confident that the minister would see some sense and relax this incredible provision that allows unions to enter a workplace only once every six months—but there is no evidence of it. The Senate committee report is being brought down tonight. I will be interested in the government’s response to that report, but I will not be holding my breath. I would love to be proved wrong and have the government amend this incredibly severe provision.

There are many other outrageous provisions contained in this legislation. They are covered in submissions from the ACTU, the Queensland Council of Unions, Unions New South Wales and various other individual unions and state bodies. But this legislation is properly seen as a full-frontal assault on the remaining capacity of working Australians to bargain collectively. I say ‘remaining capacity’ because that capacity was severely weakened in the 1996 legislation. The 1996 legislation specifies that even though employees may wish to be represented collectively in negotiations, and in particular by a union, the employer can veto the employees’ chosen representative. This has been a fact of life since 1996. A fundamental right in most Western countries is the right of working people to bargain collectively. That right no longer exists in this country. I asked the Minister for Employment and Workplace Relations about this on 23 June last year in the parliament during question time:

Now that the government has extolled the virtues of collective bargaining for businesses, will the government restore the right to collective bargaining for workers ...

The minister responded by saying:
... what the government proposes in relation to small business is precisely what employees in this country already have ... Employees can collec-
tively bargain either through their unions or under non-union certified agreements, which are a form of collective bargaining.

... ... ...

The reality is that, for both small business and employees, we are saying that they can have the choice of collectively bargaining or having individual arrangements, which is something that the Labor Party will not support.

The Labor Party will support the choice of working Australians to bargain collectively, but it is a choice that they do not have if the employer vetoes it. A right vetoed is no right at all, and yet we have government ministers, including the minister for workplace relations, insisting that working Australians have the right to bargain collectively.

Labor supports the government’s intention to allow small businesses supplying larger businesses the right to bargain collectively, but we also support as a fundamental right the right of working Australians to bargain collectively. The minister is saying that that right exists when it does not. But he is not alone, because his predecessor, now the Minister for Health and Ageing, when he was at a lockout at Morris McMahon in Sydney, said:

People who want a collective agreement can have one.

That is not the case. People who want a collective agreement cannot have a collective agreement if the employer decides that they will not have a collective agreement.

The truth of the matter is that this is all part of the blame game. After the national accounts figures came out last year and there was some evidence that there might be movement on the part of the Reserve Bank to increase interest rates, the Treasurer hit the hustings and he hit this chamber of parliament saying that the fault for our economic problems lay in the working men and women of Australia and, in particular, the trade unions of this country. I refer to a statement that he made here in this parliament in response to a question from the member for Blair, who asked about the national accounts figures. The Treasurer said:

The best thing we could do for the Australian economy is to pass the government’s reform agenda, particularly in relation to industrial relations ...

And here in parliament we are debating one aspect of that agenda. So the Treasurer is saying that the source of the economic problems in this country is some rigidity in the industrial relations system, that it is the working men and women of Australia who want to bargain collectively and, most particularly, that it is the fault of the unions.

This year on 8 February in the parliament the Treasurer was asked a question by the member for Cook—very much along the same lines, I have to add. He said:

We have to lift the barriers and the speed limits on the Australian economy and ensure that we do not get a build-up of wage pressure or a build-up of cost pressure. This requires strong economic reform. This government believes that strong economic reform is the key to taking Australia further. In particular, I want to name industrial relations reform as the key area of reform for the Australian economy in the future.

Those political parties that want to join in economic reform will be supporting the government’s program in the Senate in relation to changes on unfair dismissal, in relation to bargaining, in relation to ballots and in relation to enhancing the productive capacity of this economy. Australia needs another round of vigorous, real industrial relations reform to take us into the future and to ensure that we lift the productive capacity of this country.

The Treasurer is blaming the trade union movement and the working people of this country who want to bargain collectively. In Canberra it is called the blame game, but there is plenty of blame shifting going on because there is plenty of blame that needs to
be borne by this government and, in particular, by the Treasurer.

A detailed inspection of the national accounts, which came out on the same day as the Reserve Bank announced that interest rates were going up, in fact provides a very strong rationale for further tightening of monetary policy—that is, further increases in interest rates. It shows that final domestic demand rose by four per cent during 2004 and was still rising at that sort of rate in the December quarter. It shows that demand is being strongly boosted by the government’s own actions. In fact, the government’s own purpose outlays rose by more than 10 per cent in real terms on average in 2004. As Saul Eslake of the ANZ Bank points out, this is a rate exceeded only once since the Whitlam era. When was that? It was in 1983 when, as Mr Eslake points out:

"... the Fraser Government was trying to spend its way into a fourth term in office, with rather less success (as it turned out) than the Howard Government achieved with much the same strategy 21 years later. A large part of the spending was directed toward boosting household incomes; very little of it towards improving the potential for growth in the ‘supply’ side of the economy."

What he is pointing out is that after 14 years of economic expansion—most of it on the back of a reform agenda initiated by the previous Labor government—you are in the end going to come up against capacity constraints unless the government of the day has enough foresight to ensure those capacity constraints do not appear. But this government, instead of investing in the new sources of productivity growth and ensuring that those bottlenecks in infrastructure and skills did not occur, had been busy spending its way back into office with a $66 billion spending spree. The consequence of that is that when those capacity constraints are reached, as they have been, that strong consumer demand that has been fuelled by the government’s own spending spree has to find an outlet somewhere, and that is through increased domestic prices and through imports—a current account deficit of seven per cent of GDP, a current account deficit not seen since the early 1950s.

So there are genuine economic problems in this country, but they are not being addressed by this government because it has a better idea, and that better idea is to blame the unions, the Australian trade union movement and those working Australians who want to be able to be represented collectively in their negotiations. The outlook is that if commodity prices ease off in six, nine or 12 months there will more likely than not be a significant depreciation of the Australian dollar. If that happens, the Australian-dollar cost of imports will go up, feeding into inflation and forcing the Reserve Bank to take extra action through monetary policy tightening.

The government ought to be acting on these problems now, given that it has neglected them for nine years, but it finds it easier instead to blame working Australians—in particular, those Australians who want to be represented as a collective in their bargaining with an employer. Who are those Australians? The reality is that they are the Australians who do not have the individual bargaining power to obtain significant wage rises, who know it is in their interest to bargaining collectively—and it is precisely this group that the government is targeting. It wants to ensure that Australia’s lowest paid workers—those who rely on collective bargaining—will not be able to exercise any right to bargain collectively and to get a pay rise. We have seen the government’s response to the submissions to the national wage case. The government has said it does not want the Industrial Relations Commission to set the minimum wage in this country. It is all part of the government’s agenda.
of blaming working people in this country—in particular, low-paid workers—for its economic sloth and the lack of an economic reform program. This legislation is yet another instalment in its attack on the rights of the working men and women of this country.

Mr BEVIS (Brisbane) (8.45 p.m.)—Instead of dealing with the important issues confronting our economy and the need for genuine reform and investment in productive infrastructure activities, instead of a consideration in this parliament of the things affecting every constituency throughout our country in areas such as health care—my own electorate of Brisbane has suffered the second highest decline in the availability of affordable health care through the decline of bulk-billing—and instead of looking at the crisis we have in skills development and opportunities for both young Australians and old Australians to train and retrain, this parliament is once again revisiting another of the ideologically driven bills that the government have made their trademark. That comparison between dealing with the serious issues confronting our nation and our economy and the political dogma of the Liberal and National parties was picked up last Friday in a very good article in the *Australian* by Michael Costello, in which he referred to that transition and the influence of the Business Council of Australia. He said:

… the BCA is hard to treat seriously now, when its main agenda is to bash unions, lower wages and undermine working conditions—oh and, of course, cut the top rate of marginal tax while they’re at it.

That sounds pretty much like the Howard government’s plan for this term of parliament. And well it might, because there is very little distinguishing the Business Council of Australia from the Liberal Party of Australia.

I have listened very carefully to this entire debate on the Workplace Relations Amendment (Right of Entry) Bill 2004, from the first speaker through to the present, and I have to say that members on the government side have not allowed their ignorance of these matters to stand in the way of their enthusiastic support for the bill. Their prejudice is totally uninhibited by their ignorance. But why should today’s debate be any different? I was interested in the contribution of the member for Fisher, who like a number of people complained about the ‘untrammelled access of union officials to workplaces for whatever reason’. I think that is close to a quote of his exact words and paraphrases the comments made in one way or another by every member of the Liberal Party who has hopped up to speak in this debate. Of course, they demonstrate either a willingness to mislead or an ignorance of the facts, because that is clearly not what the current law provides.

We are talking about a system which is already highly regulated in both the Commonwealth and the states. Indeed, if people who are involved in the field of industrial relations look through *Hansard*, they will see advanced by the government not one coherent argument based on anything other than blind prejudice. The government have not made a case to justify this bill. The reason is that the facts do not support the prejudice. It is always uncomfortable in politics when you have a prejudice you cannot find facts to underpin. Sometimes you can twist the facts to justify your prejudice, but on this occasion the Liberal Party have been stripped naked without a fact to prop up the prejudice. The government’s own figures, the government’s own documents, tell us that this bill has been built on a house of cards.

The Australian Industrial Registry’s own figures tell us that this is a nonissue. How many union officials have had their right of entry revoked? On how many occasions has a union official done the wrong thing, result-
ing in their permit being revoked? In 1999-
2000 there were five; in 2000-01 there were
seven; in 2001-02 there were two revoca-
tions of the right of entry—in the entire year;
in 2002-03 there were six; and in 2003-04
the total number of entry permits revoked
was seven. Let us put this into context. There
are literally thousands of union officials in
Australia walking around with a right of en-
try piece of paper in a wallet—thousands—and
every day many thousands of those enti-
tlements are exercised. This right, a right
conferred by legislation which this govern-
ment is now seeking to change, is exercised
literally thousands of times every day in
workplaces throughout Australia. Over the
course of a year there will be literally mil-
ions of occasions on which a right of entry
will have been exercised. Of those millions
of occasions, the highest number of revoca-
tions in the last five years has been seven.

This is hardly a pressing point for increas-
ing the productivity of our nation or dealing
with any serious issue. This has more to do
with the political campaign that the Howard
government embarked upon when it first got
elected courtesy of the HR Nicholls Society
and Mr Peter Reith. I have actually sought
out the figures for Queensland because I
thought that maybe there is a bleaker picture
in Queensland under state jurisdiction—
maybe there is a blow-out in the states that
has justified the government’s decision not
only to make these restrictive laws even
more harsh and restrictive but also to try and
extend their cover across the state field. In
the state of Queensland, under state law, the
total number of entry permits revoked in the
last 12 months was nil. So in state and fed-
eral jurisdiction the simple truth of the matter
is that the operation of the right of entry
permit has not caused a problem other than
in exceptional circumstances.

So what does the government do? The
Minister for Employment and Workplace
Relations will cite an exceptional circum-
stance and pretend that that is a widespread
occurrence that is happening every day in all
industries, in all states and in all walks of
life. It is untrue. The minister knows it is
untrue. The departmental advisers in the ad-
visers box know it is untrue. The members of
the government who take the time to do
more than read the speaking notes that the
minister’s office has provided for them know
it is untrue. Nevertheless, they persist with
this. They persist with this bill without any
pretence of accommodating the other groups
and organisations who are involved in indus-
trial relations and affected by this bill.

As I said earlier, the bill overrides state
laws in relation to those people who work in
areas covered by the Corporations Law, but
there was no consultation at all with the
states about these matters. As the Queensland
government submission to the Senate inquiry
noted:
The federal Government has made no attempt to
consult with the States on these aspects, and the
Queensland Government continues to oppose
such unilateral federal intrusions into State juris-
dications.

I was somewhat amused to hear the member
for Fisher in his speech comment that he
thought it was a good thing that the Com-
monwealth was going to take over the opera-
tions of the right of entry. I suppose that is a
prelude to what we will see after July, when
the federal government moves to take over
industrial relations completely. The member
for Fisher said that he wanted the states to
surrender their industrial relations powers to
Canberra. Hang on; this is the same person
who, as a member of the National Party,
supported the ‘Joh for Prime Minister’ cam-
paign! Who is he kidding? Today he stood
here and told us that he is all for the states
giving up their industrial relations powers—
something, by the way, he did not tell his
constituents during the recent election.
Meanwhile, at another time, wearing a different hat when it suited him, he was a member of the National Party, a paid-up National Party activist, a National Party member of parliament who thought Joh for PM was a great idea. I tell you what: I do not remember the Joh for PM campaign telling us that the states should give up their rights to the Commonwealth. What a load of hypocritical nonsense we have heard from members opposite who have spoken in this debate.

It is about time we started to set the record straight. The first thing that needs to be understood is that there is already a range of strict controls on the right of entry that exist in the Commonwealth law as it stands and in all of the states’ laws. This bill seeks to go further and, in the process of going further, makes things more complicated and in some respects unworkable. If this bill ever does see the light of day, I am sure there will be plenty of amusement amongst lawyers who will make a squillion out of the court cases interpreting of all of this. The bill seeks to restrict the right of union officials to inspect the time and wages books only to those of union members. I cite that as one example; there are many restrictions the bill seeks to place on union officials.

As someone who had a right of entry as a union official for 13 years and exercised it in accordance with the law on every occasion, I know that one of the things that union officials might want to do is check on things like time and wages books. But the bill will prevent officials from doing that unless they are looking only at those of union members. I cite that as one example; there are many restrictions the bill seeks to place on union officials.

The bill also restricts officials to two visits per year for recruitment. Why? Has anyone speaking in this debate got up to explain why that provision should be there? Not a word, because there is not a fact to underpin it. So the first question I ask is: why would you bother to do that? What is the point of it? Then I would ask: how are you actually going to make this work? When a union official visits a place of employment, they may well go there because a member has a concern or a grievance. But once you are on the premises you might find that five other people come up to you to talk about a raft of other things. Someone might actually come up to you and say, ‘I wouldn’t mind joining the union; how do I find out about that?’ Or, ‘Have you got a membership application form with you?’ How are you going to count
that when you are ticking off the total number of visits you can make? Was that a visit to sort out a grievance or was that a visit to recruit members? Or does it count as two visits: one for one member that you spoke to and another for the other member that you spoke to?

By the way, if you have a look at the definition of what constitutes premises, you find that if you are visiting a premise, which is defined as ‘the building’—there might be five or six floors, or there might be 55 floors on which members are working—from the way the act is written the premise appears to me to be the entire building, not that part of the building you visited. So if you visit floor five today, that is one of your visits. You can visit the next floor the next day and that is it: you have used up your two visits for those premises for the entire 12 months. It is either incredibly foolish or incredibly devilish—you know, another one of Baldric’s stunning plans. It really does make you wonder whether this has been derived from stupidity or from true evil. I have never been quite sure with the current minister which of those two it is. With some of his predecessors I was quite sure which category it fell into: for one of them it was sheer stupidity and for the other it was sheer evil.

In my view the bill does contravene our international obligations, something that we should not discard lightly. The Right to Organise and Collective Bargaining Convention 1949, which Australia ratified in 1973, requires signatories to:

... encourage and promote the full development and utilisation of machinery for voluntary negotiation between employers or employers’ organisations and workers’ organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements.

This bill seeks to limit the opportunity for that objective in the ILO convention to be followed in practice. That is a measure which should be a concern to all people in this place.

The simple fact of life is that unions are a party principal to awards. They are, front and centre, involved in the regulation of conditions of employment. They are a party to the great bulk of certified agreements. They do not just have a role at the fringe; they are, front and centre, a key part of the process. As a party principal to those agreements and awards they have not just a right but an obligation to those whom they represent to ensure that the law of the land is properly enforced, that the agreements and contracts are properly adhered to and that the undertakings are met. That is a two-way street and others have rights in this process as well, but in typical fashion this government is deciding to tilt the playing field even further.

The ILO has recognised that access to work places is a necessary corollary to observance of the condition in article 11 of the convention to which I have referred. The ILO’s Freedom of Association Committee holds:

Workers’ representatives should enjoy such facilities as may be necessary for the proper exercise of their functions including the right of access to workplaces.

There is nothing there about right of access twice a year.

It has to be remembered that the ILO is not some left-wing, communist-controlled think tank. The ILO, as part of the United Nations, is an international body which operates on a consensus—it is usually painfully slow—and that results in the lowest common denominator being adopted. That is, when the ILO sets a standard, it is not the top benchmark; it is the minimum standard that every country in the ILO is willing to sign up to. I would have thought Australia would want to be ahead of the pace when it comes to those conditions, not dragging the tail
along. In this instance not only are we at the tail end of minimum conditions accepted globally but we are about to breach them, through the provisions of this bill—and that would be a real tragedy.

But this government has made it a principal purpose of its existence to attack workers and their right to organise, at every opportunity. This bill does not stand in isolation. This bill is part of a broader attack by the Howard government on working Australians. This government is the most aggressive and the most conservative government in Australia, at least since World War II. John Howard once described himself as the most conservative leader the Liberal Party has had. And since he became Prime Minister he has done his best to demonstrate that that is the case. He has managed to weed out the small ‘l’ liberals in his party or banish them to the outer back blocks of the backbench. Those people who came into this parliament with small ‘l’ traditions and beliefs in their hearts quickly found out that there is no advancement in John Howard’s army for the likes of them.

Some of them held to their principles, some of them rolled over and some of them decided that the way you get ahead in this government is to do your darnedest to satisfy the self-proclaimed most conservative leader the Liberal Party has ever had. That is all good and well as a game of politics for those opposite; the tragedy of it, in cases like this, is that ordinary Australians pay the price. The union members who are going to be adversely affected by this are the ordinary mums and dads in our electorates. They are not other people; they do not belong to some foreign group we cannot imagine. They are the people who serve us in the shops, who fix our fridges and cars and who do the work for us when we call up a service. They are ordinary mums and dads and ordinary Australians, and this government should be treating them a damn sight better than it has—and not just through this bill. But this is what the government has done: it has forced workers from being employees to becoming contractors. In becoming contractors they have had to give up many of their protections and entitlements.

This government has undermined full-time permanent employment. It has opposed union efforts to provide decent basic minimum standards for those who have found themselves in precarious casual work. It has undermined awards, reducing them to irrelevance for the majority of workers. It has reduced the discretion of the Australian Industrial Relations Commission, even at the same time as it has increased its power, particularly to punish unions. It has politicised the commission by appointing individuals who are widely seen as holding extremist views on IR.

The government has undermined collective bargaining by refusing to require parties to negotiate in good faith—the most basic requirement of any bargaining system. It has forced workers onto its unpopular one-sided AWA individual contracts, by manipulating government purchasing practices and in its own employment and by jawboning Australian businesses. It has opposed every single national wage case since they were elected to government in 1996. What an abysmal record for ordinary Australians! It is a great pity that after 30 June there will be little opportunity in this place to have effective opposition to it; all the better though when we get out on the hustings. (Time expired)

Mr BRENDAN O’CONNOR (Gorton) (9.05 p.m.)—I rise to oppose the Workplace Relations Amendment (Right of Entry) Bill 2004, presented to the House this evening. Many speakers on this side of the House have already highlighted the difficulties with this bill. It seems to me that the government,
in its haste to diminish entitlements of employees and the capacities of registered organisations of employees, have not really thought about the practicalities of the provisions of this bill. As the member for Brisbane and others have indicated, there are many questions that any reader of the bill would have when looking through some of the provisions.

It should also be noted that there have already been significant amendments to the capacity for unions to enter the workplace. The Workplace Relations and Other Legislation Amendment Act 1996 made many changes to the right of entry provisions and limited the capacity for unions—or ‘employee advocates’; whatever term you like—to enter the workplace on behalf of employees to review whether there had been breaches of industrial awards or other forms of industrial instruments.

As I have indicated, there were many changes way back when the Howard government was first elected. Indeed those provisions included the requirement for at least 24-hours notice of an intention to enter to be given to employers; the provision that discussions with employees may be held only during breaks, which replaced the award based right of entry to hold discussions with employees who wished to participate in the discussions; and indeed the capacity for the commission pursuant to section 127AA to provide that any award or order giving union officers or employees the right to enter premises, inspect records and other things, and interview employees may be made unenforceable.

Clearly, nine years ago or thereabouts there was a reduction in the entitlements of employees to have their conditions of employment considered in light of what they were to be paid under law. Therefore, it seems somewhat unnecessary for the government to proceed with this bill, because the entitlements are now rather modest and rather restrictive. Nonetheless, the government has decided to pursue further the capacity to strip away the rights of working people to have their employment conditions properly considered by their representatives. Effectively removing this protection will, in my mind, certainly leave vulnerable many employees in this nation.

While it is not the object of registered organisations of employees to consider the plight of the non-unionised in this country per se, because that is not their primary purpose, the fact is there will be many non-unionised employees, particularly in workplaces where there is very low-union density, who will have less protection against unscrupulous employers because there will not be a watchdog, a third party, to consider whether in fact they are being paid lawfully. What we are talking about here is whether a representative is allowed to consider whether an employer is lawfully applying a Commonwealth instrument or an instrument pursuant to the Australian Industrial Relations Commission.

If the employer is applying those instruments lawfully, there is no reason for the employer to have any concerns. If the employer is not paying the award, the entitlements of a certified agreement or other forms of entitlements that are made pursuant to the Workplace Relations Act, a scrupulous employer will attend to those errors. Does the government want to remove scrutiny of award application for employees because it believes that employers should be able to break the law and unlawfully remunerate employees by not applying employment conditions and certainly by not paying the appropriate rates of pay? Having looked at the way in which the bill would restrict the rights of entry provisions for unions, you would have to conclude the government’s
intention is to remove the capacity of unions to police regulation. Therefore, if it is looking to remove the capacity to review, it must want to allow those errors, those unlawful applications of awards, to continue—because detecting those errors is certainly the main purpose behind an inspection of wage rates and conditions at a workplace.

We have heard from government members that this legislation is about stopping violence or unnecessary interruption in the workplace. But I have to say there has been very little evidence put forward by the government that this is a necessary step. As many opposition members have already indicated, nobody in this place condones an unlawful and violent intrusion upon a workplace. Indeed it is the case that, if a representative with a right of entry permit breaches the conditions of such an entry, he or she should certainly lose the right to enter that or any other workplace.

The furphy of the government is to talk about a few limited instances where there have been some disruptions. In the main, thousands of inspections go on without any disruption whatsoever and they are sanctioned by employers because employers, in most instances where inspections occur, have a relationship not only with their employees but also with the employees’ union or unions. So it is not unusual that that arrangement would take place as part of the ordinary business of the day, or certainly of the year. That is why it is interesting that the government is not only bringing forward the provisions of the bill but also proscribing employers from entering into certified agreements which give another organisation right of entry.

This government likes to lecture people on removing third parties from the workplace, but it is in fact the biggest meddler of all when it comes to preventing employers agreeing to certain conditions of employment with employees and their representatives. Therefore, in my view, this bill is really about focusing on the weakest in the workforce. Areas that are densely unionised and where the workforce is relatively strong will have no problems with these provisions, to be quite frank.

The areas where there will be difficulties—and I can envisage them now—will be either where there is very low unionisation or where the workplace has no history of collective negotiations. The purpose, it would seem to me, is to prevent the employee genuinely considering whether he or she wants to be a union member. Take, for example, the provision to restrict the representative to a given room—and not only to restrict them to a given room but to restrict the actual way in which they get to that room. Why would that have such an important purpose? You could say, firstly, it would be to prevent any form of disruption to the business of the workplace, and that is a fair and reasonable request. But I would put to you, Mr Deputy Speaker, that the main purpose for that is to keep the representative who may visit on that occasion away from any employees who may have an interest in speaking with him or her about the union’s role or potential role in the workplace.

Indeed, I think the reason there is a provision about allocating a particular place for that representative to meet with prospective union members, if the representative is there on recruitment business, for example, is to make it almost impossible for an employee or group of employees to visit that union official—if it is a union official—without going past the employer’s office. I am aware of experiences where, after a visit by a union official, employees away from the workplace have said, ‘Look, you don’t expect me and three of my friends to walk up into the lunch room, past the manager’s office, and con-
sider joining a union because, actually, I want to keep my job here.’ That is a reality in some workplaces—not in most, I am glad to say, and certainly not in those that are run by fair and scrupulous employers. But certainly in those workplaces where the employer thinks employees have no right of representation there is a genuine fear that to entertain the notion of wanting to belong to a union may not be in their interests if they are seen by their employer. That is a reality. The tight provisions of this bill, if enacted, would make it very difficult for employees to consider the option of enlisting in a union.

The other restrictive provision that in practice would be unworkable has already been raised by some members; indeed the member for Brisbane raised it. How could you visit a workplace of 10 floors and get to every floor in two visits if you are only able to have two visits in a 12-month period? That is an obvious problem with the drafting of the bill. Another problem is if there is shiftwork. How is it that a union representative who seeks to recruit—and that is really where the two visits per year restriction is applied—can allow an opportunity for all employees to consider discussing with him or her the option of joining the union if there are three shifts in that workplace? Obviously they go to the day shift and hang out in the lunch room and then go to the afternoon shift. That is twice in the day to get the two shifts, and they cannot go back then for a year and a day, as I understand the provisions of the bill. Clearly, the restrictions that apply prevent the capacity for a union to have reasonable access to employees who may or may not wish to join the union.

As others have said, the fundamental concern that this side of the House has with respect to this bill is that there are clear contraventions of ILO convention 87, which is about freedom of association and protection of the right to organise, and of convention 98, the right to organise and collectively bargain. There is no doubt in my mind that the fact that an employee would have to disclose their union membership to their employer so that the employer could have a single list of union members is in breach of the conventions I have just mentioned. The fact that the employer would be able to prevent any provision entering any certified agreement would also restrict the capacity for unions to operate at any workplace where this act would apply. Having looked at this from beginning to end, there is no doubt in my mind that this bill is about trying to reduce the capacity of Australian workers to organise. It is pretty simple, and it is as simple as that. It is about trying to reduce the capacity to join an organisation of employees that is registered under the act—that is, an institution recognised by the Australian Industrial Relations Commission. This act is trying to prevent employees even having access to consider joining that organisation. Indeed, by removing the capacity for right of entry to be a provision of a certified agreement the bill also restricts the capacity for that group of workers and their union or unions to bargain collectively. And to compel employees to disclose their union membership is fundamentally at odds with the right to freely associate, the freedom to belong to a union. So these consequences that will flow from the enactment of this bill are fundamentally at odds with ILO conventions that we have ratified and that this government says it supports. Therefore, I can see that down the track there will certainly be challenges to the capacity of these provisions to apply as a result of their clear breach of ILO conventions.

I join all other opposition members in opposing this bill because it is really about diminishing the capacity of unions to organise, particularly in the new workplaces. What we are seeing and have seen over the last 15 or
20 years is a shift from old economies to new economies. The effect of that has been, admittedly, that highly unionised workplaces have been closing down because of the nature of the changes to work and industries, and new enterprises have grown, many without a great deal of union presence and that would still be the case. In the end it is up to those employees whether they wish to join a union, and that is as it should be. It seems to me that these provisions are making it increasingly difficult for employees in this country to make a fair choice and to feel that they have a choice and are able to decide whether they can belong to a union that may represent them in negotiations.

In this bill, along with the many other bills that have been introduced in this place in relation to employment matters in this and the last term, we see the government’s agenda naked. It is about stripping away the entitlements of ordinary working people. It is about trying to remove the machinery that currently exists and has existed for many years, if not decades, and that recognises the rights of organisations of employees registered under federal acts to represent Australian workers in negotiations whether centrally or at the workplace level. I oppose this bill. I call upon the government to reconsider. I do not hold out any hope, given the Prime Minister’s view on these things. I can only say to those people who will be adversely affected by its enactment that Labor will one day, I hope, have an opportunity to prevent this bill and, indeed, revoke it if it becomes law.

Mr ANDREN (Calare) (9.25 p.m.)—It is interesting to note the report on the Workplace Relations Amendment (Right of Entry) Bill 2004 today from the Senate Employment, Workplace Relations and Education Legislation Committee. In attempting to draw a line of reason through the submissions to the inquiry I find some of the arguments from Democrat Senator Andrew Murray particularly enlightening. He has, in fact, backed up some of the reservations I have about the bill which my own research identified. The bill imposes more stringent criteria before a so-called fit and proper person can be granted the right of entry permit to the premises of employers relevant to this bill, those so-called constitutional corporations or those within a territory or Commonwealth place.

Given the push for Commonwealth control of all industrial relations matters—or at least a push from some quarters—which in principle I certainly do not oppose, it is important that this type of legislation reflects a fair balance between the rights of employers, employees and their union representatives and, indeed, those who choose not to be covered by unions. The ‘fit and proper’ criteria include such things as conviction for certain prescribed offences, including an order to pay a civil penalty under industrial relations law for certain behaviour. That seems fair enough, as does the bill’s requirement that unions have reasonable grounds for suspecting a breach of law before seeking to enter premises. No reasonable person would countenance unlawful activity designed to disrupt a workplace but, equally, no-one should countenance a union being denied access if the alleged complaint is serious enough to warrant suspicion of industrial or occupational health and safety laws or some such matter being breached. Unions are already required to have a permit from the Industrial Registrar and to give employers 24-hour notice of a proposed entry to a workplace.

What concern me are the provisions that could well breach the confidentiality between an employee and a union. I hear enough of the concerns of workers about their fears of continuing their union membership and the fear of intimidation from such membership to suggest that the pendulum
has swung too far towards employees being intimidated into not joining unions. Now if we risk employees’ confidentiality then we have gone a step further—a step too far—in eroding the rights of workers vis-à-vis the rights of employers. Senator Murray quite clearly points out in his party’s report today:

The Unions play a pivotal role in monitoring compliance with the terms of industrial instruments and have been responsible for recovering millions of dollars of underpaid wages and entitlements and tax and superannuation avoidance.

Senator Murray is concerned, as I am, that the requirement that the purpose of the intended entry be detailed and limited to the purpose identified will limit the union’s legitimate activity. The ACTU submission quite rightly points to what it terms ‘unanticipated issues that may arise while visiting a workplace or that emerge as a result of discussions with employees’.

As well, discussions or investigation of breaches with employees not covered by an award or agreement would not be permitted under this legislation. To my mind, that is strongly tilting the rights of employees and unions away from fair and reasonable inquiry and activities designed to rectify inappropriate or, indeed, illegal employer action. The bill also proposes to restrict unions’ right of entry for the purpose of holding discussions with employees. Discussions or investigations of breaches with employees not covered by an award or agreement will not be permitted.

One union’s submission to the Senate inquiry—I think it was from the Finance Sector Union—argued that many members choose not to disclose their membership status to the employer for fear of discrimination and will be less likely to speak out about a suspected breach if doing so will identify them as union members. It is a sad state of affairs that the very membership of a union should be the source of fear of intimidation or discrimination. It underlines my belief that the continued micro reform of industrial relations in the country is heavily tilting the scales in favour of the employer at the expense of legitimate concerns from the workers, notwithstanding the sometimes extreme and counterproductive behaviour of some union officials and, indeed, members at times.

The ACTU argued to the Senate committee that the bill exposes an employee’s choice to be a union member to their employer and pointed out that the Industrial Relations Commission, the IRC, whose role this government apparently wants to seriously water down, has consistently upheld the right of union members to have the fact of membership withheld from their employer. What a sad state we have come to in our workplace where it is necessary to hide the fact of union membership. Even the High Court has accepted that unions have a legitimate interest in the pay and conditions of nonmembers and, indeed, there is a general acceptance that the divulgence of union membership is a necessarily private matter for the individual. The Finance Sector Union said it took 14 months to gain permission to enter the ANZ Bank premises in Collins Street, Melbourne, during which time a third of the employees whose original claims of underpayment demanded investigation had moved on.

In the brave new world of underemployment and casual and part-time employment it seems to me that the scales of fair and just workplace outcomes are certainly threatened. Most employers obviously will do the right thing by their staff. But, in a climate of increasing casual and part-time employment, it would seem to me that weaker regulations and laws like this would lessen the opportunity for a correct appraisal of any claims that underpayments have occurred. Indeed, as I will mention in a moment, it would lessen
the opportunity for tracing superannuation payments that seem to disappear off the face of the planet, given the long reporting time for companies to indicate their adherence to the requirements.

I hear more and more cases of failure by companies to pay their superannuation requirements, and that timelag between the need to report lodgments through the ATO of super guarantee payments and the time a retrenched worker receives or seeks his or her payout means literally that a company can reinvent itself or disappear off the radar along with those entitlements. Breaching superannuation payments is just one of the many issues that should be legitimately examined by the unions. The individual employees are quite incapable of tracing through that network and web the lineage of where the money came from and where it has gone and what their chances are of ever seeing it again. Even some non-union members have sought the help of unions, divulging their concerns about the possibility that a company is looking dicey, that they have heard word that it would be closing down in three or six months time. They are terrified about where their entitlements might finish up and they have sought the assistance of the union to try to trace that money or at least get some action on it before the company winds up. Similarly, entry to premises for the purposes of recruitment is limited to once every six months under this bill. This hardly meets the reality of the increasing casualisation of the work force.

We are engaged in a debate over micro reform of our workplace when it seems that the macro picture of our workplace and work force should be our major concern. Instead of infrastructure investment and more apprenticeships the government seems obsessed with beating the union movement into absolute submission. Workers want to be treated as valued employees essential to the productivity of the enterprise, and by and large they still are by those responsible employers out there. But, currently, in a growing number of workplaces they are treated simply as units of cost to be replaced, laid off, called back, fired and re-hired at the whim of the employer who might well be maximising profits but is certainly helping to create a social debt. Much of our business sector, quite frankly, has been greedy, and the treatment of long-term employees in many industries has been disgraceful.

The exploitation of cheap, government subsidised traineeships at the expense of broad apprenticeships is coming back to bite us. Some organisations, such as Australian Defence Industries at Lithgow, have executives who were brought up through the apprenticeship system. That company, as a former government entity and now as a private enterprise, strongly supports that system and recognises the valuable long-term contribution and essential worth of apprentices and the value of holding onto people with skills. But too many companies treat employees as easily replaceable units of cost to be added and subtracted according to the tiniest variation in market conditions. Competition, especially that nebulous term ‘world’s best practice’, has a lot to answer for.

This legislation seems a classic case of a sledgehammer to crack an almond. Senator Murray summed it up in his report released today when he said:

... a law should be designed to effectively address those few who abuse or mean to abuse the system, but not to the extent that it will impinge on the effectiveness of the system.

He is correct when he details his concern that the bill will result in increased litigation and have an unnecessarily detrimental impact on the ability of the union to perform its role,
which is to protect union and non-union workers’ rights and conditions.

Most union visits to workplaces in Australia occur without incident several thousand times a day across Australia. This legislation appears to be targeted at a minority of union officials to appease a minority of employers to the great disadvantage and disruption of the majority of employers, unions and workers. The Department of Employment and Workplace Relations told the Senate inquiry that from 1997 to 2004 the Office of the Employment Advocate dealt with 284 right of entry matters, which works out at about 35 matters a year out of many thousands of right of entry activities. One must ask: what is the government’s motivation with such legislation given the real challenges on the Australian employment landscape detailed in the bleak training and investment figures highlighted in recent days? I will not be supporting this legislation as it stands.

Mr KATTER (Kennedy) (9.38 p.m.)—I also will not be supporting the Workplace Relations Amendment (Right of Entry) Bill 2004. My position is similar to that of my Independent colleague—the honourable member for Calare—who spoke previously, and I commend him on his words of wisdom. What this is about is the right of entry to the workplace. Lamentably, we Australians sometimes forget our history, although I think Australia is redressing this now with three books on Kokoda found on the bookshelves of all newsagencies in Australia being run-away bestsellers and with probably five or 10 per cent of all newsgencies containing Australian history books. The point that I am coming to is that Geoffrey Blainey, one of the more renowned historians in Australia and considered by most to be a very conservative historian, supporting the conservative side of politics—that is the reputation, fair or unfair, that he enjoys—wrote in The Rush That Never Ended the ‘only way that an Australian could rise’—he was referring to the 1850s and 1890s—‘was through collective action’.

If those on the conservative side of the House would like to reflect on this, I think they should read about the grandaddy of our Treasurer, Mr Costello, who was very much a labour union type of person, showing very great activity in these areas, and the grandaddy of the great doyen of the conservative historical genre in Australia, Sir Robert Menzies, who was a very active trade unionist. He was one of the leaders on the Bendigo and Ballarat fields not all that long after the Eureka Stockade. So if you want to have a look at the heartland of ‘conservatism’ in this country, you will see that none of us is very far away from trade union activists and that if we got a decent start in life it was thanks very much to those sorts of people. Those that say anything different clearly manifest an ignorance of Australian history.

In The Rush That Never Ended, Geoffrey Blainey makes the point that almost the entire Australian population that was here before the war came from convicts or the first Australians—some people call them Aboriginal Australians—or those who came to the gold rushes, and that there was really no other significant group of people. The goldfields in those gold rushes were the heartland of trade unionism and the people on them, like most of the people I worked with at Mount Isa Mines and almost half of my work gang in the lead smelter had their own mines. ‘Red’ Ted Theodore, the founder of the labour movement in Australia was also a small miner and, for those who like the other side of things, the founder of Australian Consolidated Press. The rise of a decent standard of living in Queensland—and I cannot speak with great authority as to the other states—was most certainly attributable to the collective actions of people like Theodore.
Those of us who have actually worked and got dirt under our fingernails—and, quite frankly, I do not think anyone has got the right to come in here and talk about this unless they have worked in that sort of situation, and I say that without apology to anyone—realise that in the real world someone has to go into the workplace and organise the work force. Sometimes, and this is part of our history, it has not been a very nice operation, and let us not hesitate to say in attributing these things that there was very great violence. I cannot help but tell one story about Theodore. I have heard this story many times but the original story did actually come from Theodore and Bill McCormack, the union organisers of North Queensland and, I think it is true to say, the founders of the Labor Party in Australia.

Theodore said to an engine driver in a Chillagoe hotel that he had not taken out a ticket, and the engine driver told him what he could do with his ticket and his ticket book. Big Bill McCormack came over, pushed Theodore out of the way—and both of them were physically very big men—and said to the man, ‘Did I hear you say you won’t take out a ticket?’ The bloke then told McCormack what to do with the ticket book. With that McCormack grabbed him by the throat, gave him a terrible hiding, then lifted him up off the floor of the hotel, held him upright and said, ‘Now you’ll take out a ticket.’ So the man took out a ticket and then Theodore said to him, ‘Why didn’t you just take it out in the first place? It would have saved us all a lot of trouble here.’ The man replied, ‘Well, you didn’t go to the trouble of explaining it to me properly like Bill did.’

Whilst one may laugh at the story—and indeed it is a humorous story—that was how we got a decent wage in this country, whether you want to face up to that reality or not. We hope that we do not have to use violence today, but if you start cutting off the legal right to have collective bargaining then there are only two possibilities: either the rule of law or the rule of fang and claw. What is happening here this evening is a reversion to the rule of fang and claw, and when it happens I hope those people that have removed our rights to collectively bargain will think again. If you forbid a union organiser—and heaven only knows some of them are not very nice people—the right to go into the workplace, then you are creating a situation in which collective bargaining really does not have much meaning. Unless the union organiser can go in, it is simply not going to happen.

In days past Theodore and McCormack would go to the local hotel and find the entire work force of the local mine, but that is not the case now. To reach these people one has to go to the site. In addition to that, again, the people formulating this sort of legislation do not realise the enormous dangers and hardships that exist in a workplace, particularly a blue-collar workplace centred on construction, mining or those sorts of activities that, of their very nature, are intrinsically dangerous. In fact, the position that I took at Mount Isa Mines during one of my stints there became vacant because a person was jackhammering the pelletiser, which was a big machine that spun around with concentric arms inside spinning the other way to break up lead dust. He had put a safety tag on a chair and the chair was moved. A person came along and said, ‘What’s going on here? The pelletiser is closed down.’ He closed the door and switched the pelletiser on, and the person inside met a terrible death. From then on we had a double system of safety tags. In dealing with safety issues, if you have to confront your boss, truly you will be looking for a new job. Even though the minister may not have been in this sort of employment himself, he must endeavour to understand the pressures—
Mr Pearce—How do you know that?

Mr KATTER—I do not know, but if you are introducing legislation like this I think it is a manifestation of your lack of working knowledge of the workplace. If you want to go and complain about a safety issue, until someone dies or is hurt it is not a safety issue. For 20 or 30 years in this country we went on working with the miners’ phthisis disease, which carried off many workers. One in 30 of the people that went into the mines in Australia died of miners’ phthisis—where miners’ dust caused a form of lung cancer. But if you spoke up about that, then you would look for a new job. I think that that is a reality in the workplace to this very day. If you want to complain about something then you get a reputation as a complainer and a whinger and they will move you on. You will sacked

I am not saying that the bosses, whoever they might be, have no sympathy with the people underneath them; sometimes the bosses are quite happy to act on complaints from workers. But the reality is that, if there is a problem there and you start speaking up about it, you put your job, your promotion and everything else in very great jeopardy. That is why we have someone from outside that can come in and represent our problems to our employers. That is the nature of the bargain. I represent the biggest hard rock mining work force in Australia. We are now producing something like $5,000 million worth of materials at 12 or 15 mines in north-west Queensland, the richest mineral province on earth. The people who have risen to the head of some of the big mining companies now have an absolute understanding of the things that I am talking about. They would be the first to acknowledge the necessity for union representation to take place, because, once again, they would understand that a lot of the foremen and leading hands would like to get promoted and that they tell the bosses what the bosses want to hear. But some of those bosses are people that have been through the mill themselves. They understand the way the workplace works and, I am afraid to say, this legislation does not demonstrate that it has been formulated by people that know anything about how the real workplace works.

Unfortunately, the restrictions on access being put forward here, though they sound reasonable, are undermining the right of the worker to collectively bargain. I do not blame the minister or anyone on the government side of the House for coming forward with this legislation, because they are dealing with something that, quite frankly, I do not think they understand. I, like my Independent colleague who sits in front of me, will be opposing the legislation. I conclude my remarks by saying that, for those on the other side who may glorify and take pride in their Treasurer, Mr Costello, they should have a look at his family background. For those who take pride in Sir Robert Menzies, they should take a look at his background as well and ask whether their grandaddies would genuinely have approved of what is taking place here this evening. But I do not say that with malice, because I think people here are quite genuinely dealing with something that they do not understand.

Mr ANDREWS (Menzies—Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service) (9.50 p.m.)—in reply—May I begin by thanking members for the contributions that they have made to this debate. The Workplace Relations Amendment (Right of Entry) Bill 2004 reflects the Australian government’s continuing commitment to a program of workplace relations reform that will improve living standards, increase jobs, boost productivity and enhance international competitiveness. Indeed, the bill fulfils an election commitment to reform the union
right of entry laws and to exclude the operation of state right of entry laws where federal right of entry laws also apply.

The government believes that, as far as possible, a single statutory scheme should apply across Australia. In workplaces where both federal and state right of entry laws apply, confusion about rights and responsibilities often arises. The bill addresses this problem by expanding the Commonwealth system for union right of entry and overriding state systems within constitutional limits. The right of entry provisions in the Workplace Relations Act 1996 confer significant rights and privileges on unions to enter workplaces to represent their members. The government strongly believes that these significant rights must be carefully balanced with the rights of employers and occupiers of premises to conduct their business without undue interference or harassment. The bill therefore provides that these rights should only be exercised by persons who exercise them responsibly. The bill also contains measures to ensure union entry is less intrusive and disruptive when it occurs. These measures are balanced by protections to ensure that union permit holders are not hindered or obstructed when exercising a legitimate right of entry.

I will not comment on all the contributions made in this debate tonight, but there was one—although I did not hear it—which was brought to my attention: that is, the remarks by the member for Griffith. The member for Griffith relied upon a series of Christian social justice doctrine publications, starting with the papal encyclical Rerum novarum, published by Leo XIII in 1891, and subsequent papal documents.

I make the following comments about the remarks by the member for Griffith against this background—that is, I have not sought to introduce into parliamentary debate any argument based on doctrinal beliefs; I do not intend to. However, in a very short space, I will respond briefly to the member for Griffith. I would have been more impressed if the member for Griffith had recognised the central tenet of Catholic social doctrine, which was expanded not in the 1891 document Rerum novarum but in the much more up-to-date document of 1981 Laborem exercens. It starts off with this reference:

Through work man must earn his daily bread and contribute to the continual advance of science and technology and, above all, to elevating ceaselessly the cultural and moral level of the society within which he lives in community with those who belong to the same family.

Clause 18, under the heading ‘The employment issue’, speaks about the central tenet of employment policy. Pope John Paul II says:

When we consider the rights of workers in relation to the “indirect employer”, that is to say, all the agents at the national and international level that are responsible for the whole orientation of labour policy—
in other words, the government and its various agencies—
we must first direct our attention to a fundamental issue: the question of finding work, or, in other words, the issue of suitable employment for all those who are capable of it.

If the member for Griffith, on behalf of the Labor Party, is relying upon this and other documents, then I would expect his support for a re-examination in particular of the minimum wage: how it is set, and what impact the setting of that minimum wage, and the process by which it is done, have on the prospects of the jobless within Australian society. I did not seek to introduce these documents, but if the member for Griffith says that this is the Labor Party’s policy and approach to these matters then I would expect an equally intelligent reply from him in relation to this matter. Elsewhere in the document, Pope John Paul II says:
We inherit the work of the generations before us, and we share in the building of the future of all those who will come after us. All this should be kept in mind when considering the rights that come with work or the duty to work.

The honourable member for Griffith also referred to the role of trade unions. I note that, both in the bill immediately before parliament and in the Workplace Relations Act, the right of trade unions is specifically protected. The right to take protected action is set out in this bill and in the Workplace Relations Act on which it is based. Indeed, if the member for Griffith wishes to rely upon such documents, then I quote to him in return this passage, which is also from *Laborem exercens*. It states:

... workers should be assured the right to strike, without being subjected to personal penal sanctions for taking part in a strike. While admitting that it is a legitimate means, we must at the same time emphasize that a strike remains, in a sense, an extreme means. It must not be abused; it must not be abused especially for “political” purposes. Furthermore it must never be forgotten that, when essential community services are in question, they must in every case be ensured, if necessary by means of appropriate legislation. Abuse—of the right to strike—can lead to the paralysis of the whole of socio-economic life, and this is contrary to the requirements of the common good of society, which also corresponds to the properly understood nature of work itself.

I commend that passage to the honourable member for Griffith. I refer the honourable member for Griffith and his colleagues opposite to another paragraph that is quite clearly set out in one of the documents which he refers to. I would like to hear his response to clause 20 of *Laborem exercens*. It states:

... the role of unions is not to “play politics” in the sense that the expression is commonly understood today. Unions do not have the character of political parties struggling for power; they should not be subjected to the decision of political parties or have too close links with them.

By constitutional definition the Australian Labor Party has a 50 per cent membership from the unions. In reality, one knows that it is probably 70 to 80 per cent. If we were to take, for example, the frontbench and the parliamentary membership probably of the Australian Labor Party, we would find that the union membership was 75 per cent. Unions have donated to the Australian Labor Party some $40 million in the last eight or nine years. I welcome the remarks of the member for Griffith tonight. I ask him to refer to those paragraphs from the selfsame documents that he referred to, and perhaps I could have a response from him in due course. In the meantime, I commend the bill to the House.

Question put:
That this bill be now read a second time.

The House divided. [10.03 p.m.]
(The Deputy Speaker—Mr Jenkins)

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AYES
Abbott, A.J.  Andrews, K.J.
Bailey, F.E.  Baird, B.G.
Baker, M.  Baldwin, R.C.
Barresi, P.A.  Bartlett, K.J.
Billson, B.F.  Bishop, B.K.
Bishop, J.I.  Broadbent, R.
Brough, M.T.  Cadman, A.G.
Causley, I.R.  Ciobo, S.M.
Cobb, J.K.  Costello, P.H.
Draper, P.  Dutton, P.C.
Elson, K.S.  Entsch, W.G.
Farmer, P.F.  Fawcett, D.
Ferguson, M.D.  Forrest, J.A. *
Gambaro, T.  Gash, J.
Georgiou, P.  Haase, B.W.
Hardgrave, G.D.  Hartsuyker, L.
Henry, S.  Hockey, J.B.
Hull, K.E.  Hunt, G.A.
Jensen, D.  
Keenan, M.  
Laming, A.  
Lindsay, P.J.  
Macfarlane, I.E.  
May, M.A.  
McGauran, P.J.  
Nairn, G. R.  
Neville, P.C.  
Pearce, C.J.  
Pyne, C.  
Richardson, K.  
Ruddock, P.M.  
Scott, B.C.  
Slipper, P.N.  
Southcott, A.J.  
Thompson, C.P.  
Tollner, D.W.  
Turnbull, M.  
Vale, D.S.  
Wakelin, B.H.  
Wood, J.  

Jensen, D.  
Keenan, M.  
Laming, A.  
Lindsay, P.J.  
Macfarlane, I.E.  
May, M.A.  
McGauran, P.J.  
Nairn, G. R.  
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Thompson, C.P.  
Tollner, D.W.  
Turnbull, M.  
Vale, D.S.  
Wakelin, B.H.  
Wood, J.  

Question agreed to.  
Bill read a second time.  

Third Reading  
Mr ANDREWS (Menzies—Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service) (10.09 p.m.)—by leave—I move:  
That this bill be now read a third time.  
Question agreed to.  
Bill read a third time.  

SEX DISCRIMINATION AMENDMENT (TEACHING PROFESSION) BILL 2004  
Second Reading  
Debate resumed from 17 November 2004, on motion by Mr Ruddock:  
That this bill be now read a second time.  

Ms MACKLIN (Jagajaga) (10.10 p.m.)—We have had this debate in the parliament before. The Senate rejected the Sex Discrimination Amendment (Teaching Profession) Bill 2004 but, as we will get used to, we have a government that just intends to play politics rather than fix a problem. That is certainly the case when it comes to this issue. In my understanding of the numbers in the Senate, this bill will not get through before 1 July. Undoubtedly the government will try again after 1 July and use its numbers in an arrogant way to push it through. 
What the government wants to do is create a statutory exemption to the provisions of the act in order to offer teaching scholarships to students of a particular gender. Ostensibly this is all about redressing an imbalance in the ratio of male to female teachers in our schools. The exemption would apply to an imbalance, as the bill says:  
(a) in schools in Australia generally; or  
(b) in a particular category or categories of schools in Australia; or  
(c) in a particular school or schools ...
This government’s attempt to amend the antidiscrimination act is a triumph of ideology over logic, let alone evidence. The government claims that, by changing the act to allow advertisements specifically for male teachers, a new generation of young Australian men will decide that teaching is the profession for them and that this will turn around years of decline in the number of male teachers in our schools. If only it were so easy! The reality is that the government has had nine years to do something about the shortage of male teachers in our schools. Of course, it has done nothing about it, but it has now come up with this change to the Sex Discrimination Act and a series of statements by people ranging from the Prime Minister through to the Minister for Education, Science and Training on the importance of attracting more male teachers.

We know that the Prime Minister certainly has never been very keen on affirmative action policies. If we go back to the original third reading debate on the Sex Discrimination Bill 1983, the now Prime Minister said:

... I certainly have major reservations about the concept of affirmative action legislation and I certainly do not regard support of this legislation as being indicative of support for that.

So it seems the Prime Minister has had yet another change of heart and another change of mind about all this. He has decided now that affirmative action policies can actually be a good thing, particularly in this case, if they are undermining our sex discrimination laws. In reality this is just an attack on an act which does at the moment protect all Australians from prejudice. The Prime Minister has, I am afraid to say, shown that he has been prepared to abandon previously held convictions or to develop new ones if there is an opportunity to exploit community intolerance.

I have to say that one thing this bill is not about is getting more male teachers in our classrooms, because it does not tackle the real reason that so few men teach in our schools. All the evidence—of course, the government does not actually want to look at the evidence—shows that the real barriers to men becoming teachers and staying in our schools are pay, career structure and status compared to other professions. They are the issues that have caused the proportion of male teachers in our schools to fall from almost 26 per cent in 1992 to about 21 per cent in 2003. The government has had years to do something about it but, as I say, it has not bothered to do anything except use this political tactic to try to gain some political advantage but not to actually end up with more men teaching in our schools.

We need each and every one of our school sectors—the state governments, the Catholic Education Offices and the independent schools—to be involved in improving the status of teaching. That is what will make the difference. But this bill does not do any of that. The bill also will not solve the issues that are holding back the education of some boys. The government knows that. In fact, the Deputy Prime Minister acknowledged it in the Australian. He said:

Amending the Sex Discrimination Act will never solve these problems, nor will it deal with their symptoms.

So he knows that this has nothing to do with improving the education of boys who are having difficulties within our schools. The government also knows that, because it has a report from the House of Representatives Standing Committee on Education and Training that looked into boys’ education. In fact, the Minister for Education, Science and Training was at one time the chair of that committee. The committee’s report, which was called Boys: getting it right, found that there are major problems facing boys in our
schools but that the major cause of boys’ educational problems—this is from the report of the parliamentary committee that the minister once chaired—is the decline in the extended family and community and structural economic change. They are the issues that have been identified by the committee’s own report. The report did not recommend changes to the Sex Discrimination Act. I am sure that the minister would remember that, given that he chaired the committee.

Dr Nelson—Read the *Sydney Morning Herald*: read Rod Sawford.

The DEPUTY SPEAKER (Mr Jenkins)—Order! The minister will cease interjecting—especially from out of his place.

Ms MACKLIN—He is well and truly out of his place, and he is well and truly off the mark, as he well knows. He chaired this committee, and the committee report did not recommend changes to the Sex Discrimination Act. Instead, it recommended that the Commonwealth provide scholarships for equal numbers of males and females to undertake teacher training and that these scholarships should be based on merit. The minister is having a good old laugh. He thinks the idea of merit based scholarships is a joke. He wants to play politics with this issue, and that is why we are debating this bill. We do not see any additional scholarships being offered by this minister, by the Commonwealth, to men and women on the basis of merit to encourage them into teacher training. That has not happened.

Offering equal numbers of scholarships for men and women was also suggested by the Human Rights and Equal Opportunity Commission and, I am pleased to say, was agreed to by the Catholic Education Office in Sydney—the body whose application to the Human Rights and Equal Opportunity Commission was the Prime Minister’s stated motivation for this legislation. The Catholic Education Office responded to the parliamentary report by offering 24 additional merit based scholarships—12 for men and 12 for women. We are fortunate that the Catholic Education Office responded with this concrete commitment, unlike the Howard government—and unlike the education commission—which has only managed to implement one or two of its recommendations, which shows that the government lacks sincerity on this issue. The Catholic Education Office has been prepared to get out there and offer the merit based scholarships; the government, by contrast, is just playing politics with this bill.

Where is the acknowledgement of the problem that we have with boys? We have the Human Rights and Equal Opportunity Commission, the Catholic Education Office and the House of Representatives committee all agreeing that scholarships for men and women represent a responsible and effective approach to this problem. It seems that only the government, the Prime Minister, this education minister and other instant evangelists on the male teacher issue think that changing the Sex Discrimination Act is the way to go. In fact, they are the only people who have even mentioned it. During the election campaign, the minister did not say anything significant about educating boys—or about providing incentives to bring men into teaching. During the election campaign, we did not hear anything from the minister about these very important issues. There certainly was not anything about merit based scholarships for teachers or any programs to bring more male teachers into our schools. During the election campaign, the Prime Minister offered to spend millions of dollars a minute in a single speech but could not find anything for this particular issue. There was no
specific initiative from the Prime Minister or from the minister for education in the election campaign.

By contrast, the Parliamentary Secretary to the Treasurer at the table asks, ‘What was Labor’s policy?’ I will tell him. We included a $9 million commitment to a ‘buddy-up’ mentoring scheme in schools and $220 million for the quality teaching initiative. We also committed $300 million to provide incentives and rewards to get the best teachers working in our struggling schools. These were serious commitments designed to attract the best teachers, including male teachers, to work in professionally challenging and rewarding school environments. They were all about making teaching an attractive profession—making sure that the education system produced more male role models for boys. This government wants to attack this act only because of its ideological objection to it, which goes right back to 1983. We should not be playing politics with this very important act but focusing on enhancing the status of the teaching profession and making sure it has career opportunities and salaries that make it attractive to graduates. The Attorney-General, who is here in the chamber at the moment, is another of the instant evangelists on this issue. Last year in the parliament, he said:

The figures speak for themselves.

Only 20.9 per cent of primary school teachers in Australia are men.

The problem is only getting worse.

Research shows that teaching is not an attractive career option for men for reasons including concerns about salary and the perception of a risk of allegations of abusing children in schools.

Of course, this bill does not do anything about those issues. The Attorney went on:

The government’s acknowledgement of the importance of both men and women in teaching in our society, and the government’s commitment to encouraging men into the profession, will help to change people’s perceptions about the role of men in the profession in the future.

There is no question that boys’ education is of course a serious issue, but it is very unfortunate that ideology is preventing the Attorney and the Prime Minister from looking at effective responses. Rather than just playing around with this bill, playing politics, why doesn’t the government get serious and do something that might have some effect? Like many in this parliament, I have boys, and of course we all care about what happens to our boys at school. We know that for many of them it can be a very tough place. Each and every one of them knows that we should not have a government playing politics with this issue, a government trying to change the Sex Discrimination Act to allow discrimination on the basis of gender for teaching scholarships.

There is absolutely no evidence whatsoever that this will work. It is just a quick-fix attempt by a government that have ignored the problem for many years. They have had a very long time to do something about it and here we are, nine years later, still debating this very important issue. Anybody who knows anything about schools knows that it is not entrenched discrimination. I really would ask the Attorney whether he can demonstrate that there is entrenched discrimination. I really would ask the Attorney whether he can demonstrate that there is entrenched discrimination that is stopping men entering the teaching profession. Of course there is not. Men who want to be teachers are not discriminated against in their employment. As the Catholic Education Office has said, there are multiple and complex reasons why men are not becoming teachers. From my point of view, discrimination is not one of those reasons.

This bill will not work. All it does is legalise discrimination, and that is why Labor opposes it and will continue to oppose it.
Getting more men into schools is one of the priorities of Labor. As I said earlier, we put forward a comprehensive program before the last election to get more males into our schools. We had a five-point plan to encourage more men into schools. There are two issues here: one is to get more men into teaching, and the second and quite different objective is to address the educational needs of boys.

The plan that we put forward included a national campaign to attract quality entrants to teaching, targeting young men at school. I think it would be a very effective measure for the government to initiate the targeting of young men while they are still at school, by using young men and women who are at university to go into our schools and encourage young people to go into teaching. We know that some states have already embarked on these sorts of campaigns and are having some success.

Secondly, we want not only to encourage more young men into teaching but also to encourage more male mentors to work with schools and with parents. We want to involve fathers in a range of activities in our schools, whether it is reading to students, using technology, vocational education, music, drama or sporting activities—all of the things where male mentors could make a great contribution. This was behind one of the initiatives we had in our election campaign to encourage more male mentors to come into our schools and to work with boys not just in the classroom but also in outside activities, especially in sport.

We also want to make sure that we see incentives for quality teaching, including for teachers who have the skills necessary to improve the learning outcomes of boys. This is the critical point. We need to concentrate on skills that teachers need to have, that they learn in their teacher training and that they learn through their professional development to make sure that we improve the learning results for boys who are having difficulties. So we want to see improvements in teaching skills for both male and female teachers because, of course, boys are not going to be taught only by men. They need to have men and women who are skilled at engaging, especially with those boys who have difficulties. That is why Labor’s plan was putting additional support into professional development for teachers.

We know that student discipline and welfare programs are critical, and this was the fifth part of Labor’s program. Many of the boys who are currently struggling at school are located in areas with concentrations of social and economic disadvantage. Once again we do not have the government proposing to do anything about those concentrated areas of social and economic disadvantage where boys are really doing it tough. We just have a government that has decided to introduce a discriminatory law and that thinks it can play politics rather than do something about it.

We also have a government that has perpetuated a funding system that gives the biggest funding increases to the schools that need it the least. So, rather than making sure that the additional professional development money is going to those schools, whether they are government schools, Catholic schools or low-fee independent schools where we really do need to invest more in professional development for teachers, we have a government that is giving the biggest increases to the wealthiest schools in the country. When you look at the actions of the government rather than at what it says, it is clear that it is not concerned about boys’ education; otherwise it would do something and pick up some of the initiatives that Labor has put forward. It would do something about making sure that the teachers in our
schools have the resources they need and would do something to help make teaching a more attractive profession.

Unfortunately, what we also have from this government is a shortage of teaching places at our universities. Many young people trying to get into university to study teacher education cannot. They cannot get in to learn to become professional teachers. All we have is the government amending the Sex Discrimination Act rather than addressing all of these important issues.

So let us go back not to 1983 when the Prime Minister first set out his views on positive discrimination but to 1992 when the Prime Minister said that nondiscrimination was an impeccable liberal principle. He added in the same debate that ‘people ought to be recruited on the basis of merit and merit alone’. This is another conviction that the Prime Minister has decided to abandon for political purposes, because in this case the merit principle is at odds with this government’s attempt to play politics. It is not prepared to do something real to get the best teachers in our schools on the merit principle, to get adequate funding and to get comprehensive mentoring programs to make sure that those boys who are having difficulties in our schools really get the support they need.

Debate (on motion by Mr Randall) adjourned.

ADJOURNMENT

Mr PEARCE (Aston—Parliamentary Secretary to the Treasurer) (10.30 p.m.)—I move:

That the House do now adjourn.

Finance and Public Administration

References Committee: Regional Partnerships Program

Mr KELVIN THOMSON (Wills) (10.30 p.m.)—I do not have time to outline here the many times the Prime Minister’s code of conduct has been broken by his ministers, or the long list of evasions, deceptions and half-truths that have characterised this government. But I want to address the lack of accountability of the Deputy Prime Minister and the other ministers and parliamentary secretaries caught up in the sorry tale of regional rorts that continues to unfold in this House and in the Senate Finance and Public Administration References Committee inquiry into the Regional Partnerships Program.

Last week in the Senate inquiry we saw an emotional witness thumping the table and asserting that he, and he alone, had thought up the need to press the member for New England to roll over and go and see the Deputy Prime Minister about a deal to give up his seat and be given one of the jobs for the boys. Yet in the same breath the witness, Mr Maguire, conceded that only a few days before his showdown with the member for New England he had held a 1½-hour, late-night meeting with the Deputy Prime Minister. And there is sworn evidence from three other witnesses that Mr Maguire, when he told the member for New England to roll over and see the Deputy Prime Minister about a job, was doing so on behalf of the Deputy Prime Minister. It certainly looks that way.

But the Deputy Prime Minister will not front the Senate inquiry. No; instead, the hapless Mr Maguire is left thumping the table and claiming that he did not know it was a crime to offer an overseas posting in return for giving up a seat in this parliament. The buck was passed to Mr Maguire when the Deputy Prime Minister should have been held to scrutiny and called to give evidence under oath. But the noose is tightening in relation to this matter. We now know that in May last year Mr Greg Maguire had a 1½-hour meeting with the Deputy Prime Minister and Senator Sandy Macdonald in Tamworth.
Mr Maguire said that he brought up the subject of the member for New England, Mr Windsor, and that he and the Deputy Prime Minister talked about that for 20 minutes. Then, four days later—on 19 May—Mr Greg Maguire had a meeting with the member for New England, Mr Windsor, and two of Mr Windsor’s campaign officers: Ms Helen Tickle and Mr Stephen Hall. Mr Maguire stated that during this meeting he had been talking with Deputy Prime MinisterAnderson and Senator Macdonald. He then told the member for New England that he should roll over and have a talk with the Deputy Prime Minister. Mr Maguire has admitted all of the above. And three of the four people present at the meeting say that Mr Maguire went further than that and said:

They—
Mr Anderson and Senator Macdonald—
are so desperate they would offer you anything—a diplomatic posting.

Ms Tickle said that Mr Maguire said at the time:
... Senator Macdonald was on the sidelines saying, ‘Yes, we can arrange anything.’

Given that Mr Maguire has admitted that he met with the Deputy Prime Minister a few days earlier and has admitted that he told Mr Windsor to roll over and talk to the Deputy Prime Minister, it beggars belief that, as he claims, he was on a frolic of his own in telling the member for New England to go and see the Deputy Prime Minister. It beggars belief that all of a sudden this idea had come to him, without any prompting from the Deputy Prime Minister or Senator Macdonald—especially when the other three witnesses expressly contradict him and say that he referred to a diplomatic posting.

This saga has all the elements of a cover-up after the event: a botched inducement with the perpetrators desperately covering their tracks after the offer became public. It is an offence, after all—so they cannot admit it. And while Mr Maguire said enough in his evidence to make it very clear that the member for New England was offered an inducement, his denials and other evidence are far from convincing. He told the Senate committee that the Member for New England thinks he should be Deputy Prime Minister, but subsequently he was unable to substantiate that. He told the Senate committee that he has known the member for New England since he entered state parliament but then said he did not know Mr Windsor personally. Mr Maguire told the Senate committee that Helen Tickle was a liar but then said that there was not a bad bone in her body.

The DEPUTY SPEAKER (Hon. IR Causley)—I ask the member for Wills to withdraw the word ‘liar’. Even in a quote it cannot be used in the parliament.

Mr KELVIN THOMSON—I withdraw the remark. Mr Maguire told the Senate committee that he had donated thousands of dollars to state and federal campaigns for Mr Windsor but then could not produce any evidence to substantiate this. I challenge Mr Maguire to produce evidence of the campaign donations he claimed he has made to the member for New England. If he is to be taken seriously as a witness he must produce the evidence. And it is high time the Deputy Prime Minister submitted himself to questioning by the Senate committee instead of allowing Mr Maguire to take the rap and act as his fall guy.

Tasmanian Symphony Orchestra

Mr MICHAEL FERGUSON (Bass) (10.35 p.m.)—I rise tonight to place on the public record my support for the Tasmanian Symphony Orchestra and to pledge to work within the government to safeguard its status as a symphony orchestra. Today the Minister for the Arts and Sport, Senator Rod Kemp, announced the release of A new era: the or-
The purpose of the review was to examine a range of issues which are confronting Australia’s symphony and pit orchestras. The report makes a number of important recommendations to improve the sustainability of these orchestras. The recommendations contained in the report cover issues such as the size of orchestras, governance, occupational health and safety, and artistic standards.

Importantly, the Strong report recommends that the Tasmanian Symphony Orchestra should reduce the size of its ensemble to that of a small, double wind orchestra of about 38 full-time equivalent musicians. This is the recommendation which has caused anxiety for music lovers across Australia, not least of whom are the numerous members of the Friends of the TSO. Last Saturday night I joined the northern arts community at the beautiful Princess Theatre in Launceston for the launch of the master series, *Passion and Yearning*, which featured conductor Matthias Bamert and violinist Henning Kraggerud in performances of Bruch and Tchaikovsky. It was sensational and, along with the hundreds of other patrons there that night, I was very proud of the artistry, skill, talent and dedication demonstrated by members of the Tasmanian Symphony Orchestra.

It was right and proper for representatives of the TSO to encourage the patrons to lobby their federal MPs to preserve the TSO as a symphony orchestra. However, it was plainly wrong of guest conductor Mr Bamert to say: Those people in Canberra know the exact cost of the TSO but they have no idea of its value.

Not only is he wrong about that, but also it disregards the commitment that I and my Tasmanian federal colleagues have to the TSO. The Australian government provided $44 million to Aussie orchestras in 2004, which constitutes around 78 per cent of total government support for orchestras. This significant level of funding reflects the contribution orchestras make to the musical life of Australia, and as such it is not given begrudgingly. I understand that the Australian government will give close consideration to the report and its recommendations, and will continue to consult with state and territory governments in developing its response. Senator Kemp has said on a number of occasions, including today, that he is a fan of the Tasmanian Symphony Orchestra. I have no doubt that he is sympathetic to the needs of the TSO, and to maintaining it at its current size.

As for the involvement of the state government of Tasmania’s arts minister, Lara Giddings, Chris Johnson, a political reporter with the northern Tasmanian newspaper the *Examiner*, said in his weekly column last Saturday:

Having Ms Giddings in the TSO corner is a positive for the troubled orchestra.

Yet its members would be naive if they did not realise that they were being used for political purposes.

The draft report was quietly leaked to the media by the Government even before the TSO had been informed of its content. Before watching cameras, Ms Giddings publicly expressed her outrage at the recommendation to the obviously rattled players concerned about their futures. TSO members have to some extent been used as pawns by a State Government keen to deflect attention away from its poor performance over Spirit III.

Not only is the Lennon government using the TSO as a political pawn, but it is acting without much credibility at all. Of the four state flagship symphony orchestras, the TSO receives both the lowest financial support as well as the lowest proportion of funding support from its state government at just 20 per cent. Even without the prospect of reforms, the TSO was already struggling and had found itself restricted in achieving many of
its hoped-for activities, such as regional concerts.

When the Lennon government improves its contribution to the TSO, perhaps then it can lecture the federal government which funds 80 per cent of the $5½ million budget of the TSO, which has allowed Tasmanian, Australian and worldwide audiences to enjoy the richness of its enterprise. Tonight I pledge to work within the ranks of the government to achieve a satisfactory outcome for Tasmania—to do all that I can, to the best of my ability and with integrity.

Economy

Mr KATTER (Kennedy) (10.40 p.m.)—I crawled into the land of the living from a little health problem that I had to find out that the balance of payments had skyrocketed to over $60,000 million a year. To put that in perspective, let us remember the words of Prime Minister and long-serving Treasurer of Australia Mr Keating—probably the longest serving Treasurer of Australia—when he said, when it hit $13,000 million, that Australia was in danger of becoming a banana republic. The then Leader of the Opposition, John Howard, reminded him of his banana republic statement when it hit $23,000 million. The then Leader of the Opposition, now Prime Minister, said that the overwhelming problem above all else was the worsening deficit on the current account. That was said when it was $23,000 million. It is now $60,000 million, and even a most conservative body like Access Economics has come out and started talking about the banana republic as well.

You do not have to be Albert Einstein to work out what has caused this. When Mr Whitlam came in, he put the value of the dollar up 50 per cent and took tariffs down by 25 per cent, and—surprise, surprise—our trading deficit went from $300 million to $3,000 million in the space of three or four years. Mr Whitlam, if he did nothing else, established clearly what causes a country to run into debt—and it was very serious debt that had to be repaid. Recently in the Bulletin magazine there was an article which I thought was really excellent. It quoted a fellow who said that Australia is floating on an artificial prosperity created by property speculation and fuelled by foreign capital which has to be repaid.

I represent the beef industry of Australia and a significant proportion—maybe as much as a third or a quarter—of hard rock mining in Australia, and those industries are being hit very badly by the artificially high value of the Australian dollar, held up by interest rates. Not only that, the beef producers, mango producers and potato producers that I represent are now confronted with a home market of which 81 per cent is held by just two players: Woolworths and Coles. State and federal governments have not acted to address this problem and the Trade Practices Act does nothing positive but enable farmers to come together to protect themselves. Mr Deputy Speaker Causley, the famous banana growers cooperative of your area is the only industry with voluntary collective bargaining that I can remember from my lifetime in rural affairs. But since the government has come into office, it has proved enormously successful, as it did in the wool industry. The wool industry looked like it was on its last legs, but suddenly 15 per cent of Australia’s entire export earnings was coming from that one product.

In the sugar industry we are very much under competition from Brazil. They have moved to ethanol and it has given them a $US1,000 million edge. We are crying out in pain for the second tranche of the sustainability payments which were promised by the government. If the minister or the government thinks the problem will be solved by making farms bigger, that is just ridiculous.
The major problem in the sugar industry at the moment is the debt level among farmers. If there is one thing the farmers are not going to do, it is go further into debt. The last thing the government wants to do is to saddle this industry with further debt. Yet that is the proposal coming from the government. I plead with the government to follow a successful act and follow the Brazilians into the ethanol area. The Americans are mixing up to three per cent ethanol, and only two or three states are not doing it for health reasons in the big cities.

Finally, on a very sombre note indeed, in the sugar industry there are now two suicides a month. Some of these events are heartbreaking beyond belief: the person who drove his car into the middle of the cane fields and incinerated himself to death and the person who took Remoxyl, the effects of which are irreversible. These are heartbreaking events. (Time expired)

**Australian Labor Party: Branch Stacking**

Ms PANOPULOS (Indi) (10.45 p.m.)—In this place we often overlook our history and forget the battles and achievements of those who have gone before us. It is a particularly important time, regardless of which side of the chamber we sit on, when we should all remember a seminal occasion in Australia’s political history. Fifty years ago the 1955 ALP national conference in Hobart took place. It was an extraordinary gathering with some extraordinary and some not so extraordinary individuals who changed the face of Australian politics forever. After the Hobart conference in 1955, most of the drama and heartbreak within the Labor Party moved to Victoria, and it has continued for years. Unfortunately for democracy in this country, it continues today. We have seen bickering and the pusillanimous power plays within the Labor Party recently on our front pages. Former failed Premier Joan Kirner even came out of hiding on the weekend, following the recent revelations of branch-stacking activities in Victoria, and called on Premier Bracks and the Leader of the Opposition, Mr Beazley, to expose not only the branch stacking but the branch stackers.

It would be a matter of certainty that most members of today’s ALP caucus would remember another Hobart national conference, a far more trendy and politically correct affair which occurred in January 1994—over 10 years ago—and laid the foundation for the continual erosion in the primary vote of the Labor Party and the erosion of the sentiment within the Labor Party that had any connection whatsoever with mainstream Australia. In 1994 Prime Minister Keating, a key player in winning the affirmative action vote at that conference, said of the vote: ‘It is not only a defining moment in Australian politics—it will reshape the character of Australian politics and reshape the party.’ It did reshape the Labor Party but not for the better. John Button, quite concisely and insightfully, pointed out the corrosive effect that branch stacking and factional brawls have had on the ALP when he said in his renowned *Quarterly Essay*:

The overall effect on the ALP has been profoundly destructive. Federally, the party is in retreat. Its primary votes, its membership and the breadth of people it sends to parliament are all shrinking. These things are intimately connected, and they are made possible by a party structure that has barely changed in the past century, that is moribund and out of touch with contemporary society.

He went on to say: ALP members spend a fair amount of time talking about factions. The talk is not so much about what factions believe in or stand for; there is not much evidence they believe in or stand for anything... Today’s factions are about arithmetic, not philosophy. At best the factional warlords are masters of backroom compromises. At worst they
are proof that even on the narrow stage of limited ambitions power corrupts.

Mr Deputy Speaker Causley, you may ask how relevant this is to the modern Labor Party when this conference was over 10 years ago. Sadly and unfortunately, the Labor Party has not changed. The opposition leader is incapable of enunciating a vision for Australia. He is incapable of presenting alternative policies to the Australian people because he is hamstrung, as were the former member for Werriwa and other Labor leaders, and still stuck with the same moribund party.

Their ineffectual and superficial analysis of current debate amounts, on the one hand, to criticising the government for lack of investment, as they call it, for lack of spending, and then, on the other hand, to opposing all the spending and investment announcements the government has made over the last year. But they do not say which ones they oppose. Do they oppose the increased support of the Medicare system, of education, of technical schools, of infrastructure and of roads? They never present the details and they never present the policies because they do not have any. We can look at a very sad but quite humorous event of last week when the opposition leader was challenged about where his policies were. He played along with the banter in the chamber and lifted and opened the dispatch box to find his policies. We all laughed, but we were laughing at him, not with him. If you want to have a look at how the Labor Party has not changed, look at the debates of last week that continued to glorify former Prime Minister Keating. (Time expired)

Human Rights: Falun Gong

Australia-China Free Trade Agreement

Mr BOWEN (Prospect) (10.50 p.m.)—Tonight I would like to address two related issues: human rights and freedom of speech both in Australia and overseas. For the past two years, the Minister for Foreign Affairs has banned the group Falun Gong from protesting outside the Chinese Embassy. Falun Gong is a peaceful group which has nonviolence at its core. I find it frankly appalling that this government has such a low regard for freedom of speech that it is willing to ban peaceful demonstrations. Last week I decided to raise this matter in the debate tonight. I then read an excellent article by Mike Steketee in the Weekend Australian last Saturday. I congratulate him on his article, which is an excellent analysis of the issues concerned. We do not need to be adherents of Falun Gong to be offended by this minister’s actions. I am not an adherent and I am deeply offended. All people who value freedom of expression will be outraged by this ban. I call on the Minister for Foreign Affairs to lift this ban and to respect the right of these Australian citizens to protest peacefully.

On a related matter, I would like to make some comments about the proposed Australia-China free trade agreement. I spoke on the motion on this agreement last week in the House, but my time expired before I was able to make a couple of points which I think are important. An essential part of any free trade agreement must be the free flow of information and knowledge. We all remember the vigorous debate that surrounded the Australia-US Free Trade Agreement in relation to Australian content on television. If this agreement is to be real, there must be a similar discussion. China must open its borders to Australian publications, even those critical of the Chinese government.

I support the proposed agreement in principle as being good for Australia and good for China. I do not refer simply to economics. An agreement like this could help open up China and make it a more outward looking, open-minded society. That is something
all fair-minded people would welcome—not only the free flow of information into China but the free flow of information out of China as well. It is of course often very difficult to get information on matters relating to Tibet, Falun Gong and other human rights matters out of China. Perhaps a free trade agreement might mean even a minor improvement in the flow of information into and out of China. I hope so, but I will not be holding my breath.

**Goulburn City Rose Festival: Beslan Rose**

Mr SCHULTZ (Hume) (10.52 p.m.)—We all are aware of the resilience and the courage of Australians particularly in the rural and regional areas during times of drought. From time to time, as local members, we attend functions that illustrate not only the resilience but the compassion of rural and regional Australians. On Saturday I had the pleasure of attending the 11th Goulburn City Rose Festival, which was started by two women 11 years ago. Those two women saw this festival become a very popular event in Goulburn.

Saturday’s 11th city rose festival had a very significant theme to it and it was opened by the Russian ambassador. One of the local members of the rose club in Goulburn, Mr Max Ryan, and his wife, Jan, presented a rose to the ambassador. They had committed three years to propagation which resulted in a vigorous growing soft pink rose with delicate perfume. This rose, which was accepted by the Russian ambassador, has also been accepted by the rose society as a rose which will be available commercially. The rose is named Beslan in honour of the memory of the terrible tragedy which occurred in Beslan, Russia, where a significant number of children died at the hands of terrorists.

The idea came from the reaction of the Australian community to that terrible tragedy. More importantly, it was the culmination of the way in which residents of the city of Goulburn reacted to that tragedy, raising significant amounts of money to send to the Russian people in Beslan, and especially of the way young schoolchildren reacted to that tragedy. Two of the local schools, a high school and a primary school, formed a guard of honour for the Russian ambassador when he made his way to the stage to accept this recognition and the gift from Mr Max Ryan and his wife, Jan, on behalf of the people of Goulburn for the Beslan community. That rose is going to be planted in the school grounds at Beslan where that unfortunate tragedy occurred—terrorists killed innocent young children, the sons and daughters of mums and dads, which all mums and dads in this country can relate to. It will be there as a symbol of the care and compassion of Australian people but, more importantly, of the care, compassion and concern of Australian children for the plight of the Russian parents who lost their loved ones, their small children, in that tragedy.

I would like to raise that particular piece of good news in this parliament tonight because I think it is very important that we acknowledge and recognise the significant way in which Australians respond to the tragedies in the lives of people overseas. The tsunami was another tragedy when there was a spontaneous indication of the way Australians look at the tragedies that occur and have deep personal feelings as individuals towards the individuals affected by those tragedies.

I thought this was something very special. The rose, as I said, is a vigorous growing rose with magnificent pale pink flowers and a soft perfume. I know that it will be treated and nurtured as it should be by the people of Beslan in recognition of this significant contribution by the Australian people, right down to the young children who obviously had a very emotional attachment to the chil-
children of Beslan even though they did not know them.

Mr Padraic P McGuinness

Mr Danby (Melbourne Ports) (10.57 p.m.)—On 11 March the editor of Quadrant, Padraic P McGuinness, attacked Alan Ramsey for Ramsey’s well-known habit of regurgitating large slabs of quotations from other people in his Sydney Morning Herald column. McGuinness pointed out that this habit had led Ramsey into repeating a false allegation by Bill Moyers of US Public Affairs TV. McGuinness accused Ramsey of being ‘incurably lazy’ for not checking his sources and said that Ramsey should retire.

Many people now remember my earlier criticism of someone I described as Alan ‘Scissorhands’ Ramsey, a man who cut and pasted his way to media infamy. But this month Quadrant magazine, edited by Mr McGuinness, who made the criticism, ran an article by Michael Brander, a former chairman of the neo-Nazi group National Alliance who has been convicted in an Australian court of assaulting a protester with a flagpole. When a constituent of mine and a former contributor to Quadrant contacted Mr McGuinness about this he said that he had never heard of Brander. What kind of a magazine or magazine editor publishes an article by someone without checking his background or sources—something, to quote Mr McGuinness, which only takes one minute on Google? If Mr Ramsey should resign, I ask Mr McGuinness: what should happen to people in glasshouses who throw stones?

Question agreed to.

House adjourned at 10.59 p.m.

NOTICES

The following notices were given:

Dr Stone to move:
That, in accordance with the provisions of the Public Works Committee Act 1969, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Construction of a new chancery building for the Australian Embassy in Vientiane, Laos.

Mrs Elliot to move:
That this House:
(1) congratulates the members of the local Volunteer Coast Guard Associations on the service they provide to the community;
(2) notes that the Association has been served by dedicated volunteers who have selflessly serviced the community in the Federal electorate of Richmond;
(3) expresses the appreciation of the countless recreational boat users whose lives have been saved as a result of this service;
(4) values the contribution they have made to North Coast tourism by their contribution to safer boating; and
(5) expresses the deep appreciation of the constituents of Richmond for their work past, present and future.

Mrs Elliot to move:
That this House:
(1) values the contribution of serving men and women of the Australian Defence Forces, past and present;
(2) appreciates the sacrifices of their friends and family and in particular all those who have suffered as a result of their service;
(3) notes that the TPI veterans pensions are not fully indexed to Male Average Weekly Earnings;
(4) supports the TPI Association’s call for an improvement in TPI pensions; and
(5) calls on the Howard Government to provide fewer words and more action on this issue.
QUESTIONS IN WRITING

International Ship and Port Facility Security Code
(Question No. 63)

Mr Martin Ferguson asked the Minister for Transport and Regional Services, in writing, on 17 November 2004:

(1) When was the deadline for the submission of security plans for all ports, port facilities and Australian-flagged ships ahead of the 1 July 2004 deadline for the implementation of the International Ship and Port Facility Security Code (ISPS)?
(2) Which ports, port facilities and Australian-flagged ships met the deadline to submit security plans?
(3) Which ports, port facilities and Australian-flagged ships did not meet the deadline to submit security plans?
(4) What reasons have been cited by each port, port facility and Australian-flagged ship for not meeting the deadline to submit security plans?
(5) What directives have been issued for those ports, port facilities and Australian-flagged ships that did not meet the deadline to submit security plans?
(6) What impact does the failure of those ports, port facilities and Australian-flagged ships to meet the deadline to submit security plans have on the meeting by the Australian maritime industry of the 1 July 2004 implementation of the ISPS Code?

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

(1) The deadline for submission to the Department was 1 March 2004.
(2) All of the ports, port facilities and Australian-flagged ships met the deadline to submit plans.
(3) There were no ports, port facilities and Australian-flagged ships which failed to meet the deadline.
(4) Not applicable.
(5) Not applicable.
(6) Not applicable.

F3 Freeway
(Question No. 92)

Ms Hoare asked the Minister for Transport and Regional Services, in writing, on 17 November 2004:

(1) Is he aware that engineers of the NSW Roads and Traffic Authority (RTA) conduct inspections of the F3 Freeway between Sydney and Newcastle and does his department receive advice of such inspections and their outcomes?
(2) Does the Government provide funding to maintain and repair the F3 Freeway on the advice of the NSW Roads and Traffic Authority?
(3) Is he aware that recent inspections by RTA officers have found evidence of cracked, dropped or crowned concrete slabs that require urgent replacement North of the Toronto interchange; if not, why not?
(4) Is he aware of “spalls” or “potholes” on the F3 Freeway North of the Toronto interchange that have required constant repair for the last thirteen years; if not, why not?
(5) Will he provide urgent funding to upgrade this section of road before motorists are killed or injured; if not, why not?
Mr Anderson—The answer to the honourable member’s question is as follows:

(1) The F3 was formerly part of the National Highway and is now part of the AusLink National Network. States and Territories have been required to report annually on a range of measures relating to their National Highway roads as a condition of receiving Australian Government maintenance funding. In the future they will be similarly required to report on their AusLink Network roads as a condition of receiving Australian Government maintenance funding.

(2) In 2004-05 the Australian Government is providing funding to each State and Territory for the maintenance of the former National Highway system (of which the F3 forms part) on a formula which is based on road lengths and vehicle usage. From 2005-06 the Australian Government will contribute towards maintenance funding for the AusLink National Network, which includes the former National Highway. Funds will be apportioned on the basis of the formula as applied to the AusLink National Network instead of the National Highway.

(3) to (5) The section of the F3 north of Toronto interchange was constructed in 1993, and the RTA carries out regular inspections and undertakes pavement maintenance works as appropriate to ensure the safety of the travelling public. The section’s pavement, while considered by RTA to be performing satisfactorily, is susceptible to mine subsidence and is exhibiting some cracking and spalling. RTA has in place a Mine Subsidence Management Plan with the coal company, Oceanic Coal. Pavement maintenance works to remedy current defects will be undertaken in 2005 with costs to be recovered from the NSW Mine Subsidence Board.

Governor-General
(Question No. 143)

Mr Melham asked the Prime Minister, in writing, on 18 November 2004:
Will he provide a complete list of the organisations for which (a) the Governor-General, and (b) Her Excellency Mrs Jeffery have agreed to serve as Patron or Patron-in-Chief.

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

(a) I am advised by the Official Secretary to the Governor-General that organisations for which the Governor-General has agreed to serve as Patron or Patron-in-Chief are as follows:

- Abilympics Australia Association Inc
- Access Dinghy Foundation Inc
- ACT Association of the Most Excellent Order of British Empire
- ACT Branch of the Royal Commonwealth Society
- Aids Trust of Australia
- Alzheimer’s Disease and Related Disorders Society (Australia) known as Alzheimer’s Association Australia
- AMOS (Anglican Military – Outreach and Service) Foundation
- ANZAC Research Institute (formerly ANZAC Health & Medical Research Foundation)
- Austcare
- Australia-Britain Society
- Australian Academy of Forensic Sciences
- Australian and New Zealand College of Anaesthetists
- Australian Archaeological Institute at Athens
- Australian Association of Ryder-Cheshire Foundations
- Australian Automobile Association
Australian Ballet (known as Australian Ballet Foundation)  
Australian Capital Territory Rugby Union  
Australian Centre for Christianity and Culture  
Australian Cerebral Palsy Association Inc  
Australian Club - Melbourne  
Australian Club - Sydney  
Australian Commonwealth Games Association  
Australian Council for the Teaching of Swimming and Water Safety  
Australian Council of Stoma Associations  
Australian Croquet Association (formerly known as Australian Croquet Council)  
Australian Defence Colleges Association  
Australian Entomological Society  
Australian Federation of Totally and Permanently Incapacitated Ex Servicemen and Women  
Australian Fresh Water Fishermen’s Assembly Incorporated  
Australian Institute of International Affairs  
Australian Institute of Navigation  
Australian Institute of Purchasing and Materials Management Limited  
Australian Lung Foundation  
Australian Meals on Wheels Association  
Australian National Academy of Music  
Australian National Eisteddfod Society  
Australian Nuffield Farming Scholars Association  
Australian Olympic Committee  
Australian Paralympic Committee  
Australian Philatelic Federation  
Australian Pony Club Council  
Australian Rostrum  
Australian Rugby Union  
Australian Singing Competition  
Australian Society of Musicology and Composition  
Australian Universities International Alumni Convention  
Australian Veterans and Defence Services Council  
Australian Veterans’ Children Assistance Trust  
Australian Volleyball Federation Inc  
Australian Water Association Battle for Australia Commemoration National Council  
Blinded Soldiers of St Dunstan’s Australia  
Bowls Australia Inc  
Bowral Golf Club  
Boys’ Brigade Australia  
Canberra Legacy
Care Australia
Carers Australia
Children’s Week Council of Australia
Commercial Education Society of Australia
Commonwealth Club
Company of Master Mariners of Australia
Constitution Education Fund - Australia
Cystic Fibrosis Australia
Diabetes Australia
Duke of Edinburgh’s Award in Australia – ACT Committee
Duke of Edinburgh’s Award in Australia
Early Childhood Australia (formerly known as Australian Early Childhood Association Inc)
Federation of the Alliances Françaises in Australia Inc
Field Marshal Sir Thomas Blamey Memorial Fund
Foodbank Australia
Foundation for Australian Literary Studies
Foundation for Rabbit-Free Australia
Foundation for Rural and Regional Renewal
Foundation of the Polish Ex-Servicemen’s Association in Australia Ltd
Future Summit 2004
General Sir John Monash Foundation
Group Training Australia
GROW – (Group Recovery Organisation of the World)
Hands-On-Health Australia
Harvey Golf Club Inc
JOB futures
Kidsafe – Child Accident Prevention Foundation of Australia
Kokoda Track Foundation
Korea and South East Asia Forces Association of Australia
Kurrajong-Waratah Industries Limited
Life Education Australia
Local Government Managers Australia
Lymphoedema Association of Australia Inc
Migrant Resource Centre of Canberra and Queanbeyan Inc
National Association of Extremely Disabled War Veterans
National Association of Government School Chaplaincy Providers (NAGSCP)
National Committee on Human Rights Education
National Council of Royal Commonwealth Societies in Australia
National Education and Employment

QUESTIONS IN WRITING
National Federation of Australia Japan Societies
National Gallery of Australia Foundation
National Heart Foundation of Australia
National Rifle Association of Australia
National Rose Society of Australia
National Stroke Foundation
National Youth Science Forum
Naval Association of Australia
Naval, Military and Air Force Club of South Australia
Navy League of Australia
Newcastle Club
Open Family Australia
Order of Australia Association
Order of Australia Association Foundation
Order of St John of Jerusalem
Outdoor Education Group
Outward Bound Australia
Pharmaceutical Society of Australia
Polish Ex-Servicemen’s Association – Branch Australia Inc
Polocrosse Association of Australia
Professional Centre of Australia
Proposed Bennelong Cultural Centre – Sydney
Queensland Club
Regular Defence Force Welfare Association Inc
Relationships Australia
Reserve Forces Day Council
Returned and Services League of Australia – ACT Branch
Ronald McDonald House Charities (RMHC)
Rotary National MUNA Committee
Rotary Overseas Medical Aid for Children (ROMAC)
Rotary's Australian Corporate Alliance Program
Royal Adelaide Golf Club
Royal Australasian College of Dental Surgeons
Royal Australian Air Force Association
Royal Australian Regiment Foundation
Royal Federation of Aero Clubs of Australia
Royal Flying Doctor Service of Australia
Royal Humane Society of Australasia
Royal Life Saving Society Australia

QUESTIONS IN WRITING
Royal Motor Yacht Club of New South Wales
Royal Overseas League
Royal Society for the Prevention of Cruelty to Animals (RSPCA)
Royal Society of New South Wales
Royal South Yarra Lawn Tennis Club
Royal Sydney Golf Club
Royal Sydney Yacht Squadron
Royal United Services Institute of Australia
Safety Institute of Australia (Incorporated)
Save the Children Australia
Scouts Australia
Sir Robert Menzies Memorial Foundation (The Menzies Foundation)
Society of Australian Genealogists
Special Air Service Regiment
Spinal Cord Injuries Australia
St Andrew’s Church Conservation and Restoration Foundation
Surf Life Saving Australia
The Alan Duff Charitable Foundation for Books in Homes Australia
The American Club – Sydney
The Australasian CHARGE Association
The Chartered Institute of Logistics and Transport
The Global Foundation
The Military and Hospitaller Order of Saint Lazarus of Jerusalem Grand Priory of Australia
The Salvation Army’s Red Shield Appeal 2004
The School Volunteer Program
The Zero to One Foundation Ltd
Toc H Australia
Tourism, Hospitality and Catering Institute of Australia
Transplant Australia
UNICEF Australia
Union Club, Sydney
United Nations Association of Australia
United Service Club
United Service Institution of the Australian Capital Territory Inc
University and Schools Club
Victoria League for Commonwealth Friendship
Vietnam Veterans’ Memorial Lodge
War Widows’ Guild of Australia
Western Australian Club
Wildlife Preservation Society of Australia
Winston Churchill Memorial Trust
World Wide Fund For Nature Australia
Year of the Built Environment 2004
Young Endeavour Youth Scheme
Youth Hostels Association (YHA Australia)

(b) I am advised by the Official Secretary to the Governor-General that organisations for which Her Excellency Mrs Jeffery has agreed to serve as Patron or Patron-in-Chief are as follows:
The Girls’ Brigade Australia Inc
Australian Women of Year Association
War Widows’ Guild of Australia (ACT) Inc
Voluntary Guides of the Australian War Memorial
L’Arche Genesaret
Council on the Ageing (ACT)
Australian Red Cross
Karinya House for Mothers and Babies
Friends of the School of Music-ANU
Hartley Lifecare Incorporated
Guides Australia
National Council of Women of Australia
SIDS and Kids ACT
John James Hospital
(Friends of John James Hospital Memorial Hospital)
The Richmond Fellowship of the ACT Inc
The Cancer Council ACT
Women’s Golf Australia Inc (Vic)
Woden Senior Citizens Club Inc
ACT Defence Widows’ Support Group
The Country Women’s Association of Australia
Clare Holland House
Orthopaedic Outreach
Klavier Music Association
The Alexandra Club
The Queen’s Club

**Governor-General**

(Question No. 145)

**Mr Melham** asked the Prime Minister, in writing, on 18 November 2004:

(1) Did the Governor-General seek or receive advice from him, the Attorney-General, any other Minister, his department or the Attorney-General’s Department before the Governor-General agreed to
serve as Patron-in-Chief of the Constitutional Prize Program of the Constitution Education Fund – Australia (CEF-A).

(2) Was the Governor-General informed, or otherwise made aware, of the CEF-A’s close association and co-location with Australians for Constitutional Monarchy and that its Executive Director is Ms Kerry Jones.

(3) Has he discussed with the Governor-General the potential for patronage of the CEF-A to involve the Governor-General and his office in debate on Australia’s constitutional future, especially the question of an Australian Republic.

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

(1) No – see my answer to House of Representatives Question on Notice No. 144.

(2) and (3) I am advised that the membership of the Council of the Constitution Education Fund – Australia, comprises a range of eminent Australians who could be expected to have a range of views on Australia’s constitutional arrangements.

Governor-General

(Question No. 150)

Mr Melham asked the Prime Minister, in writing, on 18 November 2004:

(1) In respect of the Governor-General’s interview reported in the Sunday Herald-Sun on 7 November 2004 in which the Governor-General referred to his “new role of ‘super diplomat’ representing Australian interests overseas”, can he explain Government’s position on the Governor-General’s role in the foreign relations of Australia.

(2) Is it appropriate for the Governor-General, on the advice of the Prime Minister or relevant Ministers, to engage in substantive discussions of foreign policy and strategic issues with foreign Heads of State, Ministers or officials.

(3) Does he contemplate that the Governor-General will engage in such exchanges while travelling overseas.

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

(1) I am advised that the term “new role of ‘super diplomat’ representing Australian interests overseas” was terminology used by the journalist in question and not the Governor-General.

(2) and (3) Consistent with long standing tradition, the purpose of the Governor-General’s overseas visits is to represent Australia’s interests through a range of meetings and functions which promote Australia and facilitate better links with those countries through high-level personal contacts. In doing so, he is supported by senior officials from the Department of Foreign Affairs and Trade (who travel abroad with him), together with the senior personnel from the Australian Mission involved.

Governor-General

(Question No. 154)

Mr Melham asked the Prime Minister, in writing, on 18 November 2004:

Has the Governor-General been briefed on his role or that of any person serving as Administrator of the Commonwealth in the event that a Continuity of Government plan is activated.

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

Yes.
Visa Applications
(Question No. 283)

Mr Laurie Ferguson asked the Minister representing the Minister for Immigration and Multicultural and Indigenous Affairs, in writing, on 2 December 2004:

(1) How many 410 visas have been (a) applied for, and (b) issued in each year since the introduction of this provision.

(2) How many successful applicants for this class of visa have not had the requisite finances at the conclusion of the four year period.

(3) In respect of those who have failed to meet the financial requirement at the conclusion of the four year period, how many remain in Australia.

(4) How many holders of a current 410 visa have applied for another class of visa.

(5) How many holders of a current 410 visa who are in Australia are in the queue for a parent visa.

(6) Are any people who were granted a 410 visa and who are in Australia subject to visa cancellation or deportation; if so, how many.

Mr McGauran—The Minister for Immigration and Multicultural and Indigenous Affairs has provided the following answer to the honourable member’s question:

(1) (a) Information on sub-class 410 visas applied for is only available from 1999 onwards. This data was not captured before 1999 in a readily accessible form. (b) Information on sub-class 410 visas granted is only available from 1994 onwards. This data was not captured before July 1994 in a readily accessible form.

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Applications Lodged</th>
<th>Granted</th>
</tr>
</thead>
<tbody>
<tr>
<td>1994-95</td>
<td>not readily available</td>
<td>502</td>
</tr>
<tr>
<td>1995-96</td>
<td>not readily available</td>
<td>840</td>
</tr>
<tr>
<td>1996-97</td>
<td>not readily available</td>
<td>831</td>
</tr>
<tr>
<td>1997-98</td>
<td>not readily available</td>
<td>984</td>
</tr>
<tr>
<td>1998-99</td>
<td>not readily available</td>
<td>1468</td>
</tr>
<tr>
<td>1999-00</td>
<td>2118</td>
<td>1632</td>
</tr>
<tr>
<td>2000-01</td>
<td>2736</td>
<td>2071</td>
</tr>
<tr>
<td>2001-02</td>
<td>3209</td>
<td>2699</td>
</tr>
<tr>
<td>2002-03</td>
<td>4637</td>
<td>3151</td>
</tr>
<tr>
<td>2003-04</td>
<td>4057</td>
<td>3522</td>
</tr>
<tr>
<td>2004-05 to 30/11/04</td>
<td>1775</td>
<td>1567</td>
</tr>
</tbody>
</table>

(2) No second or subsequent retirement visa applicant can be refused on the grounds of insufficient funds, following the November 2003 changes to the 410 visa subclass. As a result, data on the number of applicants without the requisite finances at the conclusion of the initial four year period is not available.

(3) See (2) above.

(4) My Department does not maintain data in the format requested. To answer the question would require an unreasonable diversion of resources.

(5) My Department does not maintain data in the format requested. To answer the question would require an unreasonable diversion of resources.

(6) Information on people who are currently in the visa cancellation or deportation process is not readily available. To answer the question would require an unreasonable diversion of resources.

What is readily available is the number of 410 visas actually cancelled over the last few years.
Information on the reasons for the cancellation of the 3 visas in 2002-03 is not readily available. The current status of the 3 cases is not known. To answer the question would require an unreasonable diversion of resources.

Grants and Service Payments
(Question No. 322)

Dr Lawrence asked the Minister representing the Minister for Immigration and Multicultural and Indigenous Affairs, in writing, on 6 December 2004:

For each of the last five years, what are the details and amount of each grant and service payment by the Minister’s department and agencies within the Minister’s portfolio to (a) the Hillsong Foundation, and (b) its associated entities.

Mr McGauran—The Minister for Immigration and Multicultural and Indigenous Affairs has provided the following answer to the honourable member’s question:

No payments have been made to the Hillsong Foundation by the departments or agencies within the portfolio;

The following service payments were made to Hillsong Emerge Ltd, an associated entity of the Hillsong Foundation, under the Business Development Programme during the period it was administered by the Aboriginal and Torres Strait Islander Commission (until 30 June 2003) and by the Aboriginal and Torres Strait Islander Services (from 1 July 2003 until 30 June 2004):

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000-01</td>
<td>Nil</td>
<td>N/A</td>
</tr>
<tr>
<td>2001-02</td>
<td>Nil</td>
<td>N/A</td>
</tr>
<tr>
<td>2002-03</td>
<td>$43,830.80</td>
<td>Progress payment for a pilot to develop a Micro Enterprise Development methodology for Indigenous Australians in an urban context</td>
</tr>
<tr>
<td>2003-04</td>
<td>$68,304.50</td>
<td>Progress payment for a pilot to develop a Micro Enterprise Development methodology for Indigenous Australians in an urban context</td>
</tr>
<tr>
<td>2004-05</td>
<td>Nil</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Veterans’ Affairs: Domestic and Overseas Travel
(Question No. 343)

Mr Quick asked the Minister for Veterans’ Affairs, in writing, on 6 December 2004:

(1) For the year 2003-2004, what sum was spent by the Minister’s department on (a) domestic, and (b) overseas air travel.

(2) For the year 2003-2004, what proportion of domestic air travel by employees of the Minister’s department was provided by (a) Qantas, (b) Regional Express, and (c) Virgin Blue.

(3) For the year 2003-2004, what was the actual expenditure by the Minister’s department on domestic air travel provided by (a) Qantas, (b) Regional Express, and (c) Virgin Blue.

(4) For the year 2003-2004, what sum was spent by the Minister’s department on business class travel on (a) domestic routes, and (b) overseas routes.
(5) For the year 2003-2004, what sum was spent by the Minister’s department on economy class travel on (a) domestic routes, and (b) overseas routes.

(6) For the year 2003-2004, what proportion of the expenditure on air travel by the Minister’s department was on the domestic routes (a) Sydney to Canberra, (b) Melbourne to Canberra, (c) Sydney to Melbourne, (d) Sydney to Brisbane, (e) Melbourne to Hobart or Launceston, and (f) Sydney to Perth.

(7) For the year 2003-2004, how many employees of the Minister’s department had membership of the (a) Qantas Chairman’s Lounge, (b) Qantas Club, (c) Regional Express Membership Lounge, and (e) Virgin Blue’s Blue Room paid for by the department.

Mrs De-Anne Kelly—The answer to the honourable member’s question is as follows:

(1)

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Domestic</th>
<th>Overseas</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003/2004</td>
<td>$5,368,323</td>
<td>$761,019</td>
</tr>
</tbody>
</table>

(2)

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Proportion of domestic air travel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Qantas</td>
<td>Regional Express</td>
</tr>
<tr>
<td>2003/2004</td>
<td>72.08%</td>
</tr>
</tbody>
</table>

(3)

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Expenditure on domestic air travel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Qantas</td>
<td>Regional Express</td>
</tr>
<tr>
<td>2003/2004</td>
<td>$3,869,738</td>
</tr>
</tbody>
</table>

(4)

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Sum spent on Business class travel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic Routes</td>
<td>Overseas Routes</td>
</tr>
<tr>
<td>2003/2004</td>
<td>$1,319,248</td>
</tr>
</tbody>
</table>

(5)

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Sum spent on Economy class travel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic Routes</td>
<td>Overseas Routes</td>
</tr>
<tr>
<td>2003/2004</td>
<td>$4,049,075</td>
</tr>
</tbody>
</table>

(6)

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Proportion of expenditure spent on domestic routes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sydney to Canberra</td>
<td>Melbourne to Canberra</td>
</tr>
<tr>
<td>2003/2004</td>
<td>5.24 %</td>
</tr>
</tbody>
</table>

(7)

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Number of employees with memberships</th>
</tr>
</thead>
<tbody>
<tr>
<td>Qantas Chairman’s Lounge</td>
<td>Qantas Club</td>
</tr>
<tr>
<td>2003/2004</td>
<td>19</td>
</tr>
</tbody>
</table>

Source: Qantas Travel System Database ‘Q2B’.

1 Includes veterans’ air travel for treatment purposes.
Mr Hatton asked the Minister for Transport and Regional Services, in writing, on 7 December 2004:

(1) In respect of the Government’s Securing Our Regional Skies package announced during the election campaign, have any funds from this package been earmarked for security projects or measures at Bankstown Airport; if so, what security projects or measures have been identified for Bankstown Airport?

(2) In respect of the Government’s Enhanced Aviation Security package announced in December 2003, have any funds from the $35 million grant program to assist eligible smaller airports with security measures been allocated to Bankstown Airport; if so, what sum has been made available to Bankstown Airport for security measures?

(3) What are the details of the security measures that (a) have been completed at, (b) have commenced at, and (c) are planned for, Bankstown Airport?

(4) What other action has the Government taken to improve security at Bankstown Airport since September 2003?

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

(1) No funds from Securing our Regional Skies have been specifically earmarked for individual airports such as Bankstown Airport. Bankstown airport will however be eligible to access aviation security training for its staff under Securing our Regional Skies.

(2) Bankstown Airport’s draft transport security program has been assessed and the airport has been advised of those basic security measures identified in their draft transport security program that are eligible for funding.

(3) To ensure the best security outcomes are achieved by each security regulated airport it would not be prudent to publicise the exact nature of security measures in place and being installed at a particular airport. In general terms, the measures that can be approved for funding include installation of fencing, lighting, surveillance equipment and alarm systems.

(4) Bankstown Airport has participated in workshops run by the Department to assist them with security arrangements in compliance with the Aviation Transport Security Act 2004. Bankstown Airport can also access information as required from the Department’s New South Wales Office.

Mr Martin Ferguson asked the Minister for Transport and Regional Services, in writing, on 7 December 2004:

(1) In respect of $35 million announced by the Government on 11 May 2004 to assist smaller airports to implement security measures (Ref: TRS11/Budget), (a) what sum has been expended, (b) which organisation has been used to allocate the funds, (c) how was the organisation allocating the funds selected, (d) what was the cost of using an external organisation to administer Government funds including both direct costs to the organisation and administrative costs to his Department, (e) which projects have been funded, including (i) the full cost of each project, (ii) co-contributions
Mr Anderson—The answer to the honourable member’s question is as follows:

(1) (a), (b) The $35m has been expensed to the Australian Airports Association. (c) The Australian Airports Association was selected on the basis of it being the peak national industry body of airport owners and operators, its understanding and support of the industry and its non-profit status. (d) Expenditure of funds by the organisation are subject to the conditions of the Agreement between the AAA and the Commonwealth that state:

- AAA may, on receipt of the Funds, recover the reasonable costs incurred by it since 11 May 2004 in considering, negotiating and entering into this Agreement (including its legal, travel and accommodations costs); and
- provided that it first obtains written permission from the Commonwealth Representative to do so, AAA may spend a reasonable and appropriate portion of the Funds on the costs necessarily incurred by AAA in properly performing its functions and obligations under this Agreement.

Since July 2004 to December 2004 the AAA have expended $175,320; administrative costs to the Department since July 2004 to December 2004 are $98,739.

(e) Currently, 83 airports are in the process of negotiating payment with the Australian Airports Association. (f) The provision of funds to airports by the AAA is regulated by the contract between the AAA and the Commonwealth. A copy of the contract can be provided if required. (g) Assessment of basic security measures to be funded at airports is dependent upon airports conducting a security risk assessment of their airport and drafting a transport security program for the airport. The draft transport security program identifies security measures and procedures to be implemented at the airport, including the basic security measures where funding is sought. DOTARS assesses the security outcomes achieved by each proposed basic security measure, against the risk environment of the airport and either approves or rejects a basic security measure. DOTARS assessment is provided to both the airport and the AAA. The airport applies to the AAA for funding of approved basic security measures and, following a value for money assessment by the AAA, funds are provided for the installation of the security measure.

(2) (a), (b), (c) and (d) Securing our Regional Skies is not a grant program. With the exception of the pre-existing hardened cockpit-door funding program, aviation industry participants do not directly apply for funding.

$1.574 million has been paid as first payments to seven eligible regional airlines.

Four remaining eligible airlines are finalising contractual arrangements to receive payments. Projects have been funded on the basis of providing appropriate cockpit security for relevant aircraft. Formal guidelines were not developed. Each eligible airline was written to outlining eligibility and specifying standards. These standards are consistent with US Federal Aviation Regulation standards.

The Australian Federal Police advise that $480,000 has been expended for the Regional Rapid Deployment Teams.
Under the State and Territory police aviation joint training and exercise program, $149,000 has been approved for the Western Australia Police Service to undertake a joint training and exercise operation in late February 2005. Negotiations are currently underway to pay a further $1.23 million for exercise and training initiatives to other State and Territory Police Services.

In total, DOTARS expects to spend $11.865 million on Securing Our Regional Skies initiatives this financial year.

Airservices Australia

(Question No. 362)

Mr McClelland asked the Minister for Transport and Regional Services, in writing, on 7 December 2004:

(1) To what extent does the Airservices Australia Noise and Flight Monitoring System monitor aircraft noise at reference points above ground level that are over-flown by aircraft as opposed to height above aerodrome reference?

(2) Is the Government considering modifications or extensions to the measurements used in the Airservices Australia Noise and Flight Path Monitoring System; if so, what are the details?

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

(1) All the aircraft noise levels reported by Airservices Australia from its Noise and Flight Path Monitoring System (NFPMS) are exactly as measured by the microphone at each of the monitoring locations. As such, they relate directly to the terrain elevation at the monitoring locations and do not require adjustment for height above aerodrome reference.

(2) The Government is not considering modifications or extensions to the measurements used in the Airservices Australia Noise and Flight Path Monitoring System. However, Airservices Australia is always amenable to proposals or suggestions from the Noise Abatement Committees or Environment Committees at the NFPMS-equipped airports for additions or variations to the presentation of measurement results included in its NFPMS reports.

Aboriginal Reconciliation

(Question No. 363)

Mr Murphy asked the Minister representing the Minister for Immigration and Multicultural and Indigenous Affairs, in writing, on 7 December 2004:

(1) Can the Minister confirm that on 3 October 1998 the Prime Minister committed the Government to the cause of true reconciliation with the Aboriginal people of Australia by the Centenary of Federation; if not, why not.

(2) Has the Minister read the article titled ‘Reconciliation a must, says Howard’ in The Age on 14 December 2000 which reported the Prime Minister as saying Australia’s priority should be to strengthen support for reconciliation between blacks and whites and the mood of the community was now “overwhelmingly in favour of reconciliation” and “an unstoppable force”.

(3) Has the Minister read the article titled ‘Reconciliation: Howard’s unfinished business’ in The Canberra Times on 8 November 2001 which reported that the Prime Minister failed to deliver reconciliation in his second term and has now dedicated the Government to achieving practical reconciliation, “a term coined by his government to bury the rights agenda and focus instead on education, health, unemployment and housing”.

(4) Has the Minister read the article titled ‘PM vows to aid Aboriginal cause’ in The Age on 6 December 2004 which reports that the Prime Minister is prepared to go more than halfway to meet indigenous leaders to fix Aboriginal problems.
(5) Will the Minister explain the difference between ‘reconciliation’ and ‘practical’ reconciliation.

(6) Why did Australia fail to achieve reconciliation by the Centenary of Federation and what progress had been made toward achieving this commitment.

(7) Can the Minister say when Australia will achieve lasting reconciliation between indigenous and non-indigenous Australians.

Mr McGauran—The Minister for Immigration and Multicultural and Indigenous Affairs has provided the following answer to the honourable member’s question:

(1) Yes.
(2) Yes.
(3) Yes.
(4) Yes.

(5) Reconciliation involves both symbolic and practical measures. At a symbolic level for example, the Government has sponsored the development of Reconciliation Place within the Parliamentary Triangle and at a practical level it has focused on education, employment and health, increasing spending on related Indigenous programs by 39 percent in real terms since 1996.

(6) Reconciliation is an ongoing process that will not be complete until Indigenous inequality and disadvantage are finally eliminated. By 2001 however, significant progress had been made. There have been considerable improvements in the rate of Indigenous home ownership, the proportion of Indigenous students completing high school, Indigenous private sector employment, household occupancy rates and health indicators. In addition, Aboriginal and Torres Strait Islander people now have title to, and maintain and manage, around 20% of the land area of Australia.

(7) Reconciliation is an ongoing responsibility of all Australians. The legacy of history and of past policy mistakes will not be remedied in the short term.

Official Establishments Trust
(Question No. 378)

Mr Melham asked the Prime Minister, in writing, on 9 December 2004:

(1) Is it the case that the Official Establishments Trust has in past years recommended that planning commence for a new official residence for the Prime Minister in Canberra.
(2) Can he confirm that he has indicated to the Official Establishments Trust that planning for a new residence should not be pursued; if so, when did he do so.
(3) Will he reconsider the Official Establishments Trust recommendation.

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

(1) Yes
(2) Yes. The Official Establishments Trust was advised of my views during 1996-97.
(3) I remain of the view that planning for a new official residence for the Prime Minister should not be pursued. I regard the current residence as quite appropriate.
(4) No.
Telstra Mobile Online Short Message Service  
(Question No. 415)

Mr Martin Ferguson asked the Minister representing the Special Minister of State, in writing, on 8 February 2005:

In respect of the Government’s decision to grant Senators and Members access to Telstra Mobile Online SMS Business Service for one of their mobile phones, (a) does the service extend to the phones held by Senators and Members, and members of their staff, in their capacities as Ministers and Shadow Ministers, (b) what consultations were undertaken by the Government before making the decision, (c) were representations made by any Senators and Members or political parties requesting this service; if so, by whom and on what date(s), and (d) what is the estimated cost over the next three financial years if the service is fully utilised by Senators and Members.

Mr Abbott—The Special Minister of State has provided the following answer to the honourable member’s question:

(1) (a) No, in respect of mobile telephones provided by Ministerial and Parliamentary Services. I have no discretion in relation to any facilities provided by portfolio departments to Ministers.

(b) I approved access to the Telstra Mobile Online Short Messaging Service Business (SMS) on the recommendation of the Department of Finance and Administration.

(c) A number of requests were received from Senators and Members for the provision of a bulk Short Messaging Service (SMS); however, I do not consider it appropriate to publish this information, consistent with the principle that disclosure of such information may deter Senators and Members from making submissions to me in the future.

I frequently evaluate requests for access to facilities and services and only approve those where a strong business case convinces me that approval is reasonable given the rapid changes in technology. My decision to approve the provision of SMS acknowledges that SMS is an efficient communication tool that enables Senators and Members to confirm meeting times, changes in travel arrangements and confirming decisions and directions when they are conducting business away from their electorate offices.

(d) This is a hypothetical question. As a result the answer below sets out a substantially inflated and highly unlikely outcome, as it is doubtful that the facility will be fully taken up.

<table>
<thead>
<tr>
<th>Year</th>
<th>Estimated Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004-05</td>
<td>$68,000</td>
</tr>
<tr>
<td>2005-06</td>
<td>$135,600</td>
</tr>
<tr>
<td>2006-07</td>
<td>$135,600</td>
</tr>
<tr>
<td>Estimated total</td>
<td>$339,200</td>
</tr>
</tbody>
</table>

Border Control Services  
(Question No. 419)

Mr Martin Ferguson asked the Minister representing the Minister for Justice and Customs, in writing, on 8 February 2005:

(1) In respect of the Australian Customs Service (ACS) at airports, what consultation takes place between border control agencies such as ACS, AQIS, the Department of Immigration and Multicultural and Indigenous Affairs, and airline, airport and tourism industry representatives concerning the provision of border control services.

(2) For each financial year since March 1996, what sum was spent by the ACS on border control services at each international airport.
(3) For each financial year since March 1996, what was the total number of (a) inward, and (b) outward bound passenger movements at each international airport.

Mr Ruddock—The Minister for Justice and Customs has provided the following answer to the honourable member’s question:

(1) Consultation occurs between border agencies and industry on many levels. Customs is the Chair for the National Passenger Processing Committee (NPPC). The major role of the NPPC is to develop whole of Government policy approaches to processing international air passengers. The NPPC membership is AQIS, the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA), the Department of Health and Ageing, the Department of Industry, Tourism and Resources, Australian Federal Police (AFP), Attorney-General’s Department and the Department of Transport and Regional Services.

Customs is also represented at the National Advisory Facilitation (NatFAL) committee meetings chaired by the Department of Transport and Regional Services. NatFAL is made up of NPPC Members plus airport and airline representatives. The role of NatFAL is to implement as much as possible the internationally agreed standards and recommended practices for facilitating the movement of travellers through international airports while maintaining Australia’s obligations to maintain adequate aviation security and Australia’s border control legislation and policies.

Regional Facilitation committees at every airport meet regularly with similar agency and industry representation to provide formal avenues for addressing facilitation issues on an airport-by-airport basis. In addition to these formal mechanisms, Customs also has close and regular consultations on an informal basis with airlines and airport operators at both national and local levels.

There is regular consultation with other border agencies, at a range of levels both nationally and at individual airports. Customs is unable to supply the figures requested. Customs Financial Management Information system records expenses by organisational structure rather than physical location. The overall cost of Customs passenger processing function for the years requested is as follows:

<table>
<thead>
<tr>
<th>Financial year</th>
<th>Customs $m</th>
</tr>
</thead>
<tbody>
<tr>
<td>1995/96</td>
<td>94.2</td>
</tr>
<tr>
<td>1996/97</td>
<td>93.7</td>
</tr>
<tr>
<td>1997/98</td>
<td>125.0</td>
</tr>
<tr>
<td>1998/99</td>
<td>122.7</td>
</tr>
<tr>
<td>1999/00</td>
<td>124.6</td>
</tr>
<tr>
<td>2000/01</td>
<td>135.9</td>
</tr>
<tr>
<td>2001/02</td>
<td>165.0</td>
</tr>
<tr>
<td>2002/03</td>
<td>158.3</td>
</tr>
<tr>
<td>2003/04</td>
<td>152.4</td>
</tr>
</tbody>
</table>

(3) The total number of (a) inward, and (b) outward bound passenger movements at each international airport since March 1996 are:

<table>
<thead>
<tr>
<th></th>
<th>Sydney</th>
<th>Brisbane</th>
<th>Melbourne</th>
<th>Cairns</th>
<th>Coolangatta</th>
<th>Perth</th>
<th>Adelaide</th>
<th>Darwin</th>
</tr>
</thead>
<tbody>
<tr>
<td>1996-97 Inwards</td>
<td>3,431,912</td>
<td>1,330,474</td>
<td>1,213,037</td>
<td>388,312</td>
<td>725,501</td>
<td>110,379</td>
<td>92,112</td>
<td></td>
</tr>
<tr>
<td>1996-97 Outwards</td>
<td>3,609,765</td>
<td>1,127,909</td>
<td>1,207,364</td>
<td>367,265</td>
<td>696,749</td>
<td>109,240</td>
<td>87,364</td>
<td></td>
</tr>
<tr>
<td>1997-98 Inwards</td>
<td>3,498,061</td>
<td>1,336,465</td>
<td>1,294,572</td>
<td>368,281</td>
<td>766,524</td>
<td>113,226</td>
<td>100,023</td>
<td></td>
</tr>
<tr>
<td>1997-98 Outwards</td>
<td>3,676,761</td>
<td>1,116,247</td>
<td>1,268,525</td>
<td>357,989</td>
<td>735,870</td>
<td>111,563</td>
<td>95,751</td>
<td></td>
</tr>
<tr>
<td>1998-99 Inwards</td>
<td>3,667,153</td>
<td>1,354,611</td>
<td>1,376,637</td>
<td>354,326</td>
<td>791,157</td>
<td>124,647</td>
<td>95,397</td>
<td></td>
</tr>
</tbody>
</table>
Mrs Pixie Skase
(Question No. 434)

Mr Martin Ferguson asked the Minister representing the Minister for Immigration and Multicultural and Indigenous Affairs, in writing, on 8 February 2005:

Does Mrs Pixie Skase hold an Australian Passport; if not, which country issued the passport she used to enter Australia and what category of visa was issued to her.

Mr McGauran—The Minister for Immigration and Multicultural and Indigenous Affairs has provided the following answer to the honourable member’s question:

Australian passports are the responsibility of the Minister for Foreign Affairs. The Privacy Act 1988 prevents me from commenting on personal information relating to Ms Skase’s travel and visa details.

National Community Crime Prevention Program
(Question No. 492)

Mr McClelland asked the Attorney-General, in writing, on 8 February 2005:

(1) How many community groups were awarded grants under the National Community Crime Prevention Program (NCCPP) (a) during 2003-2004, and (b) since 30 June 2004.

(2) In respect of each grant, (a) what was the name of the community group, (b) for what project was the grant awarded, and (c) what sum did it receive.
In respect of each grant, (a) when was the application lodged, (b) when was the decision to award the grant made, and (c) when was the grant made.

Mr Ruddock—The Minister for Justice and Customs has provided the following answer to the honourable member’s question:

(1) (a) No grants were awarded during 2003-04. Funding for the NCCPP commenced in the 2004-05 financial year. (b) 34 grants have been awarded since 30 June 2004.

(2) (a) to (c) A list by stream of the 34 successful recipients of grants awarded to date under the NCCPP is attached. This describes the amount funded (excluding GST) and the purpose of the grant. This information is also provided at: www.crimeprevention.gov.au and was also provided in response to Questions on Notice 51 and 88 from the Senate Legal and Constitutional Committee.

(3) (a) Individual lodgement dates were not recorded. Applications which were received by or post marked on 30 June 2004 were considered in the first round. Those received after that date will be considered in the second round. (b) The decisions to award grants were made by the Minister in two stages. The Community Partnership Stream grants were decided on 28 July 2004. The Community Safety and Indigenous Community Safety Streams were decided on 16 August 2004. (c) Funding agreements have been or are being finalised. Grant payments will be paid according to project milestones under individual funding agreements. The maximum grant period is three years. At 31 January 2005 payments of $828,819 had been made.

ATTACHMENT A

First round recipients of grants under the NCCPP

The following is a list by stream of the 34 successful recipients of grants from the first round of applications under the NCCPP. The funding amounts below do not include GST.

Community Partnership Stream – all grants decided on 16/8/2004

- Shire of Broome – The Broome Hype Project (Helping Young People Engage) (WA) - $307,714. A collaborative initiative to reduce anti social behaviour among youth and to build positive community relationships.
- Lutheran Community Care – Rural Men and Relationships (SA) - $256,000. A project to better equip service providers in the Mount Gambier region to work with men who are perpetrators of domestic violence.
- Mission Australia – Family Enhancement Program (Qld) - $400,000. A project strengthening support for primary school aged children and their carers in the Inala area.
- Barnardos Australia – Kids Friends Program – Queanbeyan (NSW) - $200,000. A program that fosters resilience in children through mentoring and providing positive adult role models.
- Glenorchy City Council – The Chance on Main Programme (Tas) - $267,410. (An early intervention project for young people at risk aged 14-19 years.
- Lismore City Council – Closing the Gaps (NSW) - $274,000. A project to reduce the incidence of youth crime.
- Hills Community Support Group – Intervention and Diversion Project (WA) - $331,000. A project to build positive skills and self esteem in young people who are at risk of becoming involved in crime.


- Aboriginal Resources and Development Inc – Rom Ga Dharra (NT) - $150,000. A project to develop educational materials about the Australian legal system in local indigenous languages.
- Tangentyere Council – Night Patrol Brokerage (NT) - $150,000. A project to provide prompt, responsive and flexible brokerage support to remote area night patrols.
QUESTIONS IN WRITING

- Brisbane Indigenous Media Association – Keepin’ Safe (Qld) - $120,000. A project to prepare on air programs addressing local crime prevention issues.
- Kabbarli Home and Community Care – Walparra Kudwuna (Qld) - $133,217. A project to provide leadership training to 15 nominated indigenous youth and to organise activities with a view to addressing truancy, violence and anti-social behaviour.
- Bibelmen Mia Aboriginal Corporation – Crime Prevention through Culture (WA) - $137,000. A project to utilise the Wardan Aboriginal Cultural Centre to provide crime prevention through cultural awareness programs for people at risk of drug abuse and family violence.
- Joining in the Dreaming – Norta Norta Ngallia (NSW) - $150,000. This project offers a holistic approach to learning by providing an environment where young indigenous youths can develop a respect for themselves and their culture.
- Kowanyama Justice Group – Kowanyama Crime Prevention, a community approach (Qld) - $150,000. This project involves the implementation of a prevention program that looks at modifying or eliminating risk factors for indigenous school children in Year 7.

Community Safety Stream - all grants decided on 16 August 2004.

- UnitingCare Burnside – Kinks and Bends (NSW) - $50,219. An educational package for young people which explores sexual violence in young people’s lives.
- Community Solutions Inc – Sunshine Coast SafeLink Project (Qld) - $150,000. A project to reduce the fear of crime among older Australians through improved access to information about improving personal, financial and property safety.
- Strathbogie Shire Council – Nagambie Youth for Youth (VIC) - $76,500. A peer support project to reduce the incidence of underage drinking and minor criminal activity through a program of educational and other support activities.
- City of Cockburn – City Drive through Art Gallery (WA) - $110,500. A diversionary program for youth to prevent graffiti by working with local businesses to provide space for youth to paint murals while being mentored and provided with ongoing skills.
- Newington Security Sub Committee – Translation of security manual (NSW) - $6,000. A project to translate the Newington security booklet into their community languages.
- St John of God Family Services – Day Respite (NSW) - $130,935. A project to provide respite care for the children with challenging behaviours and for parents to attend behaviour management education.
- Shire of Laverton – Active Youth Active Futures (WA) - $80,000. A project to assist youth and families at risk of crime and drug dependence.
- Primary After School Sports Inc – The PASS Program (NSW) - $97,421. A program aimed at primary school age children who are already displaying anti-social and undesirable behaviour. It will offer sporting and recreational programs during school time, after school and during school holidays.
- Chinese Australian Services Society – CASS Chinese Crime Prevention (NSW) - $150,000. A project aimed at reducing the fear of crime among Chinese speakers by raising awareness through a media campaign, a Chinese crime prevention booklet and web page and counselling services.
- Townsville City Council – Crime Prevention Advice Translations (Qld) - $58,133. A project to translate the Townsville City Council Crime Prevention Advice Guide into community languages other than English for migrants and international visitors.
• Yoorana Women’s Domestic Violence and Resource Service – B-Safe Maryborough (Qld) - $44,046. A project aiming to reduce the negative effects on children’s actual experiences (as witnesses and victims) of domestic violence through the use of education awareness programs.

• City of Greater Dandenong – Safe Streets through Community Arts (VIC) - $148,500. A project involving a variety of agencies engaging the whole community in the arts, graffiti prevention and community safety initiatives.

• Armadale, Gosnells and Districts Youth Resources Inc – Stairways Project (WA) - $138,398. A project to provide a range of services to support young people at secondary school who may be at high risk of exclusion or truancy.

• Patricia Giles Centre – Women’s Safety project (WA) - $44,490. A project providing individual level strategies for single women including women with children who are at risk of property crime, family violence, antisocial behaviour and fear of crime.

• Liverpool Women’s Resource Centre – Women’s Safety Project (NSW) - $78,653. A project focusing on reducing women’s fear of crime and improving women’s safety and security at home, at work and when out and about by developing community education programs targeting women.

• Primary After School Sports Inc – The PASS Program (QLD) - $150,000. A program aimed at primary school age children who are already displaying anti-social and undesirable behaviour. It will offer sporting and recreational programs during school time, after school and during school holidays.

• Mission Australia – Keep it Real (SA) - $129,000. A community education project led by young people to address negative media myths and break down the barriers between younger and older residents in the northern Onkaparinga area.

• Plenty Valley Community Health Inc – Northern Community Intervention Program (VIC) - $149,363. An early intervention and crisis program targeting both adult offenders who have re-offended, have substance abuse problems are perpetrators of domestic violence and/or may have committed violent crime, and their families.

• Victorian Arabic Social Services – Australian Arabic Community: Contribution to Safety and Crime Prevention (VIC) - $150,000. A project facilitating the active participation of the Arabic community in the northern region of Melbourne in local community safety and crime prevention initiatives.

• Wyndham City Council - Graffiti Free-Wyndham Proud (VIC) - $130,651. A project aiming to reduce the negative impact of graffiti in the Wyndham municipality through a partnership with Council, police, local agencies, residents and traders.

Remote Positioning Vehicles
(Question No. 498)

Mr McClelland asked the Attorney-General, in writing, on 8 February 2005:

(1) What is the total cost of the eight new Remote Positioning Vehicles (RPVs) to be provided by the National Counter-Terrorism Committee (NCTC).

(2) Has the cost been substantially revised from the original estimate; if so, by what sum.

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

(1) The total cost of the eight new Remote Positioning Vehicles provided by the NCTC is $4,843,056.

(2) The contracted cost is $1,650,000 less than the original estimate.
Minister for Finance and Administration: Overseas Travel
(Question No. 523)

Mr Melham asked the Minister representing the Minister for Finance and Administration, in writing, on 8 February 2005:

In respect of the Minister’s travel to the Cocos and Christmas Islands in April 2004:

1. (a) what was its purpose, (b) what meetings did the Minister have on each day he was absent from Australia, and (c) what other activities were undertaken by the Minister on each day he was absent from Australia.

2. Who accompanied the Minister and what was the official function performed by each person.

3. Why did Mrs K. Minchin travel to the Cocos Islands and Christmas Island.

4. Why did Ms A. Minchin travel to the Cocos Islands and Christmas Island.

Mr Costello—The Minister for Finance and Administration has supplied the following answer to the honourable member’s question:

1. (a) The purpose of the Minister for Finance and Administration’s travel to the Cocos and Christmas Islands was to:
   - officially open the Self Determination Day Ceremony on Cocos Island and participate in community activities on behalf of the Minister for Local Government, Territories and Roads;
   - announce the Preferred Tenderer for the Christmas Island Immigration Reception and Processing Centre (IRPC) Early Works Contract and meet with local community and business associations; and
   - announce $2.5 million in funding for the new mobile phone system of Christmas Island.

2. (b) The Minister for Finance and Administration had the following meetings:
   - Monday 5 April (Cocos Islands)
     - met with the Indian Ocean Territories Administrator;
     - met with the Cocos Shire President;
     - met with the Airport Manager;
     - met with the Manager of Water Corporation; and
     - met with the Manager of Tycraft, a local clam farm operation.
   - Wednesday 7 April (Christmas Island)
     - met with the Christmas Island Chamber of Commerce, Aust-Asia Business Council and Christmas Island Tourism Association; and
     - met with Christmas Island Phosphates Pty Ltd.

3. (c) The Minister undertook the following activities:
   - Monday 5 April (Cocos Islands)
     - inspected the Cocos runway and airport security facilities, water lens, quarantine station and clam farm.
   - Tuesday 6 April (Cocos Islands)
     - officially opened the Self Determination Day Ceremony on Home Island. This included an address by the Minister and presentation of medals;
     - participated in the Traditional Cocos Malay Sailing Boat Race; and
• attended a community feast.
  Wednesday 7 April (Christmas Island)
• attended meetings with Christmas Island organisations
• announced the Preferred Tenderer for the Christmas Island IRPC Early Works Contract and announced $2.5 million in funding for the new mobile phone system for Christmas Island

(2) The Minister was accompanied by:
• Mr David Wawn, Chief of Staff for the Minister for Finance and Administration. Mr Wawn was responsible for the co-ordination and management of the Minister’s business while travelling;
• Mr Scott Faragher, Advisor to the then acting Minister for Transport and Regional Services, Senator the Hon Ian Campbell. Mr Faragher was responsible for providing advice on Territories matters on the trip; and
• Mr Simon Lewis, General Manager of Asset Management Group, Department of Finance and Administration. Mr Lewis’ Group has responsibility for construction of the IRPC. Mr Lewis advised the Minister on the Christmas Island IRPC project and related issues.
• two family members – his wife, Mrs Kerry Minchin, and daughter, Anna Minchin;
• Mr Evan Williams, Christmas Island and Cocos (Keeling) Islands Administrator. Mr Williams was responsible for the co-ordination and management of the visit logistics on the Islands. Mr Williams joined the party on Cocos Island, then travelled with the party to Christmas Island;

(3) Mrs K. Minchin travelled in accordance with the Minister’s entitlement under Item 3(2), Part 2, Schedule 1 of the Parliamentary Entitlements Act 1990 (the PE Act).
(4) Ms A. Minchin travelled in accordance with the Minister’s entitlement under Item 4, Part 2, Schedule 1 of the PE Act. As required, prior approval for this travel was provided by the Special Minister of State.

Ms Schapelle Corby
(Question No. 560)

Mr Murphy asked the Minister for Foreign Affairs, in writing, on 10 February 2005:

(1) Has he read the article titled ‘Protesting her innocence’ in The Australian on 28 January 2005 which reported that an Australian citizen, Ms Schapelle Corby, who is in custody and accused of drug smuggling by Indonesian police, is adamant that scientific investigation important to her case has not occurred.
(2) Can he confirm that Ms Corby could be sentenced to death if found guilty; if not, why not.
(3) Can he confirm that (a) no scientific tests have been done by Bali police, even though Ms Corby’s defence lawyers believe they could produce evidence to support her claim that an unknown person put the marijuana in her luggage, and (b) fingerprints have not been taken from the plastic bags containing the marijuana despite repeated requests from Ms Corby’s defence; if not, why not.
(4) Can he confirm that the Australian Federal Police has offered to conduct an in-depth forensic analysis of the drugs and the plastic bags but the offer has been refused by the Indonesian Police; if not, why not.
(5) What assistance has the Australian Government provided Ms Corby.
(6) Will he make representations to the Indonesian Government in order to (a) arrange bail for Ms Corby and (b) ensure that Ms Corby’s defence is able to present all relevant evidence for her defence; if so, when; if not, why not.
Mr Downer—The answer to the honourable member’s question is as follows:

(1) Yes.
(2) Yes.
(3) The investigation of the evidence is the responsibility of the Indonesian Police. Australia cannot intervene in the legal processes of another country unless requested to do so by that country.
(4) A general offer of assistance was made by the Australian Federal Police to the Indonesian National Police (INP) on 7 December 2004. On 17 January 2005 the INP declined this offer, advising the investigation was no longer a police matter and had been forwarded to the Indonesian Prosecutor’s Office.
(5) Since Ms Corby’s arrest, the Consul-General and other officials from the Australian Consulate-General in Denpasar have been active in providing full consular support, including ensuring her welfare. They visit Ms Corby regularly, confirm that she is being treated properly, is in good health and has access to any medical treatment she may require. Her sister, who lives in Bali, visits her daily and provides her with food and other personal necessities. Australian Consular staff have also kept Ms Corby’s family in Australia informed of her situation and any developments throughout the period of her detention.
(6) The Government has been taking a close interest in Ms Corby’s legal process. While Australia cannot intervene in the legal processes of another country, we have been monitoring the situation carefully to ensure Ms Corby’s treatment is fair and in full accordance with Indonesian law.
(a) Neither Ms Corby nor her lawyers have applied for bail.
(b) At the request of Ms Corby’s legal team, I asked the AFP to offer assistance to the Indonesian National Police but the AFP’s offer was declined. On Ms Corby’s behalf, the Government has also assisted her lawyers in contacting other organisations, for example QANTAS, where they believe those organisations might be able to assist in their investigation of the circumstances surrounding her arrest.

Financial Assistance Grants
(Question No. 565)

Mr Danby asked the Minister for Local Government, Territories and Roads, in writing, on 10 February 2005:
What sum was allocated in Local Government Financial Assistance Grants during (a) 2003-2004 and (b) 2004-2005 to the (i) City of Port Phillip and (ii) City of Glen Eira?

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

Each year, the Federal Government provides financial assistance grants to Local Government paid through the States under the Local Government (Financial Assistance) Act 1995. The financial assistance grants have two components – general purpose grants and identified local roads grants – and both components are untied in the hands of the receiving council. This means that councils are able to spend the grant (including the local road grant) according to the priorities of their communities.

The Act specifies how the quantum of the grant is determined and how it is distributed between States. Within States, the grant is distributed to councils according to the recommendation of the respective Local Government Grants Commission established by each State as a condition of receiving funding under the Act. Further details are provided in the Report on the Operation of the Local Government (Financial Assistance) Act 1995 (commonly known as the National Report) tabled in Parliament as soon as practicable after 30 June each year.

In the following table, financial assistance grants for 2004-05 are estimates.
Mr Mamdouh Habib  
(Question No. 593)

Mr Tanner asked the Minister for Foreign Affairs, in writing, on 16 February 2004:

(1) Has the Government made any representations to the Egyptian Government regarding the incarceration and alleged torture of Mr Mamdouh Habib by Egyptian authorities; if so, (a) what was the content of the representations, (b) when were they made, and (c) what was the response.

(2) What consular assistance, if any, was provided by the Australian Government to Mr Habib while he was in Egyptian custody.

(3) What inquiries has the Australian Government or any Australian Government agencies made in respect of Mr Habib’s allegations of torture in Egypt.

(4) Has the Government, or any Government agency, interviewed Mr Habib regarding these allegations; if so, (a) who conducted the interview(s), (b) when did it or they occur, and (c) what further action was or is being taken.

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

The Australian Government became aware in November 2001 that it was likely Mr Habib had been transferred to the custody of the Government of Egypt. Despite numerous requests by the Australian Government, including representations at the highest levels, the Government of Egypt has never acknowledged that it held Mr Habib in its custody. Therefore it has not been possible to obtain a response from the Government of Egypt about its treatment of Mr Habib. The Government remains very concerned about these allegations, and on 3 February 2005, the Secretary of the Attorney-General’s Department wrote to Mr Habib’s lawyer, Stephen Hopper, requesting details of Mr Habib’s allegations. No response has been received as yet. In light of the public statements made by Mr Habib on 13 February 2005, I have asked our Embassy in Cairo to raise these allegations to the Government of Egypt, and to request that the Egyptian Government investigate their veracity.